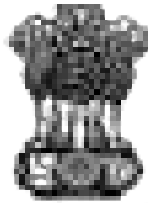


**LOK SABHA**

**REPORT OF THE JOINT COMMITTEE ON  
THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

**SEVENTEENTH LOK SABHA**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
MARCH, 2023/PHALGUNA, 1944 (SAKA)**

**LOK SABHA**

**REPORT OF THE JOINT COMMITTEE ON  
THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

**(SEVENTEENTH LOK SABHA)**

*Presented to Lok Sabha on the 20 March, 2023*

*Laid in Rajya Sabha on the 17 March, 2023*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**MARCH, 2023/PHALGUNA 1944 (SAKA)**

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**COMPOSITION OF THE JOINT COMMITTEE ON**  
**THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

**SHRI P.P. CHAUDHARY – HON'BLE CHAIRPERSON**

**LOK SABHA**

2. Dr. Sanjay Jaiswal
3. Shri Uday Pratap Singh
4. Shri Sanjay Seth
5. Smt. Queen Oja
6. Shri Khagen Murmu
7. Smt. Poonamben Hematbhai Maadam
8. Smt. Poonam Pramod Mahajan
9. Smt. Aparajita Sarangi
10. Shri Arvind Dharmapuri
11. Shri Rajendra Agrawal
12. Shri Rattan Lal Kataria
13. Shri Gaurav Gogoi
14. Adv. Dean Kuriakose
15. Shri A. Raja
16. Prof. Sougata Ray
17. Dr. Venkata Satyavathi Beesetti
18. Shri Gajanan Chandrakant Kirtikar
19. Shri Rajiv Ranjan Alias Lalan Singh
20. Shri Pinaki Misra
21. Shri Girish Chandra

**RAJYA SABHA**

22. Shri Ghanshyam Tiwari
23. Shri G.V.L. Narasimha Rao
24. Shri Mahesh Jethmalani

25. Dr. Radha Mohan Das Agarwal
26. Shri Vivek K. Tankha
27. Shri Sukhendu Sekhar Ray
28. Dr. Kanimozhi NVN Somu
29. Shri Narain Dass Gupta
30. Shri Sujeet Kumar
31. Shri Masthan Rao Beeda

## **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Ms. Maya Menon - Under Secretary
5. Shri Dinesh Kumar - Executive Officer
6. Ms. Vandana - Executive Officer

## INTRODUCTION

I, the Chairperson of the the Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022 to which 'The Jan Vishwas (Amendment of Provisions) Bill, 2022' was referred, having been authorized to submit the Report on their behalf, present this Report with the Bill, as reported by the Joint Committee annexed thereto.

2. The Jan Vishwas (Amendment of Provisions) Bill, 2022 was introduced in Lok Sabha on 22 December 2022. The Motion for reference of the Bill to a Joint Committee of both the Houses of Parliament was moved in Lok Sabha on 22 December 2022 by Shri Piyush Goyal, Minister of Commerce and Industry, Consumer Affairs, Food and Public Distribution and Textiles (**Vide Appendix-I**) and concurred by the Rajya Sabha on 23 December 2022 (**Vide Appendix-II**).

3. As per the motion moved in the House, the Report of the Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022 is to be presented to Lok Sabha by the last day of the first week of the second part of the Budget Session, 2023 of Parliament.

4. Keeping in view the importance of the Bill, its wide ranging implications including 183 amendments across 42 Acts administered by 19 Ministries, with limited time available to examine the subject in detail, the Committee had briefing by the representatives of the respective Departments/Ministries, which were administering these Acts, on various amendments proposed to 42 Acts mentioned in the Schedule to the Bill.

5. The Committee held nine sittings in all. In the first sitting, a general briefing giving overall view of objective and rationale behind bringing this legislation was made by the representatives of DPIIT. In the subsequent six sittings, the

concerned Ministries/Departments were called for briefing on various amendments proposed to the enactments specified in the Bill. They heard the views of concerned Ministries/Department. The Committee held two sittings for Clause by Clause consideration of the Bill. Details of the sittings of the Joint Committee are at **Appendix- III**.

6. The Committee, in their tenth sitting held on 13 March, 2023, considered and adopted the draft report and authorized the Chairperson to present the report on their behalf. The Committee also decided that one copy of the proceedings of the sittings of the Committee may be placed in the Parliament Library, after the Report has been presented to Parliament, for reference by the Members of Parliament. The Bill, as reported by the Joint Committee, is appended after the Report.

7. The Committee wish to express their thanks to the representatives of the Ministries/Departments of Agriculture and Farmers Welfare; Commerce; Consumer Affairs; Defence; Economic Affairs; Financial Services; Food and Public Distribution; Health & Family Welfare; Posts; Department for Promotion of Industry and Internal Trade; Information and Broadcasting; Ports, Shipping and Waterways; Railways; Electronics and Information Technology; Environment, Forest and Climate Change; Housing and Urban Affairs; Road Transport and Highways; Statistics and Program Implementation; Revenue; and Ministry of Law and Justice (Legislative Department and Department of Legal Affairs), who appeared before the Committee and placed their considered views to the points raised by the Committee during examination of the Bill.

8. The Committee take this opportunity to express their deep appreciation to the officials of DPIIT for coordination with all other Departments/Ministries and also the officials of the Legislative Department for providing valuable inputs during the deliberations of the Joint Committee. The Committee would



also like to acknowledge and place on record the appreciation of the Committee to the sincere and devoted efforts made by the Officers of Lok Sabha Secretariat by facilitating conduct of all the sittings of the Committee smoothly and for preparing the draft Report of the Committee within the time given to the Committee.

**P.P. Chaudhary,  
Chairperson,  
Joint Committee on the Jan Vishwas  
(Amendment of Provisions) Bill, 2022**

Dated: 13 March 2023  
Place: New Delhi

# CHAPTER I

## Objectives, Necessity and Scope

### 1. Objectives of the Jan Vishwas (Amendment of Provisions) Bill, 2022

1.1. The Jan Vishwas (Amendment of Provisions) Bill, 2022<sup>1</sup> was introduced in Lok Sabha on 22<sup>nd</sup> December, 2022. It seeks to amend 183 provisions across 42 Acts administered by 19 Ministries to reduce the compliance burden on individuals and businesses with the twin objectives of ease of doing business and ease of living for the citizens. The Bill has been piloted by the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India after the respective Ministries had detailed discussions with industry bodies and key stakeholders across different sectors on the Acts enforced by them. The Bill proposes a number of changes to the existing laws, including but not limited to: (a) decriminalizing various offences; (b) revision of various fines and penalties; (c) appointment of Adjudicating Officers; (d) establishment of Appellate Authorities; and (e) increase in the fines and penalties periodically. The Bill offers scope and horizon to identify areas for reforms and improve the local business environment as well as easing the lives of individuals simultaneously.

1.2. The exercise of reducing compliance burden on businesses and citizens has been initiated with the goal of ensuring a hassle-free and seamless service delivery to the ultimate beneficiary. Through the Jan Vishwas (Amendment of Provisions) Bill, 2022, decriminalization is being proposed to be achieved in the following ways:

- (i) both imprisonment and/or fine are proposed to be removed;
- (ii) imprisonment is proposed to be removed and fine retained/enhanced;
- (iii) imprisonment and/or fine are proposed to be converted to penalty; and
- (iv) compounding of offences is proposed to be introduced.

1.3. **Decriminalising certain offences:** Under the Jan Vishwas (Amendment of Provisions) Bill, 2022, several offences with an imprisonment term in certain Acts have been proposed to be decriminalised by imposing only a monetary penalty. For example, under the

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<sup>1</sup> The Bill was published in the Gazette of India, Extraordinary, Part-II, Section 2 dated 22<sup>nd</sup> December, 2022

Cinematograph Act, 1952, there is an imprisonment for a term which may extend upto three years if any person fails to notify to any film distributor or exhibitor about the title, length of the film or number and nature of the certificate granted for the film, etc. in the manner prescribed by the Act. The Bill now proposes to replace this with a monetary penalty of five lakh rupees. Similarly, under the Agricultural Produce (Grading and Marking) Act, 1937, counterfeiting of grade designation marks is punishable with imprisonment for a term extending upto three years and a fine extending upto five thousand rupees. The Bill proposes to replace this with a penalty of eight lakh rupees.

**1.4. Fine and Penalty differentiated:** In certain Acts, offences have been decriminalised by imposing a penalty instead of a fine. For instance, under the Patents Act, 1970, a person selling a falsely represented article as patented in India is subject to a fine of upto one lakh rupees. The Bill replaces the fine with a penalty, which may extend upto ten lakh rupees and in case of continuing contravention, there shall be an additional penalty of one thousand rupees *per diem*.

**1.5. Revision of fines and penalties:** The Jan Vishwas (Amendment of Provisions) Bill, 2022 also proposes to increase the fines and penalties for some offences in the Acts specified in the Schedule to this Bill. Further, fines and penalties, *vide* clause 3 of the Bill, specified in the schedule have been proposed to be increased by ten *per cent* of the minimum amount of fine or penalty prescribed therefor after expiry of every three years from the date of commencement of the proposed Act, which seems to be a first time introduced legislative proposal to save the precious limited time at the disposal of the Parliament.

**1.6. Appointing Adjudicating Officers:** As per the Jan Vishwas (Amendment of Provisions) Bill, 2022, the Government of India may appoint one or more adjudicating officers for the purpose of determining penalties. The adjudicating officers may summon individuals for evidence and conduct inquiries into violations of the respective Acts. For instance, the Agricultural Produce (Grading and Marking) Act, 1937, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and the Public Liability Insurance Act, 1991 are the Acts among others which provide for the appointment of Adjudicating Officer.

1.7. **Appellate Mechanism:** The Jan Vishwas (Amendment of Provisions) Bill, 2022 also specifies the appellate mechanisms for persons, aggrieved by an order passed by an adjudicating officer/authority. For instance, under the Cinematograph Act, 1952, the provision to prefer appeal has been provided. Similarly, under the Merchant Shipping Act, 1958, provision to prefer appeal before the Director General within 30 days has been provided. Under the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, appeals may be preferred to the National Green Tribunal within sixty days from the date of order.

1.8. Brief details of the number of provisions proposed to be decriminalized by the Jan Vishwas (Amendment of Provisions) Bill, 2022 in respect of 19 Ministries/Departments and 42 Acts being considered in the Bill are given below:

<b>Proposal</b>			
<b>19 Ministries/Departments – 42 Acts</b>			
<b>Sl. No.</b>	<b>Categories</b>	<b>Number of provisions to be decriminalized (Acts)</b>	
1	<b>Imprisonment and/or Fine removed</b>		<b>55 (21)</b>
	Imprisonment and fine removed	42	
	Imprisonment removed	3	
	Fine removed	10	
2	<b>Imprisonment and/or Fine converted to Penalty</b>		<b>89 (22)</b>
	Imprisonment and fine converted to Penalty	69	
	Imprisonment converted to Penalty	2	
	Fine converted to Penalty	18	
3	<b>Imprisonment removed and Fine retained</b>		<b>14 (6)</b>
4	<b>Imprisonment removed and Fine enhanced</b>		<b>18 (5)</b>
5	<b>Introduced Compounding of Offences</b>		<b>6 (3)</b>
<b>Total Provisions to be decriminalized</b>			<b>182</b>

1.9. The details of number of provisions containing consequential and other amendments proposed in the Bill are further tabulated hereunder:

<b>Consequential and other amendments in the Bill</b>		
<b>Sl. No.</b>	<b>Action Proposed</b>	<b>Number of provisions (Acts)</b>
1	Introduce Adjudication/ Appeal/ Recovery Mechanism	<b>41 (10)</b>
2	Introducing Imprisonment and/or fine	<b>6 (6)</b>
3	Introducing penalties	<b>1 (1)</b>
4	Enhancing penalties/fine	<b>4 (1)</b>
5	Imprisonment reduced and/or fine retained/enhanced	<b>3 (2)</b>
6	Imprisonment retained and fine enhanced	<b>7 (2)</b>
7	Consequential amendments	
	Shifting of offence	6
	Omission from Schedule	6
	Creation of Fund	12
	Other amendments like definitions	55
<b>Total</b>		<b>141</b>

## 2. **Necessity for the Jan Vishwas (Amendment of Provisions) Bill, 2022**

2.1. Trust is a prerequisite and fundamental for democratic governance. The outdated rules and regulations cause trust deficit amongst the general public and entrepreneurs. The linchpin of democratic governance lies in the Government trusting its own institutions as well as the common citizenry. The fear of imprisonment for minor offences is a major factor hampering the growth of the business ecosystem and shattering the confidence of entrepreneurs. Reducing the compliance burden also gives impetus to business process reengineering and improves ease of living of people. Pursuing the spirit of 'Minimum Government Maximum Governance', India needs to get rid of the vintage laws that were adversely affecting the development of the country as well as out of sync with the philosophy of the Government. With the advent of technology and changes in the socio-economic scenario, it is necessary for the country to liberate the entrepreneurial spirit of its

citizens to instill confidence and step forward towards the new era of business reforms making India the most preferred global investment destination by boosting investor sentiments - locally as well as globally.

2.2. The World Bank Group had established a ranking system called the Ease of Doing Business Index wherein, as per the last World Bank Ease of Doing Business Report 2020, India ranked at 63<sup>rd</sup> position against the 77<sup>th</sup> rank in 2018 and 142<sup>nd</sup> rank in 2014. It has been highly appreciated that since 2014, the Government processes underwent major change and started responding innovatively. The Government started reengineering, bringing various ministries and departments of the Centre and the States together to achieve a common goal of making India the most preferred business destination. The Department for Promotion of Industry and Internal Trade is the institutional anchor for the Ease of Doing Business programme. The Department for Promotion of Industry and Internal Trade has acted as a fulcrum and brought in a cohesive approach by breaking the silos and working to network with all the Government agencies.

2.3. More ease of doing business means more withdrawals or relaxing of regulations and undoubtedly it lead to ease of living along; albeit the investors take into consideration various other issues before making a decision to invest in any economy, such as legal framework, democratic status, potential growth of trade, geo-political situation, the stability of the Government, market potential, black swan events, law and order, etc. The Jan Vishwas (Amendment of Provisions) Bill, 2022, as introduced, has endeavoured to identify a large number of offences of minor nature and decriminalize them with monetary penalties. The endeavour is not only to make lives and businesses easier but also to reduce judicial burden. Settlement of large number of issues by compounding method and adjudication by administrative mechanism without involving courts will enable persons to remedy minor contraventions and defaults, thereby saving time, energy and resources.

2.4. The following factors necessitate the introduction of the Jan Vishwas (Amendment of Provisions) Bill, 2022:

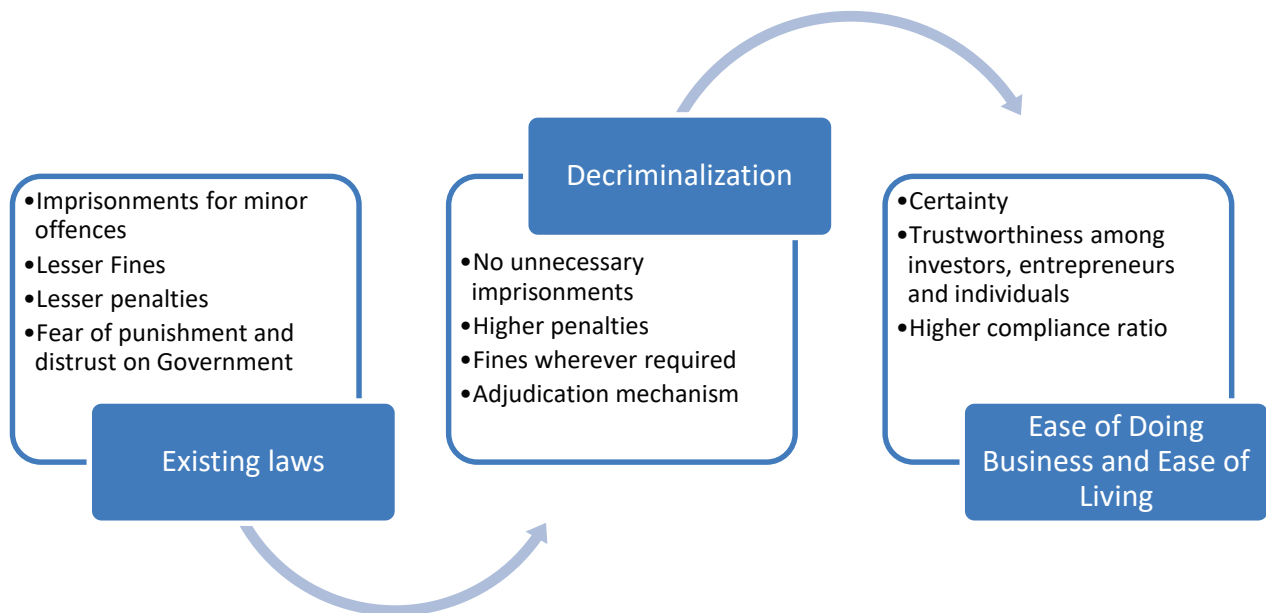
- ❖ The Amendment Bill envisages a thrust to businesses by eradicating the fear of criminal provisions for minor, technical and procedural defaults. This will go a long

way in realizing the vision of greater ease of doing business, ease of living and an 'Atmanirbhar Bharat'.

- ❖ Sound and efficient business regulations are vital, for an economy cannot thrive without a healthy private sector. When local businesses flourish, they create jobs and generate income that can be spent and invested domestically. Effective business regulations present micro, small and medium scale enterprises the opportunity to grow, innovate and move from informal to formal sector of an economy.
- ❖ It is important to have effective rules and regulations in place that are easy to understand and follow. The micro, small and medium entrepreneurs especially emerging entrepreneurs face significantly different realities as they set up and start operating their businesses. In order to realize financial gains, trim down corruption and encourage micro, small and medium scale enterprises to flourish, unnecessary red tape should be eliminated.
- ❖ The clauses of criminality for small procedural lapses and minor defaults clog judiciary and may put adjudication of major offences on the back burner. Some of the proposed amendments are introducing suitable adjudication mechanism, wherever applicable and feasible for dealing with minor offences. This would go a long way in reducing burden on the judiciary, unclog courts and help in efficient justice dispensation.
- ❖ There is rise in the cases of criminal nature where the acts of omission or commission are either of trivial nature or compoundable and settled only with penalty. As per the National Judicial Data Grid, as on 23<sup>rd</sup> February, 2023, out of a total of 4,24,02,907 pending cases, 3,15,86,284 cases are in relation to criminal proceedings. As per the National Crime Records Bureau's Prison Statistics as on 31st December, 2021, a total of 5,54,034 prisoners were confined in different prisons in India against a capacity of 4,25,609. Decriminalising of minor offences will certainly reduce the burden on judiciary and prisons while easing the doing of business and easing the living of the individuals at the same time.

- ❖ As contrary to punishing wrongful conduct, criminalization of minor acts of omission or commission often becomes a tool for the Executive to project a strong image. As many of the Acts belong to British era where the State mistrusts its citizens, it is no longer the case in the country. This “overcriminalisation” is required to be redressed by justifying the penalties in the law and bringing in flexibility.
- ❖ The regulatory burden often poses substantial deterrents for investors. Discrepancies among existing laws can lead to unnecessary and even contradictory compliance requirement. Moreover, the lengthy processing times for the needed approvals can escalate costs and dampen the entrepreneurial spirit. Proposed amendments would accelerate investment decisions due to smoother processes and attracting more investment.

## SEAMLESS TRANSFORMATION FROM EXISTING PROVISIONS TO THE EASE OF DOING BUSINESS





### 3. **Scope of the Bill**

3.1. As mentioned in the Statement of Objects and Reasons of the Jan Vishwas (Amendment of Provisions) Bill, 2022, the Bill seeks to reduce compliance burden to give impetus to business process reengineering and improve ease of living of people. The large number of reforms expected to be brought by the Bill will impact all kinds of business enterprises ranging from small and medium enterprises to mega corporations, investors to start-ups, workers to entrepreneurs, and companies to the economies and most importantly the citizens of the country.

3.2. The excessive compliances are onerous on micro, small and medium enterprises. The Bill proposes to undertake 'quasi-decriminalisation'. The regulatory offences to be considered for 'decriminalisation' need to be prioritised not only from the point of view of the ease of doing business but also from the points of view of the ills that plague our criminal justice system itself. A monograph titled 'Jailed For Doing Business' by the Observer Research Foundation presents a deep dive into the imprisonment clauses that plague India's business compliance regulation framework. The report found among the 69,233 unique compliances that regulate doing business in India, 26,134 clauses have imprisonment clauses as a penalty of non-compliance. As per the said Report, an average Indian enterprise in the manufacturing sector with more than 150 employees deal with 500-900 compliances a year that cost nearly 12 to 18 lakh rupees in a single year. Almost two out of five compliances can send an entrepreneur to prison. In this light, the number of offences deregulated under the Bill is an initiative in the right direction. The Bill conforms to the understanding of the government that decriminalization should be limited to regulatory domains.

3.3. Presently, people are reluctant to do business in India as even minor offences can lead them to being jailed and the Jan Vishwas (Amendment of Provisions) Bill, 2022 will incontrovertibly impact the business mindset of the people on the one hand and reduce the burden on the Judicial and Quasi Judicial system on the other hand. Overall the Jan Vishwas (Amendment of Provisions) Bill, 2022 aims to provide and expand business

opportunities with a swift and effective resolution of various minor disputes while also ensuring that the government is able to collect penalties.

3.4. In the present scenario, the compliance burden by the business community and the individuals can be reduced through the following steps, which are also the focus areas of the exercise of reducing compliance burden:

- (i) Rationalization of legal provisions by repealing, amending or omitting the redundant laws.
- (ii) Simplification of procedures related to applications, renewals, inspections, filing records, etc.
- (iii) Digitization of government processes by creating online interaces.
- (iv) Decriminalisation of minor, technical or procedural defaults.

3.5. Unambiguously defined regulation and equal access to property rights are essential for enabling businesses to expand their operations. If governments do not put in place adequate protection laws and leave the business community open to disputes, the stakeholders would be disinclined to invest in the developmental projects. Protection of interests of the minority investors is paramount. Greater protection helps foster trust and confidence and, in turn, spurs greater access to finance for entrepreneurs. Unambiguous rules and regulations, robust rights and augmented transparency are some of the regulatory instruments at the disposal of Government. An incessant and focused reform agenda keeps an economy competitive and vigilant. The regional diversity and varying income levels among the citizens accentuate the fact that with few bureaucratic hurdles and robust laws and regulations, any economy can make it to the top. The quality and effectiveness of regulations matter most for a good performance in the ease of doing business and ease of living. The trust-based governance is needed at all levels. Regulatory environment should be more conducive for starting and running businesses.

#### 4. **Acts under consideration**

4.1. The following Acts included in the Schedule to the Jan Vishwas (Amendment of Provisions) Bill, 2022 are proposed to be amended by the Bill:

1. The Press and Registration of Books Act, 1867

2. The Indian Post Office Act, 1898
3. The Boilers Act, 1923
4. The Indian Forest Act, 1927
5. The Agricultural Produce (Grading and Marking) Act, 1937
6. The Drugs and Cosmetics Act, 1940
7. The Public Debt Act, 1944
8. The Rubber Act, 1947
9. The Pharmacy Act, 1948
10. The Industries (Development and Regulation) Act, 1951
11. The Cinematograph Act, 1952
12. The Tea Act, 1953
13. The Copyright Act, 1957
14. The Merchant Shipping Act, 1958
15. The Deposit Insurance and Credit Guarantee Corporation Act, 1961
16. The Warehousing Corporations Act, 1962
17. The Food Corporations Act, 1964
18. The Patents Act, 1970
19. The Marine Products Export Development Authority Act, 1972
20. The High Denomination Bank Notes (Demonetisation) Act, 1978
21. The Air (Prevention and Control of Pollution) Act, 1981
22. The National Bank for Agriculture and Rural Development Act, 1981
23. The Spices Board Act, 1986
24. The Environment (Protection) Act, 1986
25. The National Housing Bank Act, 1987
26. The Motor Vehicles Act, 1988
27. The Railways Act, 1989
28. The Public Liability Insurance Act, 1991
29. The Cable Television Networks (Regulation) Act, 1995
30. The Trade Marks Act, 1999
31. The Geographical Indications of Goods (Registration and Protection) Act, 1999
32. The Information Technology Act, 2000
33. The Metro Railways (Operation and Maintenance) Act, 2002
34. The Prevention of Money-laundering Act, 2002
35. The Food Safety and Standards Act, 2006

36. The Government Securities Act, 2006
37. The Cantonments Act, 2006
38. The Payment and Settlement Systems Act, 2007
39. The Collection of Statistics Act, 2008
40. The Legal Metrology Act, 2009
41. The Factoring Regulation Act, 2011
42. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

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## CHAPTER II

### **PROCEDURE ADOPTED BY THE COMMITTEE IN EXAMINATION OF THE BILL**

2.1. The Jan Vishwas (Amendment of Provisions) Bill, 2022 (Bill No. 299 of 2022) to amend certain enactments for decriminalising and rationalising minor offences to enhance trust-based governance towards ease of living and doing business was introduced in Lok Sabha by Shri Piyush Goyal, Union Minister for Ministry of Commerce and Industry, Consumer Affairs, Food and Public Distribution and Textiles. A motion was moved and adopted by Lok Sabha on December 22, 2022 for the constitution of a Joint Parliamentary Committee for the purpose of examination of the Bill and making a report to the House by the last day of the first week of the second part of the Budget Session, 2023. The Rajya Sabha concurred in the recommendation of the Lok Sabha in joining the Joint Committee and nominated 10 Members to serve on the Joint Committee on a motion moved in and adopted by Rajya Sabha on December 23, 2022. Accordingly, the Joint Parliamentary Committee (JPC) consisting 20 Members from Lok Sabha and 10 Members from Rajya Sabha under the Chairpersonship of Shri P. P. Chaudhary was constituted to examine the Bill and make a report.

2.2. Taking cognizance of the fact that the Jan Vishwas (Amendment of Provisions) Bill, 2022 envisages to achieve the principle of 'Minimum Government Maximum Governance', redefining the regulatory landscape of the country under the Ease of Living and Ease of Doing Business reforms and that the proposed amendments would impact multiple stakeholders across multiple sectors, the Committee in their first sitting held on January 09, 2023 decided to examine each and every aspect of the reforms intended to be brought by this Bill. During the sitting, the Secretary, DPIIT, Ministry of Commerce and Industry giving the overview of the background to the Bill inter-alia submitted as under:

“xxx, there was a renewed focus on the trust based governance in 2014. xxxxxx, one of the earliest decisions of the Government when it changed into 2014, was to move from attestation by a Gazetted Officers or a Public Representative to self-attestation, which actually made impact on millions of youth who had to actually apply to various applications for admission or for employment, had to be attested, which they got rid of. Thereafter, there was a concerted movement to improve the ease of doing business ranking, which World Bank used to publish, and World Bank ranking 2015 based on the data of 2014, India was ranked at 142. Within a short frame of five years, data of 2019, with ranking of 2022, India moved up to 63, a jump of 79 ranks in just a small period of five years. But World Bank used to measure the ease of doing business in two cities of Delhi and Mumbai. But the Government wanted that the improvement should happen across the country, and so the DPIIT also started a programme called Business Reform Action Plan which was all across States and UTs. So, initially, the team would sit with the representatives of all the States and UTs. A list of points to be improved would be finalised in consultation with the States an UTs, and that would become the agenda for States/UTs to follow. At the end of the period, whatever changes were done, they would be assessed by a third party, and thereafter, ranking should be issued.

xxxxx World Bank stopped the ranking in 2020. But we have continued with our Business Reform Action Plan even after that. That is an ongoing exercise. xxxxxxx When we try to simplify or reduce the compliance burden, we do it in four manners. First, we look at whether this particular provision is required at all or not. So, if it is a redundant provision, we remove it. If it can be simplified, the simplification is done. If it is offline, can it be done online? And, can this thing be helped by digitisation. The fourth and equally important aspect was decriminalisation. xxxxx, there were provisions where for a small thing like, not whitewashing the toilets or not whitewashing the canteen, a businessman could be sent to jail for a year or two. And, these provisions actually emanated from the fact that many of our Acts had a general provision. The general provisions would read like: "If nothing is provided, and if there is a violation of any other provision, there would imprisonment of one year or six months or two years – whatever the Act would provide." Most of these things actually emanated from the general provisions. The mind-set had to change. Most of the Acts were actually of pre- independence time. So, we took an exercise in consultation with the States. Acts were listed which were identified. We call the identification of the proposals which may lead to imprisonment. For the Government of India, about 1500 such provisions were identified. We pursued with all the concerned Departments who were the administrator of that particular Act. Out of 1,500, say about 900 --- the Department said --- need to be retained because they are serious. About 350 have already been decriminalised over this period of exercise because there have been amendments.

Xxxxxx

So, about 350 had been handled; 900 required to be retained. Remaining about 250 odds were still remaining from those identified. So, we interacted with all the Departments. There was a high level meeting in which a desire was made that 'whatever you have identified, please close this exercise. xxxxx, in discussion with Law and Legislative Affairs, we finalised this modus operandi that through a common Act, we will amend all the remaining provisions. Then, we found that certain Departments had actually their Bills and they were in very advance stages, in some cases the Bill had been introduced

They were taking a comprehensive revision; and the Bill had already been introduced in the Parliament. So, obviously, that we left outside. In some cases, we found that they would take a long time before they were able to close their interaction with the stakeholder. Xxxxx our common Bill would have been pending. So, we left out certain Acts where they had been introduced in the Parliament at a very advance stage, or we left out a very few Acts, where it is going to take still longer for them. For rest of the Act, we sat down. Under the chairmanship of the Cabinet Secretary, xxxx, and there was a sub- Committee of that Committee chaired by CEO, NITI.

xxxx. We sat down with each and every department and went through each and every clause of what could lead to imprisonment. Then, we, actually, carved out certain general principles. Actually, the things which are not specified in the Act, they are invariably of lesser magnitude. So, such things should not lead to imprisonment. You should put a clear thought. If you want something to result in imprisonment, it should be well thought out thing. The general provisions should be dealt with by penalty or fine. Similarly, non-submission of small information or certain procedural lapses, such

things should be dealt with through penalty or at most fine in certain cases. In some cases, even the compounding could be taken as decriminalisation that it gets settled. This will also have the benefit of reduction of pendency in the courts. It would also help to ease the burden on police because they have to, actually, put the cases before the courts. So, this will have multifarious advantages. In addition to that, xxxx, there were certain ridiculous provisions. xxxxx So, we cleaned that up

As the Committee gave suggestions that these are the principles that you should follow, the Department had consultations with the stakeholders and submitted to us that this is what that can be decriminalised. Then, we compiled the whole thing and went through the Legal Department. Then, the whole thing was presented to the Cabinet which was approved and then converted into a Bill and put to the Parliament. xxx”

Expounding further on the matter the Ministry submitted as under:

हम लोगों ने वर्ष 2014 से ही इज ऑफ डूइंग बिजनेस के ऊपर ज्यादा ध्यान दिया है। उसका कारण यह था कि हमें बिजनेस प्रोसेसरी-इंजीनियरिंग के ऊपर विशेष ध्यान रखना था, क्योंकि we wanted to improve the business ecosystem for the investors and business entities coming into the country. xxxxx, हम लोगों ने रेगुलेटरी कम्प्लायंस बर्डन के इश्यू को भी देखा है और reducing of compliance became a very important task of Department of Promotion and Industry and Internal Trade. In January 2021, a portal was formed, and different States, UTs, Central Ministries and Departments were asked to identify such regulatory compliances and also to undertake the process of reducing the compliances which were considered unnecessary. इसकी स्ट्रैटजी चार माध्यमों के तहत बनाई जा रही है। Either we looked at elimination of redundant laws, processes, forms – if they were not required, we had to do away with them – or simplify the forms and the processes.

Digitisation was undertaken in a big way. Many of these processes were brought online from the offline mode. The other aspect of it was decriminalisation of minor offences.

One important point is that this portal is open to all State Governments, Central Government and UT Administrations. It was also made open to three major industry associations and they could also submit their procedures and compliances, which they thought were burdensome, for the review by different stakeholders and business departments and the State Governments. They also had an access to this ‘reducing compliance burden’.

As of today, the number of compliances that stand reduced is more than 39,000. Some of them are still under review. This process of compliance reduction is an ongoing process. As and when the business entities put it to us or the Departments, which are continuously looking at their processes, that there is a requirement of looking at things ab initio for further simplification, this process will continue.

There were some provisions which were brought to the notice of Departments and the State Governments by the stakeholders and, through the portal, by the industry associations. Intensive stakeholder discussions with all kinds of associations – sectoral, business entities etc. – are also uploaded through this portal. Then, every stakeholder looks at it in minute details. Some of them were required to be retained because there is some portion of business processes that requires regulations.

The present Jan Vishwas Bill comprises of 42 Acts across 19 Ministries and in total, 182 provisions are proposed to be decriminalised and they fall under various categories. We looked at all these provisions with a certain requirement that was first to ensure that the commission of an offence should be commensurate to the seriousness of the offence. As the hon. Members have mentioned, there are very minor provisions जिसके लिए जेल होती है और वह केस कई सालों तक चलता रहता है। their intent is not absolutely criminal or to treat them as criminal provisions. They were undertaken here. xxxxx

Then, certain provisions consist of technical or procedural lapse or very minor non-compliance. They were also considered under imprisonment. xxxx Those were also taken under this proposed Bill.

The important motivation to come about with this Bill was also that criminal provisions lead to a sense of insecurity and hamper investment decisions by potential investors and businesses. That is why, it was very essential to segregate these acts and segregate these technical or procedural omissions or certain defaults that were done either with mala fide intention अगर कोई प्रोविजन जान-बूझकर या क्रिमिनल इंटेन्शन के साथ किया जाए or due to an oversight or it was a minor commission of an act or it was done unintentionally. All that was also looked into and certain criminal provisions were then converted. The imprisonment was removed, the fine was retained depending on the intention and whether it was important for the Department to send a message that we will not imprison you but the fine process will need to be resorted to. Or, there were xxxx

The Committee sought to know whether the Government has taken decision to make the fine or penalty and punishment with retrospective effect or with prospective effect. The Ministry have informed that the same shall be with prospective effect.

The Committee thereafter enquired as to the difference between fine and penalty. In this regard, representative, Legislative Department submitted as under:

“Fine is imposed by a judicial court. If you take all the existing provisions, we find that court can imprison the person to certain months or years and also impose fine or both. What the Bill is trying to address is, instead of the imprisonment and fine, there will be an adjudication mechanism whereby an administrative authority, a quasi judicial authority would impose monetary penalty. So, what we mean by penalty is nothing but monetary penalty so that there will be no fine; he will not be fined; he will pay the penalty and get out of whole judicial system. We don’t want the person to languish in the court. That is the purpose.”



2.3. On being asked whether any mechanism has been provided in the respective acts for non compliance of penalty, the Committee was informed as under:

“We have taken care of that. There is an adjudication mechanism either an officer or an authority or there is an appellate mechanism to challenge the orders of imposition of monetary penalty by adjudicating mechanism”

2.4. It was further submitted that

“The Bill proposes to amend various Acts. In the respective Acts, wherever there are mechanisms for imposition of penalty, we have provided this system. If the person fails to pay the penalty, it will be recovered as land revenue.”

2.5. Keeping in view that the Acts proposed to be amended by the Bill are being administered and enforced by 19 different Ministries, the Committee decided to begin with hearing the views of Ministries enforcing these Acts.

2.6. Accordingly, the Committee obtained Background Notes and other requisite documents from the administering Ministries. The Committee also took briefing of the representatives of the administering Ministries/ Departments. The representatives of the nodal Ministry, i.e. the Department for Promotion of Industry and Internal Trade, which is coordinating with all the 18 Ministries/Departments and the Ministry of Law (Legislative Department and Department of Legal Affairs) also remained present in all the sittings of the Committee. A Chronology of briefing taken by the Committee is as under in a tabular form:

### Chronology of briefing by various Departments/Ministries

Sl. No	Date & Day	Agenda
1	09 January, 2023 (Monday)	Briefing by the representatives of the Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) on the overall Bill and the Objectives and Purpose of the said Bill. The Representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
2	16 January, 2023 (Monday)	Briefing/Oral Evidence of the representatives of the Ministry of Electronics and Information Technology with regard to Sl. Nos. 32 and 42 of the Schedule to the Bill; (ii) Ministry of Agriculture & Farmers Welfare (Department of Agriculture & Farmers Welfare) with regard to Sl. No. 5 of the Schedule to the Bill and (ii) Ministry of Consumer Affairs Food and Public Distribution (Department of Food and Public Distribution) with regard to Sl. Nos. 16 and 17 of the Schedule to the Bill on the Jan Vishwas (Amendment of Provisions) Bill, 2022. The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
3	17 January, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of the (i) Ministry of Environment, Forest and Climate Change with regard to Sl. Nos. 4, 21, 24 and 28 of the Schedule to the Bill; and (ii) Ministry of Housing & Urban Affairs with regard to Sl. No. 33 of the Schedule to the Jan Vishwas (Amendment of Provisions) Bill, 2022. The representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remain present in the meeting.
4	31 January, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of the Ministry of Commerce and Industry - (i) Department for Promotion of Industry & Internal Trade and (ii) Department of Commerce with regard to the Acts pertaining to them being amended by the Ministries.
5	06 February, 2023 (Monday)	Briefing/Oral Evidence of the representatives of the Ministry of Finance- (i) Department of Financial Services (ii) Department of Economic Affairs and (iii) Department of Revenue on amendments proposed in the Bill related to them.
6	07 February, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of (i) the Ministry of Health & Family Welfare, Department of Health & Family Welfare (ii) the Ministry of Railways and (iii) the Ministry of Road Transport & Highways

7	09 February, 2023 (Thursday)	Briefing/Oral Evidence of the representatives of (i) the Ministry of Information & Broadcasting (ii) the Ministry of Statistics & Programme Implementation (iii) the Ministry of Communications, Department of Posts (iv) the Ministry of Consumer Affairs, Food & Public Distribution, Department of Consumer (v) the Ministry of Defence, Department of Defence and (vi) the Ministry of Ports, Shipping & Waterways.
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2.7. Based on the written and oral depositions of the official witnesses, the Committee have examined every provision of the Bill as well as every amendment proposed to 42 Acts specified in the Schedule to the Bill very minutely and given their considered opinion/suggestions as enumerated in the succeeding paragraphs.

## The Press and Registration of Books Act, 1867

[Serial No. 1 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.8. **Administering Ministry: Ministry of Information and Broadcasting**

2.9. **Purpose of the Act:** The Press and Registration of Books Act, 1867 provides for registration of printing presses, periodicals, including newspapers and books in the country, to keep a record of all the informatory material that was being printed in the country.

2.10. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	<b>Section 8C</b>	<p><b>8C. Appeal.</b>--(1) Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978 (37 of 1978), from among its members]:</p> <p>Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>	<p>Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B <b><u>or an order by the Press Registrar suspending or cancelling the certificate of registration under section 12 or imposing penalties under section 13 or under section 19K</u></b> may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be appointed by the Central Government:</p> <p>Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that</p>

			the appellant was prevented by sufficient cause from preferring the appeal in time.
		(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.	(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate <u>or from the Press Registrar, as the case may be</u> , and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.
2	Section 12	<b>Penalty for printing contrary to rule in Section 3</b> - whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.	Proposed for omission in the Bill, as introduced.
3	Insertion of new Section 12 in substitution of existing Section 12	---	<b>12. Suspension or cancellation of certificate of registration.--</b> (1) The Press Registrar may, by order, suspend the certificate of registration of a newspaper for a period not exceeding one year, if – (a) the publisher has failed to publish the newspaper continuously. <i>Explanation.</i> – For the removal of doubts, it is hereby clarified that if a newspaper publishes less than half of its issues, as

			<p>are required to be published under rule (6) of section 5, such newspaper shall be deemed to have failed to publish continuously; or</p> <p>(b) the publisher of a newspaper has given false particulars in the annual statement; or</p> <p>(c) the publisher of a newspaper has failed to furnish the annual statement within two years from the end of the financial year for which the annual statement was to be furnished.</p> <p>(2) The Press Registrar may, by order, cancel the certificate of registration where-</p> <p>(i) a newspaper has ceased publication for a period exceeding twenty-four months;</p> <p>(ii) the publisher of a newspaper fails to furnish the annual statement even after the expiry of the period during which the certificate of registration was suspended under sub-clause (c) of sub-section (1);</p> <p>(iii) the registration was obtained on false representation or on concealment of any material fact;</p> <p>(iv) the title of the newspaper bears the same or similar title already held by any other</p>
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			<p>owner of a newspaper either in the same language anywhere in India or in any other language in the same State or Union territory administration.</p> <p>(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving an opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>(4) A copy of order of suspension or cancellation passed under this section shall be made available to the Central Government or State Government or Union territory administration, as the case may be, and to the Magistrate.</p>
4	Section 13	<p><b>Penalty for keeping press without making declaration required by Section 4</b> - whoever shall keep in his possession any such press as aforesaid, in contravention of any of the provisions contained in section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.</p>	<p>Proposed for omission in the Bill, as introduced.</p>
5	Insertion of new Section 13 in substitution	---	<p><b>13. Penalty for certain contraventions.-</b> The Press Registrar may impose a penalty-</p>

	<p><b>of existing Section 13</b></p>	<p>(i) not exceeding ten thousand rupees where the publisher prints or publishes any book or paper otherwise than in conformity with the provisions contained in section 3;</p> <p>(ii) not exceeding ten thousand rupees where the keeper of the press fails to make and subscribe the declaration in conformity with the provisions contained in section 4;</p> <p>(iii) not exceeding twenty thousand rupees where the publisher fails to furnish the annual statement as required under clause (a) of section 19D within one year from the end of the financial year in respect of which the annual statement was required to be furnished;</p> <p>(iv) not exceeding twenty thousand rupees where a person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with the provisions of section 8;</p> <p>(v) not exceeding two thousand rupees for not delivering books or not supplying printer with maps referred to in section 9;</p>
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			(vi) not exceeding two thousand rupees where any printer of a newspaper neglects to deliver copies of the newspaper in compliance with the provisions of sections 11A and 11B.”.
6	<b>Section 14</b>	<b>Punishment for making false statement</b> - Any person who shall, in making any declaration or other statement under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, and imprisonment for a term not exceeding six months.	Proposed for omission in the Bill, as introduced.
7	<b>Section 15A</b>	<b>Penalty for failure to make a declaration under section 8.</b> --If any person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees	Proposed for omission in the Bill, as introduced.
8	<b>Section 16</b>	<b>16. Penalty for not delivering books or not supplying printer with maps.</b> -- If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a	Proposed for omission in the Bill, as introduced.

		<p>Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.</p> <p>If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.]</p>	
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9	Section 16A	<p><b>16A. Penalty for failure to supply copies of newspapers gratis to Government.--</b> If any printer of any newspaper published in India neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.</p>	Proposed for omission in the Bill, as introduced.
10	Section 16B	<p><b>16B. Penalty for failure to supply copies of newspapers to Press Registrar.--</b> If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11 B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.</p>	Proposed for omission in the Bill, as introduced.
11	Section 17	<p>Any sum forfeited to the Government under section 16 may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure (10 of 1882) for the time being in force, and within the period prescribed by the Indian Penal Code</p>	Proposed for omission in the Bill, as introduced.

		(45 of 1860), for the levy of a fine.	
12	Section 19K	<p><b>19K. Penalty for contravention of section 19D or section 19E, etc.—</b>If the publisher of any newspaper—</p> <p>(a) refuses or neglects to comply with the provisions of section 19D or section 19E; or</p> <p style="text-align: center;">* * * *</p> <p>(c) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be punishable with fine which may extend to five hundred rupees.</p>	<p><b>19K. Penalty for contravention of section 19D or section 19E.—</b> If the publisher of any newspaper –</p> <p>(a) refuses or neglects to comply with the provisions of <b>clause (b)</b> of section 19D or section 19E; or</p> <p>(b) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be punishable with <b>penalty not exceeding ten thousand rupees.</b></p>
13	Section 19L	<p><b>Penalty for improper disclosure of information -</b> If any person engaged in connection with the collection of information under this Act willfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (45 of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	Proposed for omission in the Bill, as introduced.

## 2.11. **Submissions of the Ministry:**

2.11.1. The Ministry of Information and Broadcasting, in their background note, submitted that it was felt that the provisions relating to imprisonment compromise on Press Freedom and hence there is a need to decriminalize the existing statute and to make it more consistent keeping in view the present day scenario. Hence, the proposed Amendments aim to decriminalize the existing statute. This is also in tune with the commitment of ensuring Press Freedom in the country. The existing sections namely section 12 to 17 and 19L provides for penalties, including imprisonment, or penalties by Magistrate on the newspapers for contravention of various provisions of the Act.

2.11.2. The Ministry further informed that the Jan Vishwas Bill proposes to bring the provisions related to suspension and cancellation of certificate of registrations on various grounds by Press Registrar. At present, there are no powers to suspend and cancel the Certificate of Registration with Press Registrar. The bill also replaces the imprisonment with penalties which is more in line with the present times.

## 2.12. **Discussion during the sitting of the Committee:**

2.12.1. During the sitting of the Committee held on 9<sup>th</sup> February, 2023, the representative of the Ministry of Information and Broadcasting gave briefing on the proposed amendments. He explained how the Ministry reviewed the Act and decided to propose amendments to decriminalize the provisions. He stated that:

“After review, it was decided to propose certain amendment for decriminalization of provisions. So, seven provisions under the Act, Sections 12 to 14, Sections 15A to 17 and 19L are proposed to be omitted, which are all provisions having criminal implications to be introduced in lieu of that and instead of fine, financial penalties are being proposed, which can be imposed through the Central Government. Section 12 of the Act is for imposition of penalty contrary to Rule 3. Rule 3 essentially is that when a paper is printed, certain type of details has to be mentioned in the paper and if those details are not printed, then a penalty can be imposed leading to imprisonment or a fine of up to two thousand rupees. So, this provision is proposed to be deleted. Similarly, Sections 13 and 14 are also proposed to be deleted. These also are provisions with regard to the printing press where a printing press is required to furnish a declaration before the District Magistrate. If it has not furnished that declaration and runs a printing press, a penalty/fine can be imposed by way of conviction before a Magistrate. So, both Sections 12 and 13 are proposed to be deleted and instead of that a new Section 12 and Section 13 have been proposed in the Bill.”

2.12.2. In this regard the representative, Ministry of Information and Broadcasting informed the Committee about the proposed insertion of new Section 12 regarding the suspension or cancellation of certificate of registration by Press Registrar for certain instances mentioned therein. In this regard Committee sought to clarify, if the proposed entrustment of power to cancel certificate of registration to the Press Registrar would afford their opportunity of being heard. The Committee made sure that the freedom of Press is not compromised by the changes, the administrative Ministry is proposing to incorporate. The

Committee further queried about the availability of provision for appeal in the Act, the Ministry representative apprised that remedy lies in Section 8, which provides for opportunity for appeal against the order.

2.12.2A On being enquired by the Committee about the role of the District Magistrate, the representative from the Ministry explained as under:

“Every newspaper has to file a declaration before the District Magistrate, from where it comes to the Press Registrar. If we are cancelling somebody’s registration or suspending, the DM should be aware of the fact that this order has been passed by the Press Registrar General.”

2.12.3. The Committee analyzed and noted as under:

“For suspension and cancellation, they may defend it. So, full opportunity of hearing is there. Even if the order is passed prejudice to the interest of any person, remedy of appeal is there.”

2.12.4. Further, the Committee observed that a person can also approach the court of law under Article 226 for violation of fundamental right. The Committee deliberated in detail on all the amendments proposed in the Press and Registration of Books Act, 1867 in the Jan Vishwas (Amendment of Provisions) Bill, 2022.

## 2.13. **Suggestions by the Committee:**

2.13.1. After detailed discussions, the Committee agreed, in principle, to the amendments proposed to the Press and Registration of Books Act, 1867, specified at serial no. 1 of the Schedule to the Bill and decided to consider the suggestions/modifications, if required, during clause-by-clause consideration. The Committee, however, suggested that in section 19K, **the words “liable for” should be substituted for the words “punishable with”.**

## The Indian Post Office Act, 1898

### [Serial No. 2 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.14. **Administering Ministry:** Ministry of Communications  
[Department of Posts]

2.15. **Purpose of the Act:** Indian Post Office Act, 1898 is the sole Act being administered by the Department of Posts. Indian Post Office Rules, 1933 serve as subordinate legislation. The Indian Post Office Act of 1837 was enacted to bring about uniformity in postal operations. This Act was followed by a more comprehensive Indian Post Office Act of 1854 which laid the foundation of modern-day postal system in the country. The Indian Post Office Act of 1898 further strengthened the postal system in the country.

2.16. **Amendments proposed to the Act:** This Bill, as introduced, propose to omit Chapter X of the Indian Post Office Act, 1898. Accordingly, the following existing Sections (Sections 49 to 56 and 58 to 72)(Section 57 already omitted by the Financial Act 1950) are proposed to be omitted:

Sl. No.	Sections	Existing Provision
1.	<b>Section 49</b>	<b>Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.-</b> Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, - (a) is in a state of intoxication while so employed, or (b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered, or (c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or (d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid, shall be punishable with fine which may extend to fifty rupees.
2	<b>Section 50</b>	<b>Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.-</b> Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.
3	<b>Section 51</b>	<b>Penalty for making false entry in register kept by person employed to carry or deliver any postal articles.-</b> Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a

		place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.
4	<b>Section 52</b>	<b>Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away of postal articles.-</b> Whoever, being an officer of the post office, commits theft in respect of or dishonestly misappropriates, or for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.
5	<b>Section 53</b>	<b>Penalty for opening, detaining or delaying postal articles.-</b> Whoever, being an officer of the Post Office, contrary to this duty, opens, or causes or suffers to be opened, any postal article in course of transmission by post, or wilfully details or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine or both. Provided that nothing in this Section shall extend to the opening, detaining or delaying of any postal article under the authority of this Actor in obedience to the order in writing of the Central Government or the direction of a competent Court.
6	<b>Section 54</b>	<b>Penalty for fraud in connection with official marks and for receipt of excess postage.-</b> Whoever, being an officer of the Post Office.- (a) fraudulently puts any wrong official mark on a postal article, or (b) fraudulently alters, removes or causes to disappear an official mark which is on a postal article, or (c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.
7	<b>Section 55</b>	<b>Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents.-</b> Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.
8	<b>Section 56</b>	<b>Penalty for fraudulently sending unpaid postal articles.-</b> Whoever, being an officer of the post office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the government of the postage on such postal article shall be punishable with imprisonment for a term which may extend to two years and shall also be punishable with fine.
9	<b>Section 58</b>	<b>Penalty for contravention of Section 4.-</b> (1) Whoever- (a) conveys otherwise than by post, a letter within the exclusive



		<p>privilege conferred on the Central Government by Section 4 or</p> <p>(b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid, or</p> <p>(c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or</p> <p>(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post, shall be punishable with fine which may extend to fifty rupees for every such letter.</p> <p>(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.</p>
10	<b>Section 59</b>	<p><b>Penalty for contravention of Section 5.-</b> (1) Whoever, in contravention of the provision of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.</p> <p>(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.</p>
11	<b>Section 60</b>	<p><b>Penalty for breach of rules under Section 16.-</b></p> <p>Whoever, being appointed to sell postage stamps,-</p> <p>(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-Section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or</p> <p>(b) commits a breach of any other rule under Section 16, shall be punishable with fine which may extend to two hundred rupees.</p>
12	<b>Section 61</b>	<p><b>Penalty for contravention of section 19, 19A or 20. –</b> (1) whoever, in contravention of the provisions of section 19 or section 19A or section 20, sends or tenders or makes over in order to be sent by post any postal article or anything, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.</p> <p>(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 [or section 19A] or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.</p>
13	<b>Section 62</b>	<p><b>Penalty for defiling or injuring post office letter boxes. –</b> Whoever places in or against any letter box provided by the post office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid or commits a nuisance in or against any such letter box, or does anything likely to injure any such letter box or its appurtenance or contents, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.</p>
14	<b>Section 63</b>	<p><b>Penalty for affixing without authority thing to, or painting, tarring or disfiguring post office or post office letter-boxes.-</b> Whoever,</p>

		without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.
15	<b>Section 64</b>	<b>Penalty for making false declaration.-</b> Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows , or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.
16	<b>Section 65</b>	<b>Penalty for master of ship failing to comply with the provisions of section 40 or 41. -</b> Whoever, being the master of a ship,- (a) fails to comply with the provisions of section 40, or (b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer-in-charge of the post office at a port of arrival, as required by section 41, shall be punishable with fine which may extend to one thousand rupees.
17	<b>Section 66</b>	<b>Penalty for detention of letters on board vessel arriving in port.-</b> (1) Whoever, being either the master of ship arriving at any port in India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Central Government by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid. (2) Whoever, being such master or other person as aforesaid, detains any such postal articles as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.
18	<b>Section 67</b>	<b>Penalty for detaining mails or opening mail bag.-</b> Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of the Central Government or the direction of a competent Court, detains the mail or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees : Provided that nothing in this section shall prevent the detention of an officer of the post office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1898 (5 of 1898), or any other law for the time being in force.
19	<b>Section 68</b>	<b>Penalty for retaining postal articles wrongly delivered or mail bags. –</b> Whoever fraudulently retains or wilfully secretes or makes away with, or keeps or detains, or when required by an officer of the

		post office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.
20	<b>Section 69</b>	<b>Penalty for unlawfully diverting letters.-</b> Whoever, not being an officer of the Post Office, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both : Provided that nothing in this Section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.
21	<b>Section 70</b>	<b>Penalty for abetting or attempting to commit, offences under Act.</b> – Whoever, abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.
22	<b>Section 71</b>	<b>Property in cases of offences to be laid in the Post Office.-</b> In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value
23	<b>Section 72</b>	<b>Authority for prosecutions under certain sections of Act.-</b> No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

## 2.17. Submissions by the Ministry:

2.17.1. The Ministry of Communications in their Background note informed that the Department of Posts proposes the repeal of twenty-three Sections of the Indian Post Office Act, 1898 for decriminalization of minor violations under the Act and thereby entirely decriminalizing the Act. All these 23 provisions are covered under Chapter X 'Penalties and Procedures' of the Indian Post Office Act, 1898.

2.17.2. It further informed that the Review of the Indian Post Office Act, 1898, for decriminalization of minor violations under the Act, was carried out by an internal Committee in the Department in the month of July, 2022. The Sections of the Act, containing criminal liability in their overall context of criminal jurisprudence in India and with reference to all relevant considerations, especially with reference to other Acts / Rules available for similar offences in the country.

2.17.3. As regards the reasons for proposed amendments, the Ministry in its note submitted following details:

(i) Criminal provisions of IPO Act, 1898 applicable to workforce of the Department which can be repealed in view of other extant Rules, laws and provisions that can be applied to serve the same purpose. (Sections 49,50,51,52,53,54,55 ,56 & 60 fall in this category).

(ii) Criminal provisions of IPO Act, 1898 that have become outdated and are not relevant anymore.(Sections 58,59, 65 & 66 fall in this category).

(iii) Criminal provisions of IPO Act, 1898 with comparable provisions in enforcement Laws like Indian Penal Code, 1860, Narcotics Drugs and Psychotropic substances act, 1985, Transportation of dangerous Goods Act, 1992, Customs Act, 1962, Protection of Children from Sexual Offences Act, 2012, Indecent Representation of Women (Prohibition) Act, 1986, Public Property (Prevention of Damage) Act, 1985 etc. (Sections 61,62,63,64,67,68,69 fall in this category).

(iv) Some non- criminal provisions which will become non-relevant since they are linked to the above sections recommended for repeal (Sections 70,71 & 72 fall in this category).

2.17.4. In view of the above, it is proposed to repeal all sections of the Indian Post Office Act, 1898.

## 2.18. **Discussion in the sitting of the Committee:**

2.18.1. During the sitting of the Committee held on 9<sup>th</sup> February, 2023, the representatives from the Department of Posts briefed the Committee on the proposed omissions of Chapter X in the Bill. It was elaborated by the Department that the entire Chapter X of the Indian Post Office Act, 1898 has been touched for omission primarily because either the provisions have become redundant or obsolete or the same are covered under other provisions and enactments like the Indian Penal Code, 1860, the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and various other enactments/rules.

## 2.19. **Suggestions by the Committee:**

2.19.1. After the briefing by the Department and discussions on the proposed omissions, the Committee agreed, in principle, with the amendments proposed to the Indian Post office Act, 1898, specified at Serial No. 2 of the Schedule to the Bill and decided to consider the suggestions/modifications, if required, during Clause-by-Clause consideration.

## The Boilers Act, 1923

[Serial No. 3 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.20. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.21. **Purpose of the Act:** To consolidate and amend the law relating to steam-boilers.

2.22. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	<b>Section 22</b>	<p><b>22- Minor Penalties</b> Any owner of a boiler who refuses or without reasonable excuse neglects —</p> <p>(i) to surrender a provisional order as required by section 9, or (ii) to produce a certificate or provisional order when duly called upon to do so under section 15, or (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16, shall be punished with fine which may extend to five thousand rupees</p>	<p><b>22- Minor Penalties</b> Any owner of a boiler who refuses or without reasonable excuse neglects —</p> <p>(i) to surrender a provisional order as required by section 9, or (ii) to produce a certificate or provisional order when duly called upon to do so under section 15, or (iii) to make over to the new owner of a boiler a certificate or provisional order as required by <b><u>section 16, or</u></b></p>
2.	<b>Insertion in Section 22</b>	Nil	<p><b>(iv) to report an accident to a boiler or boiler component when so required under section 18,</b> shall be <b>punished with</b> fine which may extend to five thousand rupees</p>
3.	<b>Section 23</b>	<p><b>23- Penalties for illegal use of boiler</b> Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order</p>	<p><b>Section 23- Penalties for illegal use of boiler</b> Any owner of a boiler who—</p> <p>(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such</p>

		<p>being in force or at a higher pressure than that allowed thereby shall be punishable with fine which may extend to one lakh rupees, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.</p>	<p>certificate or order being in force or at a higher pressure than that allowed thereby,</p> <p><b>(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (b) of section 6,</b></p> <p><b>(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required by sub-section (6) of section 7,</b> shall be liable for fine which may extend to one lakh rupees, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues.</p>
3.	<b>Section 24</b>	<p><b>24-Other penalties</b> Any person who—</p> <p>(a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one State to another without such transfer having been reported as required by section 6, or</p> <p>(b) being the owner of a boiler fails to cause the register number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or</p> <p>(d) fails to report an accident to a boiler or steam-pipe when so required by section 18, or</p>	Proposed for omission in the Bill, as introduced.

### 2.23. Submission by the Ministry:

2.23.1. The Department for Promotion of Industry and Internal Trade has proposed to amend Sections 22, 23 and 24 of the Boilers Act, 1923. The Department, in their

background note, has stated that the subject “Boiler” falls in the concurrent list given in the seventh schedule to the Constitution of India and administration of the Boilers Act, 1923 which is a Central Act is being carried out by the Inspectorate of Boilers of the States in their respective territories. The Act provides for safety of life and property from the danger of boiler explosions. There are more than 41000 boilers in the country. The aforesaid Amendments have been proposed to benefit boiler users in large and small scale sector in Power Plants, Chemical Plants, Steel Plants, Sugar Mills etc.

#### **2.24. Discussion in the sitting of the Committee:**

2.24.1. During their sitting held on 31<sup>st</sup> January, 2023, the Committee held in depth discussions on the amendments proposed by the Department. The Committee observed that where there is a provision for imprisonment, then the fine may also be retained for the court adjudicating the imprisonment will also look into the fine and that process goes concurrently; but where the punishment for imprisonment is being removed, there should not be any fine, there must be a penalty. A person need not approach to court of law for a small fine of five thousand rupees. The intent of the Committee is crystal clear that the Committee do not want to burden the courts. The Committee has to examine the litigation potential. The Committee also opined that quasi-judicial authority might be created that would be competent to impose and recover penalty.

2.24.2. The representative from the Department submitted that they would be required to held consultation once again with the States and ponder over this.

#### **2.25. Suggestions by the Committee:**

2.25.1. After detailed deliberations and clarifications on the amendments proposed, the Committee decided to consider *inter alia* the following suggestions/modifications to the amendments proposed to the Boilers Act, 1923 specified at Serial No. 3 of the Schedule to the Bill during clause-by-clause consideration:

- (i) The fine related provision should be replaced with penalty provision.
- (ii) In case of Penalties, where the penalty amount is high, Adjudication and Appellate mechanism may be proposed and where the penalty amount is less, adjudication mechanism is not required.
- (iii) Whether the amendments to the Acts can have a retrospective effect.

## The Indian Forest Act, 1927

### [Serial. No. 4 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.26. **Administering Ministry:** Ministry of Environment, Forests and Climate Change

2.27. **Purpose of the Act:** The Indian Forest Act, 1927 has been enacted to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. It provides legal framework of forest administration and management for all States/UTs. Various States from time to time have carried out amendments in the relevant sections while implementing the provisions of the Act.

2.28. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	<b>Section 26</b>	<p>(1) Any person who-</p> <p>(d) trespasses or pastures cattle, or permits cattle to trespass; or</p> <p>(e) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p>	<p>Clauses (d) and (e) have been proposed for omission in the Bill, as introduced.</p>
2	<b>Insertion of new sub-section (1A) after sub-section (1) in Section 26</b>	Nil	<p>(1A) Any person who, in a reserved forest-</p> <p>(a) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be liable to pay fine which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as the</p>



			Court may direct to be paid.
3	<b>Section 33</b>	<p><b>33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.-- (1) Any person who commits any of the following offences, namely:—</b></p> <p style="text-align: center;"><b>X XXXX</b></p> <p>(e) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing fallen or felled, or closed portion of any protected forest;</p> <p>(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; or</p> <p>(g) permits cattle to damage any such tree,</p> <p>shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.</p>	Clauses (e), (f) and (g) have been proposed for omission in the Bill, as introduced.
4	<b>Insertion of new sub-section (1A) after sub-section (1) in Section 33</b>	Nil	<p>(1A) Any person who commits any of the following offences, namely:-</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(c) permits cattle to damage any such tree,</p> <p>shall be liable to pay fine which may extend to five hundred rupees.</p>

## 2.29. **Submissions by the Ministry:**

2.29.1. Expounding on the need for the proposed amendment, the Ministry have in their background note submitted as under:

“The Indian Forest Act, 1927 prescribes penalties for certain acts which are prohibited in forests. In case of non-compliance or contravention of the provisions of the IFA, 1927, or of the rules or directions issued under the said Act, the violator/offender shall be punished with imprisonment and fines. At times, there are difficulties in differentiating between a major and minor offence and because of that punishments are often not distinct. Hence, it is required to incorporate differentiated penal provisions in the Act by amending IFA, 1927. Concerns have been raised with regard to the imprisonment provision for minor violations which are simple infringements not leading to any injury to human or significant damage to forest. Further, the imprisonment provision, may cause harassment to citizens, especially to forest dwelling communities and forest dependent people living in and around forest, for simple non-compliance.

2.29.2. As regards the rationale behind the proposed amendment, the Ministry have stated:

“The Indian Forest Act, 1927 provides for the penalty of imprisonment for some minor offences/violations. Imprisonment provision for such minor violations/noncompliance to leading to significant injury to human or damage to forest do not merit such penalty.

- The imprisonment provision for some minor offence is not justifiable as the criminal provisions may cause harassment to citizens, especially forest dwelling communities and forest dependent people.

Considering the above, it is proposed that imprisonment for minor lapses shall be removed in certain cases. Hence, the amendments in IFA, 1927 seeks to curtail harassment of people for simple violations such as trespasses of cattle, causing damage by negligence in felling any tree or cutting or dragging any timber. The present bill for amendment of the Indian Forest Act, 1927 shall eliminate the fear of imprisonment especially for forest dependent people for minor lapses.

2.29.3. Giving the benefits of carrying out the proposed amendments, the Ministry have inter-alia submitted that the amendments shall:

- (a) Send out a clear message to the law-abiding people, about the Government’s commitments to remove harassment.
- (b) Create an atmosphere of trust based governance.
- (c) Eliminate the fear of imprisonment on minor lapses among the tribal and forest dwelling communities.
- (d) Reduce litigation for prosecution under minor offences.

## 2.30. Discussion in the sitting of the Committee:

2.30.1. During the sitting held on 17<sup>th</sup> January, 2023, the Committee sought to know why the Ministry seeks to bring about amendment in Section 26 (d) of the Act. The representative of the Ministry *inter-alia* informed that in the reserve forest, the grazing rights of the cattle grazers have been settled elsewhere by the forest settlement officer and the penalty imposed would act as mental deterrent to prevent cattle trespass.

2.30.2. On being asked how grazing by cattle would harm the reserve forests, the Ministry replied as under:

“जो नेचुरल रीजन रेट्स हैं, जो छोटे-छोटे पौधे निकलते हैं, वे कुचल जाते हैं। आप देखेंगे कि किसी भी फॉरेस्ट विलेज के पास वाले जंगल पूरे डिग्रडेड होते हैं, जैसे ही अंदर जाते हैं, वे ठीक रहते हैं। इसका कारण यही है कि इनिशियल स्टेज में कैटल प्रेशर इतना ज्यादा रहता है कि सारे पौधे दब जाते हैं।

दूसरा, वहाँ की मिट्टी कॉम्पैक्ट हो जाती है। मिट्टी कॉम्पैक्ट हो जाएगी तो वहाँ जिमर्नेशन नहीं हो पाता है। कैटल के आने से काफी प्रभाव पड़ता है। यही कारण है कि पैरीफेरी में हमारा फॉरेस्ट बहुत खराब होता है।”

2.30.3. The Committee also sought to know why the penalty amount has been kept the same for both Section 26 (d) as well as Section 26 (e). The Ministry informed that 13 of the states in the country have their own Forest Act and most of the states have their own penal provisions. The Committee were also informed that once consent of Government of India has been taken by the States to bring about their own provisions by way of amendment, the same shall have an overriding over the Central provisions.

2.30.4. On being asked whether any adjudication authority is available under the Act which can adjudicate on the penalty being imposed under Section 26 and Section 33 the Ministry replied in affirmative.

## 2.31. Suggestions by the Committee:

2.31.1. After detailed discussions and clarifications on the amendments proposed, the Committee decided to consider, *inter alia*, the following modifications to the amendments proposed to the Indian Forest Act, 1927, specified at Serial No. 4 of the Schedule to the Bill, during Clause-by-Clause consideration.

- Section 26: i) The word “fine” may be replaced by “penalty”.
- (ii) Penalty of up to Rs. 500 may be kept for violation of section 26 (1) (d) of the Act.
- (iii) Section 26 (1)(d) and (e) of original Act, are to be made compoundable and an adjudicating officer be authorized to charge the penalty or determine the compensation for damage.

- (iv) Increase penalty from Rs 500 to Rs. 5000 for violation of section 26 (1) (e) of the Act.

- Section 33:
- (i) The word “fine” may be replaced by “penalty”.
  - (ii) Increase penalty of Rs 500 to Rs 5000 for violations of section 33(e) and (f) of the Act.
  - (iii) Section 33 (1) (e) and (f) of original Act, be made compoundable and authorize an adjudicating officer to charge the penalty or determine the compensation for damage.
  - (iv) Omission of Section 33 (1) (g).

## The Agricultural Produce (Grading & Marking) Act, 1937

[Serial No. 5 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.32. **Administering Ministry:** **Ministry of Agriculture & Farmers' Welfare**  
**[Department of Agriculture & Farmers Welfare]**

2.33. **Purpose of the Act:** The Agricultural Produce (Grading and Marking) Act, 1937 and the rules made there under broadly mandates the Central Government to:

- (i) notify the standards, popularly called Agmark standards, containing two to three quality grades for grading and marking of agricultural and other produce; and
- (ii) provide the procedure to undertake certification of agricultural and other produce under the brand Agmark.

2.34. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	Insertion of clause (ga) in Section 3(2)	Nil	(ga) holding inquiry to impose penalty under sub-section (1) of section 5C;
2	Insertion of clause (gb) in Section 3(2)	Nil	(gb) preferring appeal under sub-section (1) of section 5D.
3	Section 4	<b>4. Penalty for un-authorized marking with grade designation mark. –</b> Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under Section 3, shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.	<b>4. Penalty for un-authorized marking with grade designation mark. –</b> Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by the rule made under section 3, shall be punishable with <b>penalty of five lakh rupees.</b>
4	Section 5	<b>5. Penalty for counterfeiting grade designation mark.--</b> Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark, shall be punishable with imprisonment for a term not	<b>5. Penalty for counterfeiting grade designation mark.--</b> Whoever counterfeits any grade designation mark, or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark, shall be punishable with <b>penalty of eight lakh rupees.</b>

		exceeding three years and fine not exceeding five thousand rupees.	
5	<b>Section 5A</b>	<b>5A. Penalty for selling misgraded articles.--</b> Whoever sells any scheduled article which is misgraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.	<b>5A. Penalty for selling misgraded articles.--</b> Whoever sells any scheduled article which is misgraded shall be punishable with <b>penalty of three lakh rupees."</b>
6	<b>Section 5B (4)</b>	<b>5B. Power to prescribe compulsory grade designations in respect of certain articles.—</b> (4)Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.	<b>5B. Power to prescribe compulsory grade designations in respect of certain articles.--</b> (4) Whoever contravenes the provisions of this section shall be punishable with <b>penalty of five lakh rupees.</b>
7	<b>Section 5C</b>	<b>5C. Institution of prosecution.—</b> No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by— (a) the Central Government or the State Government or any officer authorised by it in writing; or (b) the person aggrieved; or (c) a recognised consumer association, whether the person aggrieved is a member of that association or not. Explanation.—For the purposes of this section, “recognised consumer association” means a voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.	<b>5C. Adjudicating officer.--</b> (1) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry in the manner, as may be prescribed and to impose penalty:  Provided that the Central Government may appoint as many adjudicating officers as may be required. (2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be

			<p>useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 4, 5, 5A, 5B, he may impose penalty: Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p>
8	<b>Insertion of new Section 5D</b>	Nil	<p><b>5D. Appeal.-</b> (1) Any person aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person in such manner as may be prescribed.</p> <p>(2) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit, confirming, modifying or setting aside the order appealed against.</p> <p>(3) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</p>
9	<b>Insertion of new Section 5E</b>	Nil	<p><b>5E. Recovery.--</b> Notwithstanding anything contained in this Act, if penalty imposed by adjudicating officer under section 5C or the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrears of land revenue.</p>

## 2.35. **Submissions by the Ministry:**

2.35.1. In their background note submitted to the Committee, the Department of Agriculture and Farmers Welfare (Ministry of Agriculture and Farmers' Welfare) submitted:

The Agricultural Produce (Grading and Marking) Act, 1937 is implemented by Directorate of Marketing & Inspection (DMI), an attached office of DA&FW with its Headquarters at Faridabad and Regional and Sub - Offices spread across the country.

Agmark certification is a voluntary scheme except for food products like Blended Edible Vegetable Oil, Fat Spread, which are mandated by Food Safety and Standards (Prohibition and Restriction on Sale) Regulations, 2011.

2.35.2. Elaborating on the need for the proposed amendments, the Ministry in their background note submitted as under:

“In sync with national policy to reform and decriminalize the policies and laws to promote ease of doing business and ease of life, Dept. of Agriculture and Farmers Welfare (DA&FW) has identified the Agriculture Produce (Grading & Marking) Act, 1937 to decriminalize by completely removing the imprisonment clauses and substituting the same by monetary penalties. The imprisonment clauses existed in four sections, namely 4, 5, 5A and 5B of the Act.

Department undertook consultation with the stakeholders like Agmark packers / manufacturers, graders / quality analysts and State Government officials to arrive at the conclusion for need of decriminalizing the aforesaid law. Thus, considering the discussions in the administrative Ministry /Department, suggestions of NITI Aayog and Department of Promotion of Industry and Internal Trade (DPIIT) and further stakeholder consultation with respect to amendment provisions, the proposal to decriminalize the imprisonment penal provisions was decided. Furthermore, to arrive at the reasonable monetary amount for penalty it was benchmarked with the similar provisions of Food Safety and Standards (FSS) Act, 2006.

The proposed decriminalization amendments in the aforesaid Act would facilitate in development of supportive ecosystem for food and agribusiness. Further, the proposed amendment would also make the Act more implementable.

The beneficiary of the proposed amendment provisions of aforesaid Act under umbrella Bill of “the Jan Vishwas (Amendment of Provisions) Bill, 2022” would largely be manufacturers/packers/Food business operators, who grade and mark the raw or processed commodity in the packaged form under AGMARK. In addition, consumers who consume agmark product are also the beneficiary. Apart from above, ease of doing business would encourage manufacturers and packers to grade and mark more quantities of agricultural produce, creating thereby demand in the market and indirectly benefitting the farming community in terms of better price realization.”



## 2.36. Discussion in the sitting of the Committee:

2.36.1. During the sitting held on 16<sup>th</sup> January, 2023, concerns were raised by the members of the Committee that the raise of penalty would lead to corruption, extortion and harassment of micro food enterprises. In this regard, the representative of the Department submitted as under:

“सर, इसके लिए कितनी पेनाल्टी लगायी जाए, 8 लाख हो सकती है, 5 लाख हो सकती है, 1 लाख भी हो सकती है या 15 लाख भी हो सकती है, कैसे वह पेनाल्टी निर्धारित करें, इसके लिए हम लोगों ने एक स्टैक होल्डर कंसल्टेशन किया था। जहां पर ये सारे जितने भी मैनुफैक्चरर्स हैं, पैकर्स हैं, उन सभी के साथ मीटिंग हुई थी। स्टैकहोल्डर कंसल्टेशन हुआ था। नीति आयोग के साथ और कॉमर्स के साथ मीटिंग्स हुई थीं। इसके बाद हमने एफ एस एस ए आई के साथ बेंचमार्क भी किया। उनके साथ बेंचमार्क करके यह पेनाल्टी अराइव किया गया है।”

2.36.2. Asked about the justification for removal of penal provisions in Section 5 of the Act relating to Penalty for counterfeiting grade design mark, Secretary, Ministry of Agriculture informed as under:

“Sir, this has been taken back voluntarily. जो ट्रेडर्स और मैनुफैक्चरर्स इसको ले रहे हैं, वह भी चाहते हैं कि उनके प्रोडक्ट की गुणवत्ता मार्केट में स्थापित हो वह उसके लिए लेते हैं। अभी तक जितने लोगों ने भी लिए हैं, सिर्फ 3 हजार 770 लोगों ने लिया है। बहुत ज्यादा स्केल में लोगों ने नहीं लिया है। इसमें हर महीने हमारी मॉनिटरिंग होती है, अभी तक इतने बड़े केस नहीं आए हैं, We can take resort to IPC also. इसमें चिटिंग और काउन्टरफिटिंग इसमें आ जाते हैं। अगर हमें लगेगा कि कोई जघन्य अपराध हो रहा है तो हम अपनी अथराइजेशन भी विज्ञा कर सकते हैं।”

## 2.37. Suggestions by the Committee:

2.37.1. After detailed discussions and clarifications on the amendments proposed to be made in the Act, the Committee decided to consider, *inter alia*, the following modifications to the amendments proposed to the Agricultural Produce (Grading and Marking) Act, 1937, specified at Serial No. 5 of the Schedule to the Bill, during Clause-by-Clause consideration:

Section 5: Enhancement of penalty of eight lakh rupees to fifteen lakh rupees.

Section 5D: Deletion of the word “modifying” in sub-section (2) of section 5D.

Section 5E: Substitution of the words “amount shall be recovered in the same manner as an arrear of land revenue” for the words “amount shall be recovered as arrears of land revenue” so as to bring clarity in the expression.

## The Drugs and Cosmetics Act, 1940

[Serial No. 6 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.38. **Administering Ministry:** **Ministry of Health and Family Welfare**  
**[Department of Health and Family Welfare]**

2.39. **Purpose of the Act:** The Drugs and Cosmetics Act, 1940 is an Act to regulate the import, manufacture, distribution and sale of drugs and cosmetics in India. The Act prescribes penalties for the contraventions of various provisions prescribed in the Act.

2.40. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	<b>Section 30(2)</b>	Whoever, having been convicted of an offence under section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees or with both.	Whoever, having been convicted of an offence under section 29 is again convicted of an offence under the same section, shall be punishable with <b>fine which shall not be less than five lakh rupees.</b>
2	<b>Section 32B (1)</b>	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) any offence punishable under clause (b) of sub-section (1) of section 13, section 28 and section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) any offence punishable under clause (b) of sub-section (1) of section 13, <b>clause (d) of section 27 and clause (ii) of section 27A,</b> section 28 and section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to that Government of such

	<p>credit to that Government of such sum as that Government may, by rules made in this behalf, specify: Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded: Provided further that in cases of subsequent offences, the same shall not be compoundable.</p>	<p>sum as that Government may, by rules made in this behalf, specify: Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded: Provided further that in cases of subsequent offences, the same shall not be compoundable.</p>
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#### 2.41. **Submissions by the Ministry:**

2.41.1. The Ministry of Health and family Welfare in their background note has submitted the following information regarding the proposed amendments in the Act:-

“**Section 30(2)** of the said Act relates to the fine to be imposed for the second/subsequent use of a Government analyst report for the purpose of advertising, which has inherent risk of misuse of forcing/ influencing prescriptions or self medication, etc. or to get the undue advantage by repeating the same offence. However, it is felt that the imprisonment provision can be removed and penalty of a proper fine would be appropriate to address this offence. Hence this provision is proposed to be decriminalized

**Section 29** deals with the fine to be imposed in case of the first time use of such a report for advertising. The imprisonment clause in Section 30(2) is being proposed to be removed and the fine increased from ten thousand rupees to upto five lakh rupees.

**Section 32B (1)** deals with compounding of offences under the Drugs and Cosmetics Act. It is proposed to include section 27(d) and section 27A(ii) of the said Act under the ambit of compounding by inserting them in Section 32B(1).

**Section 27(d)** deals with the manufacture, sale etc of drugs in contraventions of the provisions of this Act (other than spurious, adulterated or without a valid license).

**Section 27A (ii)** deals with the manufacture, sale etc of cosmetics in contraventions of the provisions of this Act (other than spurious or adulterated cosmetics).

Both the section are related to quality failure. It is felt that the enhanced penalty and prescribing compounding mechanism in rules would be appropriate to address this offence. Hence this provision is proposed to be made compoundable and decriminalized to that extent accordingly.”

## 2.42. **Discussion in the sitting of the Committee:**

2.42.1. In this regard, the Secretary, Department of Health and Family Welfare, during the sitting of the Committee on 7.2.2023, deposed before the Committee as under:

*“.....The amendments are proposed in Sections 32, 27(d), 27A(ii) Section 32 deals with penalty for subsequent offences. The proposal is that there was an imprisonment provision, which could extend to two years, which has been removed. There was also a provision for fine. In the original Act, the fine was up to Rs.10,000 or with both, that is imprisonment as well as Rs. 10,000 fine. The fine has now been increased to not less than Rs. 5 lakh. So, from Rs. 10,000 it has become not less than Rs. 5 lakh, and up to two years imprisonment clause has been removed.*

*Section 27(d) deals with penalty for manufacture, sale, etc. of certain drugs other than drugs, which are spurious or adulterated. Here also, there was a provision of imprisonment for a term, which shall not be less than one year but may extend to two years. Similarly, in Section 27A (ii) provision there is penalty for manufacture, sale, etc. of cosmetics. It is a similar as Section 27(d), which focuses on drugs and Section 27A(ii), which focuses on cosmetics. Here, it was imprisonment up to one year. So, in both Sections 27(d) as well as 27A(ii) the provision of imprisonment has been removed and compounding of offences has been included.”*

2.42.2. The Committee wanted to know whether Section 32B provides for compounding of offences. The Secretary, D/o Health & Family Welfare, stated that Section 32(B) being an omnibus section refers to section 13, 28 and 28(A) of this Act. And to this two more sections 27 (d) and 27(A) (ii) have been added.

2.42.3. The Committee in this connection wished to know about the rationale for including these two sections in Section 32B and making them compoundable, the representatives of the Ministry replied that hypothetically, nothing should be compounded as all offences under this act are, offences against society.

2.42.4. While deliberating upon the amendments in section 30 (2), the Committee desired to be apprised about the rational for increasing the penalty for subsequent offence to Rs. 5 lakh from Rs. 5000 for first offence under Section 29. The Committee suggested that to reduce this difference the amount of five thousand under section 29 may also be enhanced to rupees one lakh and fine maybe converted into penalty to ensure administrative adjudication. The Committee also suggested Ministry to change heading of Section 29 and use the word 'punishment' in it.

2.42.5. The Committee asked Ministry to use word 'punishment' in place of 'penalty' in respect of sections 13, 27, 27A, 28, 28A, 28B, 29, 30 and 33(i) and 33J and also elsewhere, where the change is required in the Act, after checking its consequential effect.

## 2.43. **Suggestions by the Committee:**

2.43.1. After detailed discussions and clarifications on the amendments proposed to be made in the Act, the Committee decided to consider, *inter alia*, the following modifications to

the amendments proposed to the Drugs and Cosmetics Act, 1940, specified at Serial No. 6 of the Schedule to the Bill, during Clause-by-Clause consideration:

Section 29 : Fine to be increased from Rs. 5000 to Rs. 1 lakh

Section 13(3) 27, 27A, 28, 28A, 28B, 29, 30 and 33 (1): Word `penalty' to be substituted by `punishment'.

Substitution of the word may be carried out in other sections after checking its consequential effect.

## The Public Debt Act, 1944

### [Serial No. 7 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.44. **Administering Ministry:** Ministry of Finance  
[Department of Economic Affairs]

2.45. **Purpose of the Act:** To consolidate and amend the law relating to Government securities and to the management by the Reserve Bank of India of the public debt of the Government. The Public Debt Act, 1944 applies to Government securities, created and issued by the Central Government or a State Government. As per the Act, a “Government security” means – (A) a security, created and issued, by the Government for raising a public loan, and having one of the following forms, namely, (i) Stock, (ii) a promissory note payable to bearer and (iii) a form prescribed in this behalf; (B) any other security created and issued by the Government in such form and for such of the purposes of this Act as may be prescribed.

2.45.1. In 2006, the Government enacted the Government Securities Act, 2006 to consolidate and amend the law relating to Government securities and its management by the Reserve Bank of India and for matters connected therewith or incidental thereto. Section 1(2) of the Government Securities Act, 2006 states that it applies to the Government securities created and issued, whether before or after the commencement of this Act, by the Central Government or a State Government. Further, 31(1) of the Government Securities Act, 2006 provides that the Public Debt Act, 1944 shall cease to apply to the Government securities to which Government Securities Act, 2006 is applicable and to all matters for which provisions have been made by this Act.

2.46. **Amendments proposed to the Act**

Sl. No.	Section	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	Section 27	<p><b>Penalty.</b>—(1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority under this Act in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.</p> <p>(2) No Court shall take cognizance of any offence under sub-section (1) except on the complaint of the Bank.</p>	Proposed for omission in the Bill, as introduced.

#### **2.47. Submission by the Ministry:**

The Department of Economic Affairs has proposed to omit sub-section (1) of Section 27 of the Public Debt Act, 1944 and in consequence thereto sub-section (2) of Section 27 of the Act. In their background note, the Department has given the following rationale for omitting the said Section:

- (i) The existing Public Debt Act, 1944 doesn't explicitly mention the quantum of fine in the Act. Besides, the Public Debt Act, 1944 coexists with the Government Securities Act, 2006, for the Government Securities Act, 2006 was not adopted by the erstwhile state of Jammu and Kashmir.
- (ii) Currently, the proposed amendment will not affect any stakeholder as the Public Debt Act, 1944 co-exists with the Government Securities Act, 2006 just for the erstwhile state of Jammu and Kashmir. However, post-enactment of the Jammu and Kashmir Reorganisation Act, 2019, the State of Jammu & Kashmir was reorganised into two separate Union Territories and, thus, the process of repealing the Public Debt Act, 1944 is underway thereby making Government Securities Act, 2006 applicable to all states and UTs.
- (iii) As confirmed by the Reserve Bank of India, there has not been any instance of invocation of Section 27 of Public Debt Act, 1944.

#### **2.48. Discussion in the sitting of the Committee:**

During the sitting held on 6<sup>th</sup>February, 2023, the Committee discussed the proposal of the Department of Economic Affairs with the representatives of the Department. The Department briefed the Committee on the proposed amendment regarding omission of Section 27 of the Public Debt Act, 1944.

#### **2.49. Suggestions by the Committee:**

2.49.1. After the briefing by the Ministry on the proposed omission of Section 27 of the Act, the Committee agreed, in principle, with the amendment proposed to the Public Debt Act, 1944, specified at Sr. No. 7 of the Schedule to the Bill and decided to consider the suggestions, if required, during clause-by-clause consideration of the Bill.

## The Rubber Act, 1947

**[Serial No. 8 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.50. **Administering Ministry:**      **Ministry of Commerce & Industry**  
**[Department of Commerce]**

2.51. **Purpose of the Act:**      The Rubber Act 1947 provides for the development [under the control of the Union] of the rubber industry. The Act provides for the constitution of a Board for the overall promotion and development of the rubber sector under government's guidance and control. The Rubber Act also provided that the government must maintain control over rubber production for any unexpected exigencies.

2.52. **Amendments proposed in the Act:**

Sl. No.	Section	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	<b>Section 11(3)</b>	If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year or with fine or with both.	If any person contravenes any order made under sub-section (1), (of Section 11) he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (2), be punishable with <b>penalty which may extend to one lakh rupees or cancellation of licence issued under Section 14, or with both.</b>
2	<b>Section 13(3)</b>	If any person buys or sells, or agrees to buy or sell, rubber at a price which is more than the maximum price, or less than the minimum price, fixed under sub-section (1) in that behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.	Proposed for omission in the Bill, as introduced.
3	<b>Section 26(1)</b>	If any person-- (a) contravenes any provision of this Act, other than section 11 or section 13, or any rule made under this Act, or	If any person-- (a) contravenes any provision of this Act, other than section 11 or section 13, or any rule made under this Act, or



	<p>(b) in any report or return to be furnished under this Act, makes any statement which is false and which he knows to be false or does not believe to be true, or</p> <p>(c) obstructs any officer of the Board in the discharge of any duty imposed on or entrusted to him by or under this Act, or</p> <p>(d) having the control or custody of any account book or other record, fails to produce such book or record when required by any authorized officer to do so, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.</p>	<p>(b) in any report or return to be furnished under this Act, makes any statement which is false and which he knows to be false or does not believe to be true, or</p> <p>(c) obstructs any officer of the Board in the discharge of any duty imposed on or entrusted to him by or under this Act, or</p> <p>(d) having the control or custody of any account book or other record, fails to produce such book or record when required by any authorized officer to do so, he shall be <b>liable to pay penalty which may extend to fifty thousand rupees.</b></p>
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## 2.53. Submissions by the Ministry:

2.53.1. Elaborating on the need for the proposed amendments, the Ministry in their background note have submitted as under:

“The Rubber Act 1947 provides for the constitution of a Board for the overall promotion and development of the rubber sector under government’s guidance and control. The Rubber Act also provided that the government must maintain control over rubber production for any unexpected exigencies. Rubber Act, 1947 had provisions prescribing criminal penalties for offenses under the Act. Section 11, 13 and 26 stipulates criminal penalty for contravention of provisions under various Sections of the Act.

- i) Sub section (3) of Section 11 stipulates the criminal penalty for contravening any order issued by the Central Government on prohibiting, restricting or otherwise controlling the import or export of rubber.
- ii) Sub section (3) of Section 13 stipulates the criminal penalty for contravention of Section 13 (1) relating to control of price – maximum or minimum of rubber and
- iii) Section 26 stipulates criminal penalty for contravention of any provision of Rubber Act other than Section 11 or Section 13 or for making a false statement or for obstructing any Officer of the Board in the discharge of his duties or for failure to produce books and records.

The criminal provisions were enacted during a period when restriction and regulation were the key words. Currently, there is a felt need to decriminalize the contravention of provisions under the Rubber Act, with a view to facilitate ease of doing business and to enable trade and commerce in rubber in a liberalized environment.

Accordingly, amendments have been proposed, vide Sl. No 8 of the Jan Vishwas (Amendment of Provisions) Bill, 2022, to provisions under Section 11,13 and 26 of Rubber Act, 1947. The jail term and fine provided under Section 11(3) is proposed to be substituted with penalty which may extend one lakh rupees or cancellation of licence issued under Section 14 or both. The jail term and fine in Section 26(1)(d) is proposed to be substituted with penalty which may extend to fifty thousand rupees. Also, Section 13 of the Rubber Act, which prescribed punishment of imprisonment for contravention of Section 13(1) of the Act (relating to power to fix maximum and minimum prices for sale of rubber), has been proposed for deletion, aiming at de-regulation and trade facilitation.

The stakeholders benefitted by the amendments are rubber dealers, processors and manufacturers. Decriminalization of the provisions in the existing Act will facilitate ease of doing business and provide fair & equitable benefits to all stakeholders, thereby ensuring that Rubber Board acts as a facilitator rather than regulator of the sector and promotes faster growth and development of rubber industry in a liberalized environment. An approximate number of rubber dealers, processors and manufacturers who will be benefitted are 8,200, 110 and 4,500, respectively.”

#### 2.54. **Suggestions by the Committee:**

2.54.1. After briefing by the representatives of the Ministry and clarifications on the amendments proposed to be made in the Act, the Committee decided to consider, *inter alia*, the following modification to the amendments proposed to the Rubber Act, 1947, specified at Serial No. 8 of the Schedule to the Bill, during Clause-by-Clause consideration:

Section 26: An adjudication mechanism with appellate provisions may be provided for penalties in the proposed provisions.

## The Pharmacy Act, 1948

[Serial No. 9 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.55. **Administering Ministry:** Ministry of Health and Family Welfare  
[Department of Health and Family Welfare]

2.56. **Purpose of the Act:** The Pharmacy Act, 1948 was enacted to regulate the profession of pharmacy. Whereas it is expedient to make better provision for the regulation of the profession and practice of pharmacy and for that purpose to constitute Pharmacy Councils.

2.56.1. Pharmacy Council of India regulates pharmacy education by prescribing the minimum qualification for registration as a pharmacist to practice the pharmacy profession.

2.57. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	Section 26A (3)	Any person willfully obstructing an Inspector in the exercise of the powers conferred on him by or under this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.	Any person willfully obstructing an Inspector in the exercise of the powers conferred on him by or under this Act or any rules made thereunder shall be punishable <b>on first conviction with fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees.</b>
2	Section 41 (1)	If any person whose name is not for the time being entered into the register of the State falsely pretends that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both: Provided that it shall be a	If any person whose name is not for the time being entered in the register of the State claims that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to fifty thousand rupees and on any subsequent conviction with fine not exceeding one lakh rupees:  Provided that it shall not be an offence if the name of the person is entered in the register of another State and that at the time of the claim, an application for registration in the State had been made.

		defense to show that the name of the accused is entered in the register of another State and that at the time of the alleged offence under this section an application for registration in the State had been made.	
<b>3</b>	<b>Section 42 (2)</b>	Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both.	(2) Whoever contravenes the provisions of sub-section (1) be punishable <b>with fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees.</b>

### 2.58. Submissions by the Ministry:

2.58.1. As per the information provided in their background note by the Ministry of Health and Family Welfare, following provisions are proposed to be amended :-

“Section 26(3) of the said Act deals with the punishment for willfully obstructing an Inspector in the exercise of the powers conferred on him/her under this Act. Amendment has been proposed to reduce quantum of imprisonment and to enhance the fine.

Section 41(1) of the said Act deals with the penalty for falsely claiming to be registered. Amendment has been proposed to reduce quantum of imprisonment and to enhance the fine.

Section 42(2) of the said Act deals with the penalty for dispensing of medical products by unregistered persons. Amendment has been proposed to reduce quantum of imprisonment and to enhance the fine.”

### 2.59. Discussion in the sitting of the Committee:

2.59.1. The representative, the Department of Health and Family Welfare, during the briefing on the proposed amendments on 7<sup>th</sup> February, 2023, informed the Committee that the Pharmacy Act, 1948 being an old Act needs considerable changes. However, in this Bill changes have been proposed in section 26 (A) (3) and 41(1). Section 26A, deals with the inspection by inspectors and willfully obstructing the inspector, while he performs his duty. The imprisonment in this section has been removed to decriminalise it. The Committee suggested Ministry to convert ‘fine’ into ‘penalty’ as imprisonment has also been done away with.

2.59.2. The Ministry representatives informed the Committee that there would be need to incorporate administrative adjudicating mechanism in the Act for realising and recovering penalty, which is presently not there and committed to incorporate mechanism and provision for authority in the Act.

2.59.3. As regards section 41, which pertains to a person falsely claiming his name to be entered in Register of the State, maintaining records of licenced pharmacists, the Ministry informed that imprisonment has been removed from this section.

2.59.4. The Committee suggested Ministry to replace the word 'Offence' in Section 41(1) and instead 'violation' or 'failure' may be used. The Committee further suggested Ministry to not to completely decriminalise section 41(1) and to only reduce punishment to three months period and increase the amount of fine.

2.59.5. On being asked, if the word 'punishable' could be removed in section 42(2) as 41(1) has been partially decriminalised, the representatives, Ministry of Health apprised that in 42(2) imprisonment should not be removed as it is a serious offence. The Committee accordingly, suggested to minimise the punishment from 6 months to 3 months and enhanced fine from one thousand rupees to two lakh rupees.

## 2.60. **Suggestions by the Committee:**

2.60.1. After detailed discussions, the Committee decided to consider, *inter alia*, the following suggestions to the amendments proposed to the Pharmacy Act, 1948, specified at Serial No. 9 of the Schedule to the Bill, if required, during Clause-by-Clause consideration:

Section 41:           (i) Imprisonment to be reduced from six to three months.  
                          (ii) Fine to be enhanced from ~~Rs. One lakh~~ to two lakh rupees.  
                          (iii) Word 'Offence' to be substituted by 'Violation'.

Section 42(2):       Imprisonment to be reduced from 6 months to 3 months and amount of fine to be increased from one thousand to two lakh rupees.

Section 42(3):       Consequential amendments.

## The Industries (Development and Regulation) Act, 1951

### [Serial No. 10 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.61. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.62. **Purpose of the Act:** The Act provides the conceptual and legal framework for industrial development and regulation in India. The Act was framed to bring under Central control the development and regulation of a number of important industries the activities of which affect the economic factors which affect the country as a whole. This act was created initially with the purpose of regulating industries such so that there was greater focus on mass employment generation through sectors of large transformational consequence. The act continued to be amended on a small-scale over the years, in an effort to deal with the immediate economic issues. The Industry policy of 1991 was the most notable amendment in the act's history, where industrial licensing rules were struck down, opening the door for stronger participation from the private sector as well as foreign investment, thus allowing India to start its journey of establishing its place in the world as an economic giant. It has undergone multiple amendments since its inception whilst still serving as a reference material for multiple definitions and provisions such as the constitution of the Central Advisory Council and Development Council.

2.63. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	<b>Section 24(1)</b>	<p>(1) If any person contravenes or attempts to contravene or abets the contravention of—</p> <p>(i) the provisions of sub-section (1) [or sub-section (4)] of section 10 or of sub-section (1) of section 11 or of section 11A or of sub-section (1) of section 13 [or of [sub-sections (2), (2A), (2D), (2F) and (2G) of section 29B]], or</p> <p>(ii) any direction issued under section 16 or sub-section (3) of section 18B, or</p> <p>(iii) any order made under section 18G, or</p> <p>(iv) any rule the contravention of which is made punishable under this section,</p> <p>he shall be punishable with</p>	<p>(1) If any person contravenes or attempts to contravene or abets the contravention of—</p> <p>(i) the provisions of sub-section (1) [or sub-section (4)] of section 10 or of sub-section (1) of section 11 or of section 11A or of sub-section (1) of section 13 [or of [sub-sections (2), (2A), (2D), (2F) and (2G) of section 29B]], or</p> <p>(ii) any direction issued under section 16 or sub-section (3) of section 18B, or</p> <p>(iii) any order made under section 18G, or</p> <p>(iv) any rule the contravention of which is made punishable under this section,</p>

		imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.	<b>he shall be punishable with fine which may extend to twenty-five lakh rupees.</b>
<b>2.</b>	<b>Section 24A</b>	Penalty for false statements.—If any person,— (a) when required by this Act or by any order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false or does not believe to be true; or  (b) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any order made under this Act to maintain or furnish; he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both.]	Proposed for omission in the Bill, as introduced.

#### 2.64. **Submission by the Ministry:**

2.64.1. The Department for Promotion of Industry and Internal Trade has proposed to amend Section 24 and omit Section 24A of the Industrial (Development and Regulation) Act, 1951. In their background note, the Department has stated that as per Press Note 3 of 2019 dated 11<sup>th</sup> September, 2019, only following four Industries are covered under compulsory licensing:

- i. Cigars and Cigarettes of tobacco and manufactured tobacco substitutes.
- ii. Electronic aerospace and defence equipment.
- iii. Industrial Explosives.
- iv. Hazardous Chemicals.

## 2.65. **Discussion in the sitting of the Committee:**

2.65.1. During the sitting of the Committee held on 31<sup>st</sup> January, 2023, the representatives of the Department gave their presentation on the proposed amendments before the Committee. They submitted the justification that the amendment proposed in Section 24 of the Act would lead to improvement in Ease of Doing Business by simplification of process, reduction in compliance burden and that too without compromising the safety and national security considerations. As regards omitting Section 24A of the Act, they submitted that omission of this obsolete penal provision for minor offences is being proposed for further facilitation of Ease of Doing Business and Ease of Living for all citizens. The perception of punishment by potential investors and business leads to insecurity and hampers investment decisions. The above proposal to amend the law having punitive consequences to replacing with fine would retain the purpose of imposing sanctions having a deterrent effect on the offender.

2.65.2. The Committee discussed the proposed amendments in detail with the representatives of the Department. The Committee was of the opinion that to decriminalize the provision, it would be apt to replace 'fine' with 'penalty'. The Committee also felt that there is a need to have adjudication and appellate mechanism to impose and recover penalties.

## 2.66. **Suggestions by the Committee:**

2.66.1. After detailed deliberations, the Committee decided to consider *inter alia* the following suggestions/modifications to the amendments proposed to the Industries (Development and Regulation) Act, 1951, specified at serial no. 10 of the Schedule to the Bill, during clause by clause consideration:

- (i) The currently prescribed fine may be replaced with penalty.
- (ii) In case of Penalties, where the penalty amount is high, Adjudication and Appellate mechanism may be proposed and where the penalty amount is less, adjudication mechanism is not required.
- (iii) Whether the amendments to the Acts can have a retrospective effect.



## The Cinematograph Act, 1952

**[Serial No. 11 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

**2.67. Administering Ministry: Ministry of Information and Broadcasting**

**2.68. Purpose of the Act:** The Indian Cinematograph Act of 1952 is a law that governs the certification of cinematograph films for display and the regulation of cinematograph exhibits. The Central Board of Film Certification (CBFC) setup under the Cinematograph Act, 1952 performs the statutory function of certifying films for public exhibition under the provisions of the Cinematograph Act, 1952. The Cinematograph Act, 1952 is read along with the Cinematograph (Certification) Rules, 1983 and the Central Government guidelines of 1991 are the statutes from where the CBFC derives its authority. The Enforcement of Compliance to the Provisions of Cinematograph Act, 1952 is entrusted to State Govt.

**2.69. Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1.	<b>Section 7(1)</b>	<p><b>Penalties for contraventions of this Part.—</b></p> <p>(1) If any person—</p> <p>(a) exhibits or permits to be exhibited in any place—</p> <p>(i) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults or to members of any profession or any class of persons] and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,</p> <p>(ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,</p>	<p><b>7. Penalties for contraventions of this Part.-</b></p> <p>(1) If any person--</p> <p>(a) without lawful authority (the burden of proving which shall be on such person), alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with a fine which shall not be less than ten lakh rupees, or with both.</p> <p>(b) exhibits or permits to be exhibited in any place, any film:</p> <p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered, or tampered with after the mark</p>

		<p>(iia) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or'];</p> <p>(b) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way any film after it has been certified, or</p> <p>(c) fails to comply with the provision contained in Section 6-A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:          Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of</p>	<p>has been affixed, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(d) exhibits or permits to be exhibited any film, which has been certified by the Board as "A" within the meaning of this Act, to any minor, such person shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in the manner as may be prescribed;</p> <p>(e) exhibits or permits to be exhibited any film, which has been certified by the Board as "S" within the meaning of this Act, to a person who is not a member of such profession or class shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by such authorised officer in such manner as may be prescribed;</p>
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		<p>a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:</p> <p>Provided further that a court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees:</p> <p>Provided further that notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part:</p> <p>Provided also no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on a film as "UA" under this Part.</p>	<p>(f) fails to comply with the provision contained in Section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, he shall be liable to a penalty not exceeding five lakh rupees, levied by the authorised officer and in such manner as may be prescribed:</p> <p>Provided that notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part under clauses (a) to (c):</p> <p>Provided further that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on that has been certified as "UA" under this Part.</p>
2.	<b>Insertion of new sub-section (4) in Section 7</b>	Nil	(4) Any person aggrieved by any penalty imposed under clauses (d) to (f) of sub-section (1), may prefer an appeal in such manner and to such appellate authority as may be prescribed.
3.	<b>Insertion of new clauses after clause (c) in Section 8</b>		<p><b>(ca)</b> the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;</p> <p><b>(cb)</b> the manner of preferring</p>

			appeal and appellate authority under sub-section (4) of section 7;
3.	<b>Section 14</b>	<b>Penalties for contravention of this Part.</b> If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.	<b>Penalties for contravention of this Part.</b> If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to <b>one lakh rupees and, in the case of a continuing offence, with a further fine which may extend to ten thousand rupees for each day during which the offence continues.</b>

## 2.70. Submissions of the Ministry:

2.70.1. In their written submission to the Committee, the Ministry of I&B informed that the violation of the provisions of the Cinematograph Act and Rules may take place in various forms. The penalties for contraventions of provisions of the Cinematograph Act, 1952 are prescribed under sections 7(1) and 14 of the Act. The Ministry of I&B has proposed Amendments in sections 7(1) and 14 of the Cinematograph Act, 1952 for decriminalization & rationalization of the penalty provisions and to make the Act consistent with the Government's Ease of Doing Business policy. New clauses in section 8 are also proposed to be inserted to make rules for the purpose of carrying into effect the proposed provisions.

2.70.2. The Ministry in their background note, further, stated the Sections 7(1) and 14 of Act, 1952 provides for Penalties their decriminalization has been formulated wherein:

“a. In order to adhere to the Government of India's mandate of decriminalization, the punishment of imprisonment has been removed and only penalties would be levied in cases of a) exhibition of 'A' film to non-adults; b) exhibition of 'S' film to a member not of such profession or class; and c) breach of section 6A regarding information and documents to be given to distributors and exhibitors with respect to certified films. However, the quantum of penalty has been increased to act as an effective deterrent and to make it commensurate with the times.

It has been proposed that the penalties in the above cases shall be imposed by an authorized officer after giving reasonable opportunity of being heard. Any person aggrieved by any penalty imposed, may prefer an appeal in such manner and to such appellate authority as may be prescribed.

- b. The punishment of imprisonment has been retained keeping in mind the gravity of the offence in the cases of a) tampering with a film after it has been certified; and b) exhibition of a film or a video film in a form other than the one in which it was certified, i.e. with interpolations. The quantum of fine has been increased to act as an effective deterrent and to make it commensurate with the times.”

## **2.71. Discussion in the sitting of the Committee:**

2.71.1. During their sitting on 9<sup>th</sup> February, 2023, the Committee was briefed by the representatives of Ministry of Information and Broadcasting that under section 14 amount of fine to be imposed on the owner or any person in charge of a cinematograph, in case of contravention of that part of the Act has been increased from one thousand to one lakh rupees and in the case of a continuing offence from rupees hundred to ten thousand rupees each day. The Committee suggested Ministry that in case of penalties the words “penalty” “contravention” and “liable” may be used instead of “fine” or “punishable” to decriminalise the section to facilitate administrative adjudication of the contravention of the Act.

2.71.2. In view of the above, the Committee asked Ministry to bring in consequential changes in Section 15 as well, which provides for “Power to revoke licence” of a license holder, who has been convicted of an offence under section 7 or 14, as there would be no conviction under section 14 which has now been decriminalised. The representative, Ministry of Information and Broadcasting responded affirmatively, that section 7 in itself is providing for two categories of offences where 3 offences are of minor category i.e. 7(1) a, b & c.

2.71.3. The Committee asked Ministry to bring changes accordingly, as on the basis of contravention, it may be penalty or it may be imprisonment, if both the things are covered under sections 7 and 14, then word convicted may be avoided and instead contravention may be used. The Ministry representatives assured the Committee to examine the matter in light of suggestions of the Committee to incorporate requisite changes.

2.71.4. The Ministry representatives informed the Committee that in section 7(1) (a) to (c) licence can be revoked in first instance; though the same is not mandatory, but power could be exercised. Therefore, the Ministry proposed to divide section 15 into 15(1) and 15(2) to include different sets of penalties under section 15 for minor offences under sub section (a) to(c) of Section 7(1) and different penalties under subsection (d) to (f) of section 7 (1) of section 14.

2.71.5. The Committee, in this regard asked Ministry to carry out consequential changes in Section 15 as well, which had not been brought for amendments to remove the ambiguity. The Section provides for “Power to revoke licence” and remove the ambiguity, which does not differentiate in the imposition of penalty in case of minor offences and repeated offence. The Committee asked to include objective consideration in the section stating in clear

manner the extent of power to revoke licence, which could be exercised in case of first and repeated offence.

**2.72. Suggestions by the Committee:**

2.72.1. After detailed discussions, the Committee agreed, in principle, with the amendments proposed to the Cinematograph Act of 1952, specified at Serial No. 11 of the Schedule to the Bill, and decided to consider the following suggestions, if required, during Clause-by-Clause consideration:

Section 14 – The terms “penalty” “contravention” and “liable” may be substituted for “fine” or “Punishable”.

Section 15 – Different set of penalties for major offences in sub sections (a) to (c) of Section 7(1) and for minor offences under sub sections (d) to (f) of Section 7 (1) OR Section 14.

## The Tea Act, 1953

### [Serial No. 12 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.73. **Administering Ministry:** Ministry of Commerce & Industry  
[Department of Commerce]

2.74. **Purpose of the Act:** The Tea Act, 1953 provides for the control by the Union of the Tea industry, including the control, in pursuance of the International Agreement now in force, of the cultivation of tea in, and of the export of tea from, India and for that purpose to establish a Tea Board and levy a duty of excise on tea produced in India.

2.75. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	<b>Section 38</b>	<p><b>38. Penalty for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.-</b> Any person who-</p> <p>(a) Obstructs a member authorised by the Chairman in writing or an officer of the Board or a person authorised in this behalf by the Central Government or by the Board in the exercise of any power conferred or in the discharge of any duty imposed on him by or under this Act, or</p> <p>(b) Having the control or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act. shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.</p>	Proposed to be omitted in the Bill, as introduced.
2	<b>Section 39</b>	<p><b>39. Penalty for illicit cultivation.--</b>Whoever knowingly plants tea or causes tea to be planted on any land in contravention of section 12 shall be punishable with fine which</p>	<p>Already Suspended in the Tea Act 1953 – 29 of 1953 through notification no S.O. 3415(E) dated 23.08.2021.</p> <p>Proposed to be omitted in the</p>

		may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.	Bill, as introduced.
3	<b>Section 40</b>	<b>40. Removal of tea planted without permission.</b> --Where any person has been convicted of any offence under section 39, the convicting court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and in the event of the order not being duly complied with, may cause, the tea to be removed and may recover the cost from the person convicted as if it were an arrears of land revenue due on the tea estate on which the offence was committed	Already Suspended in the Tea Act 1953 – 29 of 1953 through notification no S.O. 3415(E) dated 23.08.2021.  Proposed to be omitted in the Bill, as introduced.
4	<b>Section 41</b>	<b>Penalty for contravention of order relating to control of price and distribution.</b> --(1) If any person contravenes any order made under sub-section (1) or sub-section (3) of section 30, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both; and the property in respect of which the order has been contravened or such part thereof as to the court may seem fit, shall be forfeited to the Central Government. (2) Any person who attempts to contravene or abets the contravention of any order under sub-section (1) or sub-section (3) of section 30 shall be deemed to have contravened that order.	Proposed to be omitted in the Bill, as introduced.
5	<b>Section 42</b>	<b>42. Other penalties.</b> --Whoever contravenes or attempts to contravenes or abets the contravention of the provisions of	Proposed to be omitted in the Bill, as introduced.



	<p>this act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in section 36, 37, 38, 39, and 41 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention</p>	
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## 2.76. **Submissions by the Ministry:**

Elaborating on the need for the proposed amendments, the Ministry in their background note submitted as under:

“The Tea Act, 1953 was enacted on 28<sup>th</sup> May, 1953 and the Tea Board is a body established under Section 4 of the Act. It has been proposed to omit section 38, section, 39, section 40, section 41 and section 42 of the Tea Act, 1953 which prescribe for punishment for various offences. It is to state that section 39 and section 40 has already been suspended vide Gazette notification no S.O. 3415(E) dated 23.8.2021. Section 38, 39, 40, 41 and 42 which prescribe imprisonment as a mode of punishment for minor offences were relevant at the time of enactment of the Act. However, after elapse of 70 years, these penal provisions have lost their relevance.

These sections were relevant where there was restriction on tea cultivation, export and quota system for tea export was prevalent. Currently, such penal provisions have lost their relevance and may go against the policy of ease of doing business. Accordingly, it has been proposed, vide Sl. No 12 of the Jan Vishwas (Amendment of Provisions) Bill, 2022, to omit Section 38, 39, 40, 41 and 42 of the Tea Act, 1953.

The stakeholders benefitted by the amendments are tea planters, manufacturers, tea brokers, tea auctioneer, tea importers, tea warehouse owners, tea traders, and tea buyers. The number of stakeholders who are going to be benefitted from Jan Vishwas (Amendment of Provisions) Bill, 2022 are as follows:

<b>Category of Tea stakeholders</b>	<b>Number</b>
Small growers	2,29,526
Big growers	1567
Exporters	1970
Importers	317
Buyers	9524

Warehouse owners	381
Tea Waste License holders	3645
Brokers	20
Bought Leaf factories	788
Auctioneers	8

Decriminalization of the provisions in the existing Act will facilitate ease of doing business and provide fair & equitable benefits to all stakeholders, thereby ensuring that Tea Board acts as a facilitator and promotes faster growth and development of tea sector, besides promoting export of tea in a liberalized environment. "

## 2.77. **Suggestions by the Committee:**

2.77.1. After the briefing by the Ministry and clarifications on the amendments proposed to be made in the Tea Act, 1953, specified at serial no. 12 of the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration:

Section 41 : The penal provision be extended to contravention of orders also.

Section 42 : (i) Penalties be aligned with omnibus provisions of other Boards  
(ii) For penalties in the proposed provisions an adjudication mechanism with appellate provisions may be provided.

## The Copyright Act, 1957

### [Serial No. 13 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.78. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.79. **Purpose of the Act:** An Act to amend and consolidate the law relating to copyright.

2.80. **Amendments proposed to the Act:**

Sl. No.	Section	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	Section 68	<b>Section 68:</b> Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.— Any person who,—  (a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or  (b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,  makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.	Proposed for omission in the Bill, as introduced.

2.81. **Submission by the Ministry:**

2.81.1. The Department for Promotion of Industry and Internal Trade has proposed to omit Section 68 of the Copyright Act, 1957 which punishes the offence of making false statement or representation to deceive or influence the authority.

2.82. **Discussion in the sitting of the Committee:**

2.82.1. The Committee, in their sitting held on 31<sup>st</sup> January, 2023 gone through the presentation made by the Department and observed that that this provision is already covered under Section 177 of the Indian Penal Code Act, 1860, which read as under:

**177. Furnishing false information.** Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

2.83. **Suggestions by the Committee:**

After briefing by the Department, the Committee agreed, in principle, with the proposal to omit Section 68 of the Copyright Act, 1957, specified at serial no.13 of the Schedule to the Bill, and decided to consider the proposal during clause-by-clause consideration of the Bill.

## The Merchant Shipping Act, 1958

**[Serial No. 14 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.84. **Administering Ministry:** Ministry of Ports Shipping and waterways

2.85. **Purpose of the Act:** The Merchant Shipping Act, 1958, (MS Act) aims to foster the development and ensure the efficient maintenance of an Indian mercantile marine in a manner best suited to serve national interests. For this purpose, the act provides for the registration, certification, safety and security of Indian ships, training, certification, labour conditions and welfare of seafarers and matters concerning prevention of pollution from ships.

2.86. **Amendments proposed to the Act:**

Sl. No.	Section No. 436(2)	Existing Provision			Provision as amended by the Bill introduced in Lok Sabha		
		Sl. No.	Offences	Section of this Act to which offence has reference	Penalties	Offence	Penalty
1	16		If any person in the case of any declaration made in the presence of or produced to a registrar under Part V or in any document or other evidence produced to such registrar-	General	Imprisonment which may extend to six months, or fine which may extend to one thousand rupees, or both	-	Penalty which may extend to two lakh rupees. ”

		ship or any share in a ship; or (b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false.				
1	29	If any owner, master or agent wilfully disobeys any order under section 115.	115. <b>Power to prohibit engagement of persons as seamen.</b> — The Central Government or any officer authorised by it in this behalf, if satisfied that in the national interest or in the interests of seamen generally it is necessary so to do, may, by order in writing, prohibit the owner, master or agent of any ship other than an Indian ship specified in the order from engaging in India or in any specified part of India, any person to serve as a	Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both.	-	Penalty which may extend to Two lakh rupees.

			seaman on such ship.			
1.	35	If any person— (a) forges or fraudulently alters any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate; or (b) fraudulently uses any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate which is forged or altered or does not belong to him.	General	Imprison-ment which may extend to six months, or fine which may extend to five hundred rupees, or both.	-	Penalty which may extend to two lakh rupees. ”
2.	43	If any person commits a breach of any term of any award which is binding on him under sub-section (5) of section 150	General	Imprison-ment which may extend to one month, or fine which may extend to one thousand rupees, or both.	-	Penalty which may extend to two lakh rupees. ”.
3.	44	If a seaman or an owner contravenes section 151.	<b>151. Conditions of service, etc., to remain unchanged during pendency of</b>	Imprison-ment which may extend to six months, or fine which may extend to one thousand rupees, or	-	Penalty which may extend to fifty thousand rupees.

			<p><b>proceedings before tribunal—</b></p> <p>During the pendency of proceedings under section 150 —</p> <p>(a) no seamen or class of seamen or union of seamen shall go or remain on strike or otherwise act in a manner prejudicial to the normal operation of the ships in which the seamen are employed or are likely to be employed; and</p> <p>(b) no owner of a ship shall—</p> <p>(i) alter to the prejudice of the seamen concerned in the dispute, the conditions of service applicable to them immediately before the commencement of such proceedings;</p> <p>or</p> <p>(ii) discharge or punish any seaman in</p>	both.		
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			respect of any matter connected with the dispute.			
4.	57(a)	If a seaman or apprentice — (a) deserts his ship;	191. <b>Desertion and absence without leave.</b> —(1) No seaman lawfully engaged and no apprentice— <b>(a)</b> shall desert his ship;	He shall be liable to forfeit all or any part of the property he leaves on board and of the wages he has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in any other ship in which he may be employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, and also to imprisonment which may extend to three months;	-	“He shall be liable to forfeit all or any part of the property he leaves on board and of the wages he has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in another ship in which he may be

						employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him;"
5.	57(b)	(b) contravenes clause (b) of subsection (l) of section 191.	191. <b>Desertion and absence without leave.</b> (1) No seaman lawfully engaged and	he shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum	-	he shall, if the contravention does not amount

			no apprentice— ... <b>(b)</b> shall neglect or refuse, without reasonable cause, to join the ship or to proceed to sea in his ship or be absent without leave at any time within twenty-four hours of the ship's sailing from a port either at the commencement or during the progress of a voyage, or be absent at any time without leave and without sufficient reason from his ship or from his duty.	not exceeding two days pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months		to desertion, be liable to forfeit out of his wages a sum not exceeding two days pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.
6.	59(iv)	If a seaman or apprentice is guilty of the offence specified in— (iv) clauses (d) and (e) of section 194.	<b>194. General offences against discipline.</b> — A seaman lawfully engaged or an apprentice	Imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or	If a seaman or apprentice is guilty of the offence specified	-

			shall be guilty of an offence against discipline if he commits any of the following acts, namely: (e) if he combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or retard the progress of the voyage;	both;	in— (iv) clauses (d) of section 194.	
9.	-	-	-	-	Sr. No. 59 (iv a) clause (e) of section 194	Imprisonment which may extend to one month, and also for every twenty-four hour of such disobedience or neglect or forfeiture out of his wages of a sum not exceeding six

						days' pay or any expenses, which may have been properly incurred in hiring a substitute.
10.	60	If any master fails to comply with section 197.	197. <b>Report of desertions and absence without eave.</b> — Whenever any seaman engaged outside India on an Indian ship deserts or otherwise absents himself in India without leave, the master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to the shipping master or to such other officer as the Central Government specifies in	Imprisonment which may extend to one month, or fine which may extend to one hundred rupees, or both.	-	Penalty which may extend to one lakh rupees. ”

			this behalf, unless in the meantime, the deserter or absentee returns.			
11.	65	If any person goes to sea in a ship contrary to subsection (1) of section 205.	205. Stowaways and seamen carried under compulsion.— (1) No person shall secrete himself and go to sea in a ship without the consent of either the owner, agent or master or of a mate, or of the person in charge of the ship or of any other person entitled to give that consent.	Imprisonment which may extend to one month, or fine which may extend to two hundred rupees, or both.	-	Penalty which may extend to two lakh rupees
12.	66(a)	(a) If any person wilfully disobeys the prohibition obtained in clause (a) of section 206;	206. <b>Procedure where seaman not shipped in India is imprisoned on complaint of master or owner.</b> —If any seaman engaged outside India is imprisoned on complaint made by or on behalf of the master or owner of the ship or for any offence for	Imprisonment which may extend to three months, or fine which may extend to one thousand rupees; or both.	-	Penalty which may extend to two lakh rupees

			<p>which he has been sentenced to imprisonment for a term not exceeding one month, then—(a)while such imprisonment lasts, no person shall, without the previous sanction in writing of the Central Government or of such officer as it may specify in this behalf, engage in India any person to serve as a substitute for such seaman on board the ship; and</p>			
13.	68	<p>If a master contravenes subsection (1) of section 210.</p>	<p><b>210. Leaving behind in India of seaman or apprentice engaged abroad.—</b> (1) The master of a ship shall not discharge at any place in India, a seaman or apprentice engaged outside India unless he previously obtains the</p>	<p>Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both.</p>	-	<p>Penalty which may extend to fifty thousand rupees.</p>

			sanction in writing of such officer as the Central Government appoints in this behalf; but such sanction shall not be refused when the seaman or apprentice is discharged on the termination of his service.			
14.	72	If any person wilfully destroys or mutilates or renders illegible any entry in any official log book or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book.	<b>General</b>	Imprisonment which may extend to one year		Penalty which may extend to two lakh rupees. ”
15.	84	If the master, owner or agent of a special trade passenger or pilgrim ship, after having obtained any of the certificates mentioned in Part VIII, fraudulently does or suffers to be done anything where by the certificate becomes inapplicable	<b>General</b>	Imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both	-	Penalty which may extend to one lakh rupees for the first offence and five lakh for every repeat offence. ”



		to the altered state of the ship, or special trade passengers or pilgrims or other matters to which the certificate relates.				
16.	108B	If an Indian nuclear ship, fails to comply with subsection (1) of section 344D.	<p><b>344D-Safety assessment and operating manual.—(1)</b> Every Indian nuclear ship shall have on board a safety assessment and an operating manual in such form and containing such particulars and approved by such authority as may be prescribed.</p> <p>(2) The safety assessment and the operating manual shall be prepared, maintained and kept up-to-date in such manner as may be prescribed.</p>	The master or owner or agent shall be, liable to imprisonment which may extend to six months or fine which may extend to ten thousand rupees or both.	-	The master or owner or agent shall be liable to Penalty which may extend to five lakh rupees and the ship may also be detained.
17.	108E	(a) If the master of a nuclear ship fails to give the notice required by subsection (1) or sub-	<b>344G. Notice of accidents to nuclear ships.—(1)</b> Where an	Imprisonment which may extend to one year or fine which may	-	Penalty which may extend to five

		<p>section (2) or subsection (5) of section 344G;</p>	<p>Indian nuclear ship meets with an accident and such accident is likely to lead to environmental hazards, the master of the ship shall forthwith give notice of the accident—(a) to such officer or authority as may be specified in this behalf by the Central Government; and (b) if the ship is in or intends to enter the territorial water of a foreign State, also to the appropriate Government authority of the State.</p> <p>(2)Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) while she is in the territorial waters of, or at a port in, India, the master of the</p>	<p>extend to ten thousand rupees or both.</p>		<p>lakh rupees and the ship may also be detained.</p>
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			<p>ship shall forthwith give notice of the accident to the officer or authority specified under clause (a) of sub-section(1).</p> <p>(5)Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) at any port or place outside India and intends to enter the territorial waters of India in a damaged condition, the master of such ship shall give notice of the nature of the accident and the condition of the ship in such form as may be prescribed to the officer or authority specified under clause (a) of sub-section (1) and shall comply with such</p>			
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			directions as that officer or authority may give.			
		(b) if the master of a nuclear ship fails to comply with any directions issued under sub-section (3) or subsection (5) of section 344G.	<p><b>344G. Notice of accidents to nuclear ships.—</b> (3) On receipt of a notice under sub-section (1) or sub-section (2), the officer or authority specified under clause (a) of sub-section (1) shall issue such directions as he thinks necessary and expedient in the circumstances of the case and investigate into the causes of the accident in such manner as may be prescribed.</p> <p>(5)Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) at any port or place outside India</p>	Imprisonment which may extend to one year or fine which may extend to ten thousand rupees or both.	-	Penalty which may extend to five lakh rupees and the ship may also be detained.”

			and intends to enter the territorial waters of India in a damaged condition, the master of such ship shall give notice of the nature of the accident and the condition of the ship in such form as may be prescribed to the officer or authority specified under clause (a) of subsection (1) and shall comply with such directions as that officer or authority may give.			
18.	109	If a master or person in charge of a ship fails, without reasonable cause to comply with section 348.	<b>348. Duty of master of ship to assist in case of collision.</b> —In every case of collision between two ships it shall be the duty of the master or person in charge of each ship, if and so far as he can do so without danger to his	Imprisonment which may extend to three months or fine which may extend to three thousand rupees, or both.	-	Penalty which may extend to five lakh rupees.

			<p>own ship, crew and passengers, if any—(a) to render to the other ship, her master, crew and passengers, if any, such assistance as may be practicable and may be necessary to save them from any danger caused by the collision and to stay by the other ship until he has ascertained that she has no need of further assistance, and(b)to give to the masters or persons in-charge of the other ships the name of his own ship and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound</p>			
19.	115D (ii)	(ii) If any person wilfully destroys or mutilates or renders illegible or	356F. Record books.—(1) Every Indian oil tanker or	The offender shall be liable to penalty of imprisonment		the offender shall be

		prevents the making of any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under section 356F.	other Indian ship which carries a substance subject to control by the Convention shall maintain, as may be required, record books in the prescribed forms, on board the oil tanker or other ship. (2)The manner in which record books shall be maintained, the nature of entries to be made therein, the custody and disposal thereof, and all other matters relating thereto shall be such as may be prescribed having regard to the provisions of the Convention.	which may extend to six months or fine” which may extend to ten thousand rupees or both.		liable to Penalty which may extend to fifty thousand rupees.
20.	133	If any person contravenes any of the provisions of section 428	428. Fraudulent use of certificate of registry or certificate of inspection, etc. prohibited. (1) No person	Imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both	-	Penalty which may extend to one lakh rupees and the vessel may

			<p>shall use or attempt to use the certificate of registry or the certificate of inspection granted in respect of a sailing vessel for any purpose other than the lawful navigation of the vessel. (2) No person shall use or attempt to use for the navigation of a sailing vessel a certificate of registry or a certificate of inspection not granted in respect of that vessel.</p> <p>(3) No person who has in his possession or under his control the certificate of registry or the certificate of inspection of a sailing vessel shall refuse or omit without reasonable cause to deliver such certificate on demand to the owner of the</p>			also be detained.”
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			vessel.			
21.	135	If the owner or tindal fails to comply with subsection (1) of section 430.	430.Inquiry into jettisoning of cargo.—(1) If any owner or tindal of a sailing vessel in the course of her voyage, has jettisoned or claims to have jettisoned the whole or any part of the cargo of the vessel on account of abnormal weather conditions or for any other reason, he shall immediately after arrival of the vessel at any port in India give notice of such jettisoning to the proper officer at such port; and such notice shall contain full particulars of the cargo jettisoned and the circumstances under which such jettisoning took place.	Imprison-ment which may extend to three months, or fine which may extend to two hundred rupees, or both.		Penalty which may extend to fifty thousand rupees.”
22.	137	If the owner fails to comply with subsection (1) of section 434-A	434A. Insurance of members of crew of a	Imprison-ment which may extend to six months or fine		Penalty which may extend

			<p>sailing vessel.—(1) Subject to the other provisions of this section and the scheme framed under sub-section (3), the owner of every sailing vessel shall take and keep in force, in accordance with the provisions of the said scheme, a policy of insurance whereby all the members of the crew of such vessel are insured against death or personal injury caused by accident in the course of employment as such members</p>	<p>which may extend to five thousand rupees, or both.</p>		<p>to one lakh rupees and the vessel may also be detained.”</p>
23.	137J	<p>If any person contravenes the provisions of section 435S</p>	<p>435S. Fraudulent use of certificate of registry or certificate of inspection, etc., prohibited.- (1) No person shall use or attempt to use the certificate of registry or the</p>	<p>The offender shall be liable to imprisonment which may extend to three months or fine which may extend to two hundred rupees, or both</p>		<p>Penalty which may extend to one lakh rupees and the vessel may also be detained</p>

			<p>certificate of inspection granted in respect of an Indian fishing boat for any purpose other than the lawful operation of that fishing boat.</p> <p>(2) No person shall use or attempt to use for the operation of an Indian fishing boat, a certificate of registry or a certificate of inspection not granted in respect of that fishing boat.</p> <p>(3) No person who has in his possession or under his control the certificate of registry or the certificate of inspection of an Indian fishing boat shall refuse or omit without reasonable cause to deliver such certificate on demand to the owner of the fishing boat.</p>			
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24.	436 (3)				(3)The penalty prescribed for the contravention of any provision of this Act shall be imposed by the Principal Officer of the Mercantile Marine Department: Provided that no penalty under this Section shall be imposed unless the Parties have been given a reasonable opportunity of being heard.
25.	436 (4)				(4) Any person aggrieved by an order of the Principal Officer under sub-section (3), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe.
26.	436 (5)				(5) The Director-General may, after giving the parties an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (4), pass appropriate order.
27.	436 (6)				(6) Any contravention of the provisions of this Act for which

					penalty has been prescribed may be compounded for the first contravention by the Principal Officer or such other Officer as may be notified by the Central Government in this behalf: Provided that where any such contravention has been compounded, the sum shall not, in any case, exceed the maximum amount of the penalty which may be imposed for such contravention.
28.	Insertion 436A				After section 436, the following section shall be inserted, namely:- “436A. Power to make rules.—The Central Government may, subject to the condition of previous publication, make rules prescribing form and manner of appeal against the order of Principal Officer of the Mercantile Marine Department under sub-section (4) of section 436.”

**2.87. Submissions by the Ministry:**

2.87.1. The representative, Ministry of Ports, Shipping and Waterways during the sitting dated 09.02.2023 briefed the Committee about the method followed by the Ministry in reviewing the provisions for decriminalization as stated below:

*“Under this exercise of decriminalizing of minor offences, we have done an extensive review and stakeholders’ consultation. The DG (Shipping) who is regulator of the shipping has done these provisions. Firstly, they placed it on website for 30 days and thereafter it was followed by stakeholder consultation whereby several associations of ship owners, operators, charter ship managers, seafarer unions, maritime education, training, recognized organizations, law universities and maritime lawyers and other bodies were consulted....”*

2.87.2. The administrative Ministry in their background note informed that under Jan Vishwas Bill, the Ministry has identified 23 entries at penalty Table given under sub-section (2) of Section 436 (i.e. serial Nos. 16, 29, 35, 43, 44, 57a, 57b, 59(iv), 60, 65, 66a, 68, 72, 84, 108B, 108E (a), 108E(b), 109, 115D(ii), 133, 135, 137 and 137J) for decriminalisation and rationalisation.

## **2.88. Discussion in the sitting of the Committee:**

2.88.1. While deliberating upon the proposed amendments in Section 108 of the Merchant Shipping Act, 1958, the Committee sought to understand the rationale behind decriminalizing Section 108 which deals with a serious offence where if the master of a nuclear ship fails to comply with any directions issued under sub-section (3) or sub-section (5) of section 344G, the Secretary, Ministry of Ports, Shipping and Waterways responded that as the act has not been done with criminal intent, the same has been decriminalized.

2.88.2. The Committee raised concern at small amount of Rs. 5 Lakh penalty to be paid by any defaulting accidental nuclear ship as failure in this regard could have devastating impact on the environment and humankind. The committee enquired if the amount could be doubled to Rs. 10 Lakh, to have a greater deterrence, the Secretary, Ministry of Ports, Shipping and Waterways responded as under:-

“सर, वैसे ही एक्सीडेंट हो गया और वह डैमेज्ड है, तो we feel five lakh rupees as fine is okay. फिर भी आप कहें कि इसको बढ़ाना है तो।”

2.88.3. The Committee found the justifications of the Ministry not cogent enough and accordingly suggested to either retain the original Section or consider increase in the penalty to rupees ten lakhs.

## **2.89. Suggestions by the Committee:**

2.89.1. After detailed discussions the Committee agreed in principle, with the amendments proposed to the Merchant Shipping Act, 1898, specified at Serial No.14 of the Schedule to the Bill. However, in view of serious consequences which may arise in case of failure under section 108E(a) and (b) the Committee decided to consider, inter alia, the following modifications during Clause-by-Clause consideration:

Section 108E(a): Either retain the provision or increase penalty to ten lakh rupees

Section 108E(b): Either retain the provision or increase penalty to ten lakh rupees

## The Deposit Insurance and Credit Guarantee Corporation Act, 1961

### [Serial No. 15 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.90. **Administering Ministry:** **Ministry of Finance**  
**[Department of Financial Services]**

2.91. **Purpose of the Act:** The Deposit Insurance and Credit Guarantee Corporation Act, 1961 provides for the establishment of a Corporation for the purpose of insurance of all bank deposits and guaranteeing of credit facilities and for other matters connected therewith or incidental thereto. The Deposit Insurance and Credit Guarantee Corporation General Regulations, 1961 have been framed by the Reserve Bank of India in exercise of the powers conferred by sub-section (3) of Section 50 of the said Act. The Corporation maintains the following Funds:

- (i) Deposit Insurance Fund
- (ii) Credit Guarantee Fund
- (iii) General Fund.

2.91.1. The first two funds are funded respectively by the insurance premia and guarantee fees received and are utilised for settlement of the respective claims. The General Fund is utilised for meeting the establishment and administrative expenses of the Corporation. The surplus balances in all the three Funds are invested in Central Government securities which is the only investment permissible under the Deposit Insurance and Credit Guarantee Corporation Act, 1961 and the income derived out of such investments is credited to the respective Funds. Inter-Fund transfer is permissible and if there is a shortfall in one of the Funds, it is made good by transfer from either of the other two Funds.

2.92. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	<b>Section 47: Penalties</b>	(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.	(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which under the provisions of this Act, it is his duty to produce or furnish, he shall be <b><u>liable to a penalty</u></b> which may extend to <b><u>one lakh fifty thousand rupees</u></b> in respect of each offence and in the case of a continuing failure, with an additional <b><u>penalty</u></b> which may extend to <b><u>seven thousand five hundred</u></b> rupees for every day during which the failure continues after the first such failure.

	<p><b>Insertion of new sub-sections (3), (4) and (5) to Section 47</b></p>	<p>Nil</p>	<p>(3) For the purpose of adjudging the penalty under sub-section (2), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the Corporation under this section shall be payable within a period of fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:  Provided that no direction shall be made except on an application made to the court by the Corporation or any officer authorised by Corporation in this behalf.</p> <p>(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.</p>
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**2.93. Submission by the Ministry:**

2.93.1. The Department of Financial Services have proposed to amend sub-section (2) of Section 47 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961. The proposal is to replace the existing provisions for imposition of a fine with a provision for imposition of a penalty by Deposit Insurance and Credit Guarantee Corporation. In their background note, the Department has submitted that the offence under Section 47(2) relates to a failure of relatively routine nature. Further, the Department has proposed consequential insertions in Section 47 to provide for the manner of levying of penalty and recovery of penalty by the Deposit Insurance and Credit Guarantee Corporation.



## 2.94. Discussion in the sitting of the Committee:

2.94.1. During the sitting held on 6<sup>th</sup> February, 2023, concerns were raised by the Members of the Committee whether proposal to replace the existing fine of two thousand rupees with a penalty of one lakh fifty thousand rupees for a routine failure to bring documents is not exorbitant. In this regard, the representative of the Department submitted that for a defaulting bank, the penalty is not exorbitant as the interest of the depositors is paramount. Further, it is the maximum amount of penalty that has been laid down and for the minimum penalty any amount can be fixed depending on the case and circumstances.

2.94.2. Further, the Department briefed that new sub-sections (3), (4) and (5) have been proposed to be incorporated in Section 47 which lay down the procedure for levying of the penalty and subsequently for recovery of penalty through a court in case the penalty is not paid.

2.94.3. As regards the provisions proposed to be incorporated under sub-section (5) regarding issue of a certificate specifying the sum payable to be issued by the court, the Committee enquired about having a provision for Aadhaar proof rather than the court or approaching the District Magistrate with the certificate and get the money. In this regard, the representative from the Legislative Department submitted that if the task is assigned to the District Magistrate, then in the other Acts administered by the Department of Financial Services like the National Housing Bank Act, 1987, similar amendments would be required to be made to make the laws uniform, otherwise it would be appropriate to leave the matter to the principal civil court. The Sub-Divisional Magistrate would be otherwise overloaded with these kinds of things, but at the same time, if the matter goes to the civil court, the court will consider all civil aspects and procedures for issuing the decree and that would be better for better legal determination.

## 2.95. Suggestions by the Committee:

2.95.1. After detailed deliberations and necessary clarifications on the amendments proposed to be made in the Deposit Insurance and Credit Guarantee Corporation Act, 1961, specified at serial no. 15 of the Scheduled to the Bill, the Committee observed *inter alia* the following to be considered during clause-by-clause consideration of the Bill:

- (i) The word 'direction' in reference to principal civil court may also include 'order' of such court.
- (ii) Before imposing a penalty, a reasonable opportunity should be given to the person of being heard. From the date of issuing notice of show cause the person must have sufficient time of being heard and adduce reasons for lack of failure.
- (iii) The provisions contained in the two additional sub-sections being proposed for insertion in the National Bank for Agriculture and Rural Development Act, 1981 (relating to complaints not being filed against a person where any penalty has already been imposed, and relating to penalty provisions not being applicable in case of willful suppression/omission or willful misrepresentation of information by a person), may also be replicated here in the Deposit Insurance and Credit Guarantee Corporation

Act, 1961 for the sake of consistency and also since the said additional provisions are required.

2.95.2. The Committee also opined that the proposed amendments in the Bill in respect of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 required better drafting and the Ministry of Law and Justice may reconsider the same in consultation with the Department of Financial Services.

## The Warehousing Corporation Act, 1962

**[Serial No. 16 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.96. **Administering Ministry:** **Ministry of Consumer Affairs, Food and Public Distribution**  
**[Department of Food and Public Distribution]**

2.97. **Purpose of the Act:** An Act to provide for the incorporation and regulation of corporations for the purpose of warehousing of agricultural produce and certain other commodities and for matters connected therewith.

2.98. **Amendments proposed to the Act:**

<b>Sl. No.</b>	<b>Section</b>	<b>Existing Provision</b>	<b>Provisions as amended by the Bill introduced in Lok Sabha</b>
1.	Section 38	(1) Whoever, without the consent in writing of a Warehousing Corporation, uses the name of that Corporation in any prospectus or advertisement, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.  (2) No Court shall take cognizance of any offense under sub-section (1) otherwise than on a complaint in writing by an officer authorized in this behalf by the Warehousing Corporation concerned.	Proposed for omission in the Bill, as introduced

2.99. **Submission of the Administering Ministry**

2.99.1. Explaining the rationale behind the proposed amendments, the Department of Food and Public Distribution have stated:

- The object of the proposal is to delete Section 38 of the Warehousing Corporations Act, 1962 as it provides for criminal punishment.
- This includes imprisonment for six months for relatively minor violation of using the name of any of the Corporations without their written consent in any prospectus or advertisement.
- The said Section 38 has never been invoked by CWC till date.
- Many other CPSEs do not have any such provisions.
- Moreover, the general laws of the country contain elaborate safeguards to effectively deal with such irregularities.

- Accordingly, the proposal for deletion of the said sections was recommended by CWC.

2.100. **Suggestions by the Committee:**

2.100.1. After the briefing, the Committee agreed, in principle, with the omission of Section 38 of the Warehousing Corporation Act, 1962, specified at Sl. No.16 of the Schedule to the Bill, and decided to consider any further modifications, if required, during clause-by-clause consideration.

## The Food Corporations Act, 1964

### [Serial No. 17 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.101. **Administering Ministry:** Ministry of Consumer Affairs, Food and Public Distribution  
[Department of Food and Public Distribution]

2.102. **Purpose of the Act:** An Act to provide for the establishment of Food Corporations for the purpose of trading in foodgrains and other foodstuffs and for matters connected therewith and incidental thereto.

2.103. **Amendments proposed to the Act:**

Sl. No.	Section No.	Existing Provision	Provisions as amended by the Bill introduced in Lok Sabha
1.	Section 41	(1) Whoever, without the consent in writing of a Food Corporation, uses its name in any prospectus of advertisement, shall be punishable with imprisonment for a term which may extended to six months, or with fine which may extend to one thousand rupees or with both.  (2) No court shall take cognizance of any offence under sub-section (1) except on a compliant in writing by an officer authorized in this behalf by the Food Corporation concerned.	Proposed for omission in the Bill, as introduced.

2.104. **Submission of the administering Ministry**

2.104.1. Explaining the rationale behind the proposed amendments, the Department of Food and Public Distribution have stated:

- The object of the proposal is to delete Section 41 of the Food Corporations Act, 1964 as it provides for criminal punishment.
- This includes imprisonment for six months for relatively minor violation of using the name of any of the Corporations without their written consent in any prospectus or advertisement.
- The said Section 41 has never been invoked by FCI till date.
- Many other CPSEs do not have any such provisions.
- Moreover, the general laws of the country contain elaborate safeguards to effectively deal with such irregularities.

- Accordingly, the proposal for deletion of the said sections was recommended by FCI.

2.105. **Suggestions by the Committee:**

2.105.1. After detailed discussion, the Committee agreed, in principle, with the omission of Section 41 of the Food Corporations Act, 1964, specified at Sl. No.17 of the Schedule to the Bill, and decided to consider any further modifications, if required, during clause-by-clause consideration.

## The Patents Act, 1970

[Serial. No. 18 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.106. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.107. **Purpose of the Act:** To amend and consolidate the law relating to patents.

2.108. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	<b>Section 120: Unauthorised claim of patent rights</b>	If any person falsely represents that any article sold by him is patented in India or is the subject of an application for a patent in India, he shall be punishable with fine which may extend to one lakh rupees.	If any person falsely represents that any article sold by him is patented in India or is the subject of an application for a patent in India, <b>he shall pay, by way of penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues.</b>
2.	<b>Section 121: Wrongful use of words "patent office"</b>	If any person uses on his place of business or any document issued by him or otherwise the words "patent office" or any other words which would reasonably lead to the belief that his place of business is, or is officially connected with, the patent office, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.	Proposed for omission in the Bill, as introduced.
3.	<b>Section 122: Refusal or failure to supply information</b>	(1) If any person refuses or fails to furnish:-- (a) to the Central Government any information which he is required to furnish under sub-section (5) of section 100; (b) to the Controller any information or statement which he is required to furnish by or under section 146, he shall be punishable with fine which may	(1) If any person refuses or fails to furnish:-- (a) to the Central Government any information which he is required to furnish under sub-section (5) of section 100; (b) to the Controller any information or statement which he is required to furnish by or under section 146, <b>he shall pay, by way of penalty which may</b>

		<p>extend to <sup>1</sup>[ten lakh rupees].</p> <p>(2) If any person, being required to furnish any such information as is referred to in sub-section (1), furnishes information or statement which is false, and which he either knows or has reason to believe to be false or does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.</p>	<p><b>extend to one lakh rupees, and in case of the continuing refusal, a further penalty of one thousand rupees for every day after the first during which such refusal continues.</b></p> <p>(2) If any person, being required to furnish any such information as is referred to in sub-section (1), furnishes information or statement which is false, and which he either knows or has reason to believe to be false or does not believe to be true, <b>he shall be punishable with penalty which shall not be less than twenty five lakh rupees.</b></p>
4.	<b>Section 123: Practice by non-registered patent agents</b>	<p>If any person contravenes the provisions of section 129, he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in the case of a second or subsequent offence.</p>	<p>If any person contravenes the provisions of section 129, <b>he shall pay, by way of penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues.</b></p>
5.	<b>Insertion of new Section after Section 124</b>	<p>Nil</p>	<p><u>Section 124 A: Adjudication of penalties</u></p> <p>(1) The Controller may, by an order, impose penalty on a person stating therein any contravention or default under the provisions of this Act, in the manner as may be prescribed.</p> <p>(2) The Controller shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p>(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the</p>



			date of the receipt of the order, the person shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees, but which may extend to five lakh rupees, or with both.”
6	<b>Insertion of clause (xiiia) after clause (xiii) in section 159 (2)</b>	Nil	(xiii a) the manner of imposing penalty under sub-section (1) of section 124A;

### 2.109. **Submission by the Ministry:**

2.109.1. The Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry has proposed to amend Sections 120, 122, 123, omission of Section 121 and insertion of Sections 124A and 159(2) in the Patents Act, 1970.

### 2.110. **Discussion in the sitting of the Committee:**

2.110.1. During the sitting of the Committee held on 31<sup>st</sup> January, 2023, the representative of the Department submitted that the complete process has been digitized and five-fold increase in the grant of patents have been seen since 2014. All filing has been done online now and India ranks seventh in patent filing. Then, the Committee sought certain clarifications as regards the quantum of penalties proposed in the amended Sections 120 and 122. The Committee raised their concern for putting on such hefty penalties on the micro, small and medium scale enterprises in cases of failure to supply information under Section 122. The representatives from the Department submitted that generally they look at bigger companies like pharma companies which are involved in inventions. They justified the amount of penalty as a deterrence stating that it is a monopoly right. One gets patent right for a product against the entire society for reaping the benefits of the same for 20 year period. If a company furnishes false information regarding patent work, then due to its false claim, the product like covid vaccine or cancer medicine that can be produced by any other public spirited company gets delayed. The representatives submitted that the higher penalty was proposed after consulting the stakeholders. The Committee disagreed to the submission that only big companies have patents. Further, the Committee raised concern that the expression “not be less than 25 lakh rupees” in the proposed amendment to Section 122 gives unfettered power to the authority and, therefore, there must be an upper limit for the penalty proposed in the amendment. The Department agreed to re-draft the amendments accordingly. The Committee also directed the Department to look into the provisions of the Indian Penal Code, 1960 if the offence of furnishing false information is also covered under the Code.

2.110.2. The Committee also deliberated on various other issues like wrongful gains due to false information, compulsory licence in case of non-working of patent, compensation

for the loss caused, etc. As regards the quantum of fine proposed in Section 124A, the Committee observed that the defaulter will have to pay the fine along with penalty then the penalty amount gets recovered automatically.

2.110.3. Further, the Department briefed that sub-sections (3), (4) and (5) have been proposed to be incorporated under Section 47(2) which lay down the procedure for levying of the penalty and subsequently for recovery of penalty through a court in case the penalty is not paid.

2.110.4. During the deliberations, the Committee made a general observation that the power of adjudication is not available in some Acts. The said power of adjudication needs to be provided in all such Acts where fine has been converted into penalty. The competent authority who will impose the penalty is required to be prescribed in all such Acts.

2.111. **Suggestions by the Committee:**

2.111.1. After the meticulous deliberations and necessary clarifications on the amendments proposed to be made in the Patents Act, 1970, specified at serial no. 18 of the Schedule to the Bill, the Committee decided to consider *inter alia* the following modifications during clause-by-clause consideration:

- (i) Section 122(2): There must be an upper limit for the amount of penalty proposed in the amendment.
- (ii) Section 124A: There is a need to have appellate mechanism against decision taken by Controller.

## The Marine Products Export Development Authority Act, 1972

**[Serial No. 19 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.112. **Administering Ministry:**      **Ministry of Commerce & Industry**  
**[Department of Commerce]**

2.113. **Purpose of the Act:**      The Act provides for the establishment of an Authority for the development of the marine products industry under the control of the Union and for matters connected therewith. The Marine Products Export Development Authority (MPEDA) was set up by the act of Parliament in the year 1972. MPEDA is given the mandate to develop, regulate and promote the marine products industry with special reference to exports from the country. The Act empowers MPEDA to develop and regulate offshore/deep sea fishing, undertake measures for conservation and management of fish resources.

2.114. **Amendments proposed in the Act:**

Sl. No.	Section	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1.	<b>Section 20 (3)</b>	If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.	If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), <b>be liable to pay penalty not less than ten thousand rupees or not exceeding twice the value of goods, whichever is higher, in respect of which such order has been made.</b>
2.	<b>Section 23</b>	Any person who being required by or under this Act to furnish any return fails to furnish such returns or furnishes a return containing any particulars which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.	Any person who being required by or under this Act fails to furnish such returns or furnishes a return containing any particulars which is false and which he knows to be false or does not believe to be true shall be <b>liable to pay penalty which may extend to ten thousand rupees.</b>
3.	<b>Section 24</b>	Any person who— (a) obstructs any member authorised by the Chairman in	24. Penalties for obstructing a member or officer of Authority in the discharge of his duties and for

		<p>writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>failure to produce books and records.— Any person who-</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to pay penalty which may extend to ten thousand rupees.</p>
4.	<b>Section 25</b>	<p>Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made there under other than the provisions, punishment for the contravention whereof has been provided for in Sections 20,23 and 24, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both and in the case of continuing such contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.</p>	<p>25. Other penalties.- Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 20, 23 and 24, shall be liable to pay a penalty not less than ten thousand rupees, or not exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such order has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an amount equivalent to twice the value of goods, whichever is higher, in respect of which such order has been made.</p>

## 2.115. **Submissions by the Ministry:**

2.115.1. Elaborating on the need for the proposed amendments, the Ministry in their background note submitted as under:

“MPEDA Act had provisions prescribing imprisonment and fine for offenses under the Act. Sections **20(3), 23, 24, and 25** stipulates criminal penalty for contravention of provisions under various Sections of the Act.

- i) Sub section (3) of Section 20 stipulates the imprisonment or fine if any person contravenes any order made by Central Government prohibiting, restricting or otherwise controlling the import or export of marine products.
- ii) Section 23 stipulates the fine if a person furnishes false return or fails to furnish such return.
- iii) Section 24 (a) provides for imprisonment or fine if a person obstructs any authorised member in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under the Act. Section 24(b) provides for imprisonment or fine if a person fails to produce account book or other record when required to do so by or under the Act.
- iv) Section 25 stipulates imprisonment or fine for contravention or attempt to contravene or abetment to the contravention of the provisions of the Act or of any rules made under this Act.

The penalties under these provisions have not been actually implemented by MPEDA in recent past. Accordingly, these minor offences with negligible impact on national security have been proposed to be decriminalized i.e. replace the imprisonment and fine provisions with civil penalty.

Amendments have been proposed, vide Sl. No 19 of the Jan Vishwas (Amendment of Provisions) Bill, 2022 in Sections **20(3), 23, 24 and 25**. Amendments propose to replace imprisonment and fine with penalty. Fine is generally related with criminal action and for which sanction by court is required while penalty is a civil liability. Imprisonment and fine has been done away with except under section 24 (a). Section 24(a) provides imprisonment for obstruction in the discharge of any duty. For obstruction of Government Officials, action can be taken under IPC but MPEDA officials are not treated as government officials. Therefore, it is important to retain the provision of imprisonment and fine under MPEDA Section 24(a) to enable MPEDA to overcome obstructions in implementing the schemes and programmes.

The proposed amendment will reduce the regulatory compliances burden on marine exporters. Further, it would also promote ease of doing business in the fisheries sector and prevent fear of undue harassment among stakeholders (Seafood Exporters, processors, Fishermen etc.)”

## 2.116. **Discussion in the sitting of the Committee:**

2.116.1. In their presentation during the sitting held on 31<sup>st</sup> January, 2023, giving justification for the need for the proposed amendments, the Department submitted that the amendment seek to promote quality marine products exported from the country in compliance with national and international standards. It was also submitted that imposing of

financial liability by means of penalty on the erring entities will act as a deterrent for various non – compliances. On being asked as to why the Department seeks to retain imprisonment in Section 24 (a) providing for penalties for obstructing a member or officer of Authority in the discharge of his duties, the Department submitted as under:

“We are proposing to retain this clause because what has happened in the MPEDA Act is, the officials of MPEDA are not considered to be public servants. That clause by formulation of the Act has not been there. There is a specific clause which entails that the officials of that organization or board will be treated as public servants. Here, they are not treated as public servants. So, the IPC is not invoked. That is why we propose to retain this clause.”

2.117. **Suggestions by the Committee:**

2.117.1. After detailed discussions and clarifications on the amendments proposed to be made in the Marine Products Export Development Authority Act, 1972, specified at serial no. 19 of the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during clause-by-clause consideration:

**Section 25: An adjudication mechanism with appellate provisions may be provided for penalties in the proposed provisions.**

## The High Denomination Bank Notes (Demonetisation) Act, 1978

[Serial No. 20 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.118. **Administering Ministry:** **Ministry of Finance**  
**[Department of Economic Affairs]**

2.119. **Purpose of the Act:** To provide in the public interest for the demonetisation of certain high denomination bank notes and for matters connected therewith or incidental thereto.

2.120. **Amendments proposed to the Act:**

Sl. No.	Section	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	<b>Section 10</b>	<p><b>Penalties.</b>—(1) If any bank fails to prepare and present within the time and in the manner provided by section 5 any return referred to in that section, or presents any return under that section which is false in any material particular, the manager or other person in charge of the bank shall, unless he proves that the failure took place, or the false return was presented, without his knowledge or that he exercised all due diligence to prevent the same, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.</p> <p>(2) Whoever knowingly makes in any declaration under section any statement which is false or only partially true or which he does not believe to be true or contravenes any provision of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.</p>	<p><b>Penalties.</b>—(1) If any bank fails to prepare and present within the time and in the manner provided by section 5 any return referred to in that section, or presents any return under that section which is false in any material particular, the manager or other person in charge of the bank shall, unless he proves that the failure took place, or the false return was presented, without his knowledge or that he exercised all due diligence to prevent the same, be <b><u>punishable with fine.</u></b></p> <p>(2) Whoever knowingly makes in any declaration under section any statement which is false or only partially true or which he does not believe to be true or contravenes any provision of this Act or the rules made thereunder shall be <b><u>punishable with fine.</u></b></p>

		<p>(3) An officer of a scheduled bank who makes payment out of the amount, being the exchange value of a high denomination bank note credited under sub-section (4) of section 7 to an account maintained with such bank shall unless such account is an account which has been opened after proper introduction, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.</p>	<p>(3) An officer of a scheduled bank who makes payment out of the amount, being the exchange value of a high denomination bank note credited under sub-section (4) of section 7 to an account maintained with such bank shall unless such account is an account which has been opened after proper introduction, be <b><u>punishable with fine.</u></b></p>
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### 2.121. **Submission by the Ministry:**

2.121.1. The Department of Economic Affairs has proposed amendment of the Section 10 of the High Denomination Banknotes (Demonetisation) Act, 1978 in the Jan Vishwas (Amendment of Provisions) Bill, 2022. In their background note, the Department has stated the proposed amendments are concerned with the Coin and Currency Division of the Department of Economic Affairs.

2.121.2. Section 5 of the Act provides that every bank and Government treasury shall prepare and send to the Reserve Bank in the manner provided in this section a return showing separately under each denominational value the total value of high denomination bank notes of that value held by it at the close of business on the 16<sup>th</sup> day of January, 1978 and distinctive numbers of high denomination bank notes of that value. If any bank contravenes the provisions of section 5, it shall be punishable as per section 10(1).

2.121.3. Further, Section 7 of the Act provides that any person other than a bank and Government Treasury shall exchange of high denomination bank notes held by them by 19<sup>th</sup> January, 1978 on certain conditions. Any false declaration made by any person under this section is punishable as per Section 10(2) and any failure of the bank to credit the amount to a properly introduced account of the owner or the declarant is punishable as per section 10(3).

2.121.4. The proposed amendments in all the three sub-sections of Section 10 of the Act are deleting the provision “with imprisonment for a term which may extend to three year or with fine or with both” and substituting it with “punishable with fine”. Section 10 of the Act also carries imprisonment as penalty. The penalty provisions of Section 10 of the Act are in respect of contravention of provisions under section 5 and section 7 of the Act *ibid*. The time period within which contravention of the section 5 and section 7 of the Act was punishable has elapsed way back by 19<sup>th</sup> and 23<sup>rd</sup> January 1978. There may not be any impact on the provisions of the Act if punishment of imprisonment is removed as it doesn't seem obligatory and it has become obsolete. However, the penalty provision related to fine have been proposed to be retained since section 5 and section 7 of the Act, 1978 are part of substantive provisions of the Act and contravention of which are an offence.



2.122. **Discussion in the sitting of the Committee:**

2.122.1. The Committee in their sitting held on 6<sup>th</sup> February, 2023, discussed the proposed amendments in detail with the representatives of the Department of Economic Affairs and the Legislative Department and sought clarifications on varied issues involved. The Legislative Department put forward that the High Denomination Bank Notes (Demonetisation) Act, 1978 has outlived its utility and so they had suggested the Ministry of Finance to repeal the whole Act. The representative from the Department of Economic Affairs informed the Committee that they had checked up with the Reserve Bank of India and the likelihood is negligible because they have no pending complaints with them relating to this Section. The Department of Economic Affairs further submitted the following before the Committee:

*“We flagged what was suggested by Ministry of Law with Reserve Bank of India asking whether it can be repealed in entirety or whether there are any other precedents. We are in consultation and we will revert immediately. They (RBI) are examining it.”*

2.123. **Suggestions by the Committee:**

2.123.1. After in-depth discussion and clarifications on the amendments proposed to be made in the High Denomination Banknotes (Demonetisation) Act, 1978, the Committee agreed, in principle, with the amendments proposed to the Act, as specified at serial no. 20 of the Schedule to the Bill; however simultaneously, the Committee also recommended that the Act may be sent in the category of ‘repeal’. The Committee asked the Department of Economic Affairs to inform in the ‘Second Reading of the Bill’ whether a satisfactory reply is received by them by that time. In case a satisfactory reply is received, the Act would be sent for ‘repeal’ and if the reply does not come then the Committee would amend the provisions as proposed and even then the Committee would recommend for thorough examination of the Act for repeal. The Committee accordingly decided to consider the suggestions during clause-by-clause consideration of the Bill.

## The Air (Prevention and Control of Pollution) Act, 1981

### [Serial No. 21 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.124. **Administering Ministry:** Ministry of Environment, Forests and Climate Change

2.125. **Purpose of the Act:** The object of the Air (Prevention and Control of Pollution) Act, 1981 is to provide for the prevention, control and abatement of air pollution, mandating the Central Pollution Control Board and State Pollution Control Boards to implement the provisions of the Act, and confer functioning powers to them.

2.126. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1.	<b>Section 21(1)</b>	21. Restrictions on use of certain industrial plants.—(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area: Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.	(1) No person shall establish or operate any industrial plant in an air pollution control area unless the previous consent of the State Board has been obtained in pursuance of an application made by such person in accordance with the provisions of this section: Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from application of the provisions of this sub-section.
2.	<b>Insertion of New Section 21A after Section 21</b>	NIL	21A. <b>Power to issue Guidelines.</b> - (1) Notwithstanding anything contained in section 21, the Central Government in consultation with the Central

			<p>Board may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent.</p> <p>(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (1).</p>
3.	<b>Section 37</b>	<p>Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.</p> <p>(1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A.</p> <p><i>Section 21 – Restrictions to use of certain industrial plants.</i></p> <p><i>Section 22 - Persons carrying on industry, etc., not to allow emission of air pollutants in excess of the standard laid down by State Board.</i></p> <p><i>Section 31 A - Power to give directions.</i></p> <p>Punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day.</p>	<p>37. Failure to comply with provisions of section 22 or directions issued under section 31A.- (1) Whoever contravenes or does not comply with the provisions of sections 22 or directions issued under section 31A, shall, in respect of each such contravention or non-compliance, be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p>
		(2) If the failure referred to in	(2) Where any person

		<p>sub-section (1) continues beyond a period of one year after the date of conviction. Punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.</p>	<p>continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p>
4.	<b>Section 38.</b>	<p>Section 38 - Penalties for certain acts. — Whoever—</p> <p>(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or</p> <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or</p> <p>(c) damages any works or property belonging to the Board, or</p> <p>(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or</p> <p>(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or</p> <p>(f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or</p>	<p>38. Penalties for certain act. –</p> <p>(1) Whoever-</p> <p>(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;</p> <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;</p> <p>(c) damages any works or property belonging to the Board;</p> <p>(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act;</p> <p>(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23;</p> <p>(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to pay penalty which shall not be less than ten thousand</p>

		(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to 2 [ten thousand rupees] or with both.	rupees, but which may extend to fifteen lakh rupees. (2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.
5.	<b>Insertion of New Section 38A after Section 38</b>	Nil	<b>38A. Penalty for contravention by Government Department</b>  (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary: Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention. (2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to pay the penalty equal to one month of his basic salary. Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.
6.	<b>Section 39</b>	39. Penalty for contravention of certain provisions of the	39. Penalty for contravention of certain provisions of this Act -- If

		<p>Act.—Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.</p>	<p>any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees every day during which such contravention continues.</p>
7.	<b>Insertion of New Section 39A</b>	Nil	<p>39A. Adjudicating officer. - (1) The Central Government, for the purposes of determining the penalties under sections 37, 38 and 39, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person</p>

			<p>concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit in accordance with the provisions of sections 37, 38 or 39 as the case may be:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>(3) The amount of penalty imposed under the provisions of section 37, 38 and 39, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010. (19 of 2010).</p>
8.	<b>Insertion of New Section 39B</b>	Nil	<p>39B. Appeal. - (1) Any person aggrieved by the order passed by the adjudicating officer under sections 37, 38 or 39, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010)</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under</p>

			sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent of the amount of the penalty imposed by the adjudicating officer.
9.	<b>Insertion of New Section 39C</b>	Nil	39C. Penalty amount to be credited to Environmental Protection Fund. - Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38 or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act 1986. (29 of 1986).
10.	<b>Insertion of New Section 39D</b>	Nil	39D. Offences for failure to comply with provisions of section 21 and for failure to pay penalty.- (1) Whoever fails to comply with the provisions of section 21, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.  (2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.



		<p>(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.</p> <p>(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (1) sub-section (2) or sub-section (3) if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(5) Notwithstanding anything contained in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on</p>
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			<p>the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> -For the purposes of this section, -  (a) "company" includes body corporate, firm, trust, society and any other association of individuals;  (b) "director", includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.</p>
11.	<b>Section 40</b>	<p>40.Offences by companies.—</p> <p>(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>	Proposed for omission in the Bill, as introduced.

		<p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation.—For the purpose of this section,—</p> <p>(a) “company” means any body corporate, and includes a firm or other association of individuals;</p> <p>and</p> <p>(b) “director”, in relation to a firm, means a partner in the firm</p>	
12.	<b>Section 41</b>	<p>41. Offences by Government Departments.—(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything</p>	Proposed for omission in the Bill, as introduced.

		contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	
14.	<b>Insertions of clause (aa) after clause (a) u/S. 43 (1)</b>	Nil	(aa) adjudicating officer or any officer authorised by him in this behalf;
15.	<b>Insertion of clause (h) after clause (g) u/S. 53 (1)</b>	Nil	(h) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (1) of section 39A;

2.126.1. As per the existing legal framework of the Act, at present, in case of any non-compliance or contravention of the provisions of the Air (Prevention and Control of Pollution) Act, 1981, or of the rules or directions issued under the Act, such as that of non-compliance of the provisions of the Section 21 and 22 of the Act or directions issued thereunder, the violator will be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years and with fine. In case the failure continues, with an additional fine which may extend to five thousand rupees for every day during such failure continues after the conviction of the first such failure. Further, if the violation continues beyond a period year, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

**2.127. Submissions by the Ministry:**

2.127.1. In their background note, giving the rationale behind the proposed amendment, the Ministry have stated that:

- (i) Imprisonment provision for minor violations not leading to any injury to human or damage to environment is not justifiable.

- (ii) Imprisonment provision for many provisions in the first instance itself is also not justifiable. Criminal provisions many a times cause harassment to businesses and citizens for simple non-compliance.
- (iii) As per the available records/information, total 1737 Criminal Cases have been registered for violation of Environmental norms under EPA, 1986; Water Act, 1974 and Air Act, 1981 over last three years i.e 2019-2021. Out of which only total 39 people were actually convicted under the above said Acts.
- (iv) Courts were being needlessly burdened due to invoking of Section 15 of EPA, 1986 on minor and procedural defaults.

2.127.2. Elaborating further, the Ministry have submitted that considering the above and experience gained in the implementation of the AIR ACT, 1981 over a period of 40 years, it was observed that the criminal provisions contained in the existing Act neither act as a deterrent nor helps towards the cause of environment protection. Therefore, imposition of heavier penalties coupled with provisions of IPC, 1860 will act as a deterrent for habitual violators. It is proposed that imprisonment for minor lapses shall be replaced with heavier penalties. The amount of penalties to be imposed was fixed on the basis of the nature of offence. As an outcome, the proposed amendment with heavier penalties shall at one hand act as a deterrent for violators and at other hand shall encourage a culture of self-regulation for serious players.

2.127.3. The Ministry have further informed that Inter-Ministerial Consultation (IMC) and Public Consultation (PC) was carried out through Public Notice published on website of MoEF&CC and in 61 newspapers PAN-INDIA. It was further informed that a total of 41 comments/ suggestions were received from PC, 6 comments from IMC and 7 comments from States/UTs which were duly examined and incorporated, as deemed fit, in the proposed Bill.

2.127.4. Giving the salient features of the proposed amendments in Act, the Ministry have submitted that:

- i. Penal provision mentioned under the Air (Prevention and Control of Pollution) Act, 1981 is proposed to be partially decriminalized by substituting it with penalty and additional penalty.
- ii. Contravention or non-compliance of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 would be dealt with through imposing penalty through an Adjudicating Officer. However, violations under Section 21 of the Act, related to prior consent to establish / operate would attract criminal liability. The violations pertaining Section 22, 31A, 37, 38 and 39 are proposed to be dealt with through imposition of financial penalties replacing prosecution in the court of law.
- iii. Appointment of an Adjudicating Officer is proposed for the purpose of determining the penalties under the Air (Prevention and Control of Pollution) Act, 1981. However, if the penalty and additional penalty, as the case may be, is not paid by the violator, criminal provision shall be applicable.
- iv. Contravention of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 by companies shall be covered under Section 39D and by Government Departments under section 38A respectively.

- v. The amount of penalty imposed by the Adjudicating Officer while adjudicating the damage to environment shall be remitted to the Environmental Protection Fund created under the Environment (Protection) Act, 1986.
- vi. However, if the penalty and additional penalty, as the case may be, is not paid by the violator, criminal provision shall be applicable.
- vii. Any person aggrieved by the Order of the Adjudicating Officer may prefer an appeal before the Hon'ble National Green Tribunal as prescribed under section 39B.
- viii. The Central Government through the proposed Amendment will be authorised to issue notification of exempting certain categories of Industries such as Green Industries / Non-Polluting Industries mandated to obtain prior Environmental Clearance under EIA Notification, from the requirement of obtaining prior consent before establishing / operating such industrial unit under section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
- ix. The Central Government has been authorised to prescribe guidelines on the matters related to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time-bound disposal of the application made under the Air (Prevention and Control of Pollution) Act, 1981.

2.127.5. The Ministry in their background note have submitted that following benefits shall ensue through the proposed amendments:

- (i) Proposed amendment will encourage self-regulation and create an atmosphere of trust based governance.
- (ii) By way of the instant proposed amendment bill, the concept of Adjudicating officer for dealing with defaulters has been proposed to be introduced. In doing so, the proposed bill will ease out the stress on the criminal justice system.
- (iii) Increased penalty amount will act as deterrent for law-abiding entrepreneurs which would ensure better compliance of laws while also promote better corporate management practices in their operations.
- (iv) Eliminates the fear of imprisonment on minor lapses. This reform will also send out a clear message to the law-abiding entrepreneurs and corporations at large, about the Government's commitments to promote ease of doing business and ease of living in India.
- (v) Efforts would boost foreign investments in India.

2.128. **Suggestions by the Committee:**

2.128.1. After the briefing by the Ministry and clarifications on the amendments proposed to be made in the Air (Prevention and Control of Pollution) Act, 1981, specified at serial no. 21 of the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration:

Section 21 A: The opening portion of Section 21A be changed to be read as “Notwithstanding anything contained under this Act” instead of Notwithstanding anything contained in this Act”.

Section 39 A Sub-section (2) of section 39A, “in accordance with” shall be changed to “under the provisions of”.

## The National Bank for Agriculture and Rural Development Act, 1981

### [Serial No. 22 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.129. **Administering Ministry:** **Ministry of Finance**  
**[Department of Financial Services]**

2.130. **Purpose of the Act:** To establish a development bank to be known as the National Bank for Agriculture and Rural Development for providing and regulating credit and other facilities for the promotion and development of agriculture small-scale industries, cottage and village industries, handicrafts and other rural crafts and other allied economic activities in rural areas with a view to promoting integrated rural development and securing prosperity of rural areas, and for matters connected therewith or incidental thereto.

2.131. **Amendments proposed to the Act:**

Sl. No.	Section No.	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	<b>Section 56 (2)</b>	(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.	(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be <b><u>liable to pay a penalty</u></b> which may extend to <b><u>one lakh fifty thousand rupees</u></b> in respect of each <b><u>failure</u></b> and in the case of a continuing failure, an additional <b><u>penalty</u></b> which may extend to <b><u>seven thousand five hundred</u></b> rupees for every day during which the failure continues after the first such failure.
2.	<b>Insertion of new sub-sections 56(3) to 56(7)</b>	Nil	(3) For the purpose of adjudging penalty under sub-section (2), the National Bank shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such person. (4) Any penalty imposed by the National Bank under this section shall be payable within a period of



		<p>fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no such direction shall be made to the court by the National Bank or by any officer authorized by the National Bank in this behalf.</p> <p>(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.</p> <p>(6) No complaint shall be filed against any person in any court of law in respect of any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p>(7) Where any complaint has been filed against any person in any court in respect of the contravention or default of the nature referred to in sub-section (1) then, no proceedings for the imposition of any penalty on the person shall be taken under sub-section (2).</p>
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**2.132. Submission by the Ministry:**

2.132.1. The Department of Financial Services has proposed to amend sub-section (2) of Section 56 of the National Bank for Agriculture and Rural Development Act, 1981. The

proposal is to replace the existing provisions for imposition of a fine with a provision for imposition of a penalty to be levied by NABARD. In their background note, the Department has submitted that the offence under Section 56(2) relates to a failure to furnish document or information etc. Further, the Department has proposed consequential insertions in Section 56 to provide for the manner of levying of penalty and recovery of penalty by the NABARD.

#### **2.133. Discussion in the sitting of the Committee:**

2.133.1. During the sitting held on 6<sup>th</sup> February, 2023, the representatives of the Department of Financial Services briefed the Committee on the proposed amendments. After their presentation, the Committee sought certain clarifications on varied terms used in the sub-sections proposed to be amended as well as inserted in the National Bank for Agriculture and Rural Development Act, 1981.

#### **2.134. Suggestions by the Committee:**

2.134.1. After the briefing and clarifications on the amendments proposed to be made in the National Bank for Agriculture and Rural Development Act, 1981, the Committee appreciated that the proposed amendment would reduce burden on the court because once the penalty has been paid under the proposed provisions, the matter rests there at least in respect of that failure. The Committee suggested that the Department should look into the Deposit Insurance and Credit Guarantee Corporation Act, 1961 to provide for the similar provisions as made under the proposed sub-sections (6) and (7) in Section 56 of the National Bank for Agriculture and Rural Development Act, 1981.

2.134.2. After discussion, the Committee agreed, in principle, with the amendments proposed to the National Bank for Agriculture and Rural Development Act, 1981, specified at serial no. 22 of the Schedule to the Bill and decided to consider any further modifications, if required, during clause-by-clause consideration.

## The Spices Board Act, 1986

### [Serial No. 23 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.135. **Administering Ministry:** **Ministry of Commerce & Industry**  
**[Department of Commerce]**

2.136. **Purpose of the Act:** The Act provide for the constitution of a Board for the development of export of spices and for the control of cardamom industry including the control of cultivation of cardamom and matters connected therewith

2.137. **Amendments proposed in the Act:**

Sl. No.	Section	Existing Provisions	Provisions as amended by the Bill introduced in Lok Sabha
1	Section 27	<p>27. Any person who –</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government of by the Board, in the exercise of any power conferred, or in the discharge or any duty imposed, on him by or under this Act; or</p> <p>(b) having control over or custody of any account book or other record; fails to produce such book or record when required to do so by or under this Act.</p> <p>Shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>27. Any person who –</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government of by the Board, in the exercise of any power conferred, or in the discharge or any duty imposed, on him by or under this Act; or</p> <p>(b) having control over or custody of any account book or other record; fails to produce such book or record when required to do so by or under this Act.</p> <p><b>Shall be punishable with penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees.</b></p>
2	Section 28	<p><b>28(1)</b> If any person contravenes any order made under section 16, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;</p>	<p>Proposed for omission in the Bill, as introduced.</p>

		<p>and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.</p> <p>(2) Any person who attempt to contravene, abets the contravention of any order under section 16 shall be deemed to have contravened that order.</p>	
3	Section 29	<p>29. If any person contravenes the provisions of section 11 or any order made under section 17 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.</p>	<p>29. If any person contravenes the provisions of section 11 or any order made under section 17 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with penalty which may extend to fifty thousand rupees: provided the penalty for subsequent offences by the same person may extend to one lakh rupees.</p>
4	Section 30	<p>30. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made there under other than the provisions, punishment for the contravention whereof has been provided for in section 26, 27, 28 and 29, <b>shall be punishable with imprisonment which may extent to six months</b>, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.</p>	<p>30. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made there under other than the provisions, punishment for the contravention whereof has been provided for in section 26, 27, 28 and 29, shall be punishable with <b>penalty which may extend to fifty thousand rupees: provided the penalty for subsequent offences by the same person may extend to one lakh rupees.</b></p>

## 2.138. **Submissions by the Ministry:**

2.138.1. Elaborating on the need for the proposed amendments, the Ministry in their background note submitted as under:

“Spices Board Act, which is more than 35 years old, had provisions prescribing criminal penalties for offenses under the Act. Section 27, 28, 29 & 30 stipulates criminal penalty for contravention of provisions under various Sections of the Act.

The criminal provisions were enacted during a period when restriction and regulation were the key words. Currently, there is a felt need to decriminalize the contravention of provisions under the Spices Board Act, with a view to facilitate ease of doing business and to enable trade and commerce in spices in a liberalized environment.

Accordingly, amendments have been proposed, vide Sl. No 23 of the Jan Vishwas (Amendment of Provisions) Bill, 2022, to provisions under Section 27, 28, 29 & 30 of Spices Board Act, 1986. The ‘punishment with imprisonment’ provided under Sections 27, 29 & 30 has been proposed for substitution with civil penalty which may extend to fifty thousand rupees and further to one lakh rupees, in the case of repeated offenses by the same person. Also, Section 28 of the Spices Board Act, which prescribed punishment of imprisonment for contravention of Section 16 of the Act (relating to Control of Price and Distribution of Cardamom) has been proposed for deletion, aiming at de-regulation and trade facilitation.

The stakeholders benefitted by the amendments are spice exporters and growers, dealers & auctioneers of cardamom. As a step to facilitate ease of doing business, only civil penalty is proposed for contraventions such as export of spices without a certificate, failure to produce books and records and any other contravention in the Spices Board Act 1986. An approximate number of spice exporters and dealers, auctioneers and growers of cardamom who will be benefitted are 7000, 730 and 1,10,000, respectively.

Decriminalization of the provisions in the existing Act will facilitate ease of doing business and provide fair & equitable benefits to all stakeholders, thereby ensuring that Spices Board acts as a facilitator rather than regulator of the sector and promotes faster growth and development of Spice sector, besides promoting export of spices in a liberalized environment. ”

## 2.139. **Suggestions by the Committee:**

2.139.1. After the briefing by the representatives of the Ministry and clarifications on the amendments proposed to be made in the Spices Board Act, 1986, specified at serial no. 23 of the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration.

Section 26: Provisions in the act where only fine is currently prescribed, the same may also be converted to penalty.

Section 30: For penalties in the proposed provisions an adjudication mechanism with appellate provisions may be provided.

## The Environment (Protection) Act, 1986

### [Serial No. 24 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.140. **Administering Ministry:** Ministry of Environment, Forests and Climate Change

2.141. **Purpose of the Act:** The Environmental (Protection) Act, 1986 establishes the framework for studying, planning, and implementing long-term requirements of environmental safety and laying down a system of speedy and adequate response to situations threatening the environment. It is an umbrella legislation designed to provide a framework for the coordination of Central and State authorities.

2.142. **Amendments proposed to the Act:**

S. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	Insertion of clause (ca) after clause (c) in Section 2	Nil	(ca) "Fund" means the Environmental (Protection) Fund established under section 16;
2	Section 10.--  Powers of Entry and Inspection	<p>(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under subsection (1) for carrying out the functions under that subsection and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.</p> <p>(3) If any person willfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.</p> <p>(4) The provisions of the Code of Criminal Procedure, 1973,</p>	<p>(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall render assistance, as may be required, to the person empowered by the Central Government under subsection (1) for carrying out the functions under that subsection and if he fails to do so without any reasonable cause, he shall be liable to pay the penalty provided under section 14B.</p> <p>(3) If any person willfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions under sub-sections (1) and (2), he shall be liable to pay the penalty provided under</p>

		<p>or, in relation to the State of Jammu and Kashmir, or an area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.</p>	<p>section 14B. (4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of that Code.</p>
2.	<p><b>Insertion of new section 14A after Section 14</b></p>	<p>Nil</p>	<p>14A. Penalty for contravention of section 7 or section 8.- (1) If any person, contravenes provisions of section 7 or section 8 or orders or directions issued thereunder, he shall be liable to pay the penalty in respect of each such contravention or non-compliance, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees: (2) Where any person continues contravention on non-compliance under sub-section (1), he shall be liable to pay an additional penalty of fifty thousand rupees every day during which such contravention continues.</p>
3.	<p><b>Insertion of section 14B after Section 14A</b></p>	<p>Nil</p>	<p>14B. Penalty for contravention of sections 9, 10 and 11.-- (1) If any person contravenes or does not comply with section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than ten thousand rupees and may extend to five lakh rupees:</p>

			(2) Where any person continues contravention on non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees per day during which such contravention continues.”
4.	<b>Section 15</b>  <b>Penalty for Contravention of the provisions of the Act and the Rules, Orders and Directions</b>	<p>) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.</p> <p>(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.</p>	<p>) Where any person contravenes or does not comply with any of the provisions of this Act, or the rules made or orders or directions issued thereunder, for which no penalty is provided, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five thousand rupees but which may extend to fifteen lakh rupees.</p> <p>) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such contravention continues.</p>
5.	<b>Insertion of section 15A</b>  <b>Penalty for contravention by companies</b>	Nil	<p>15A. Penalty for contravention by companies. – (1) Where any company contravenes any of the provisions of this Act, such company shall be liable to pay the penalty for each such contravention which shall not be less than one lakh rupees and may extend to fifteen lakh rupees.</p>



			(2) Where any company continues contravention on non-compliance under sub-section (1), the company shall be liable to pay an additional penalty of one lakh rupees every day during which such contravention continues.
6.	<p><b>Insertion of section 15B</b></p> <p><b>Penalty for contravention by Government Department.</b></p>	Nil	<p>15B. Penalty for contravention by Government Department. –</p> <p>(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:</p> <p>Provided he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p>
7.	<p><b>Insertion of section 15C</b></p> <p><b>Adjudicating</b></p>	Nil	<p>15C. Adjudicating Officer. –</p> <p>(1) The Central Government, for the purposes of determining the penalties</p>

	<p><b>Officer</b></p>	<p>under this Act, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may-</p> <p>(a) call upon any person alleged to have contravened or not complied with the provisions of this Act and the rules made thereunder or having the knowledge of the facts and circumstances of the case;</p> <p>(b) require such person to produce any record, register or other document in his possession or any other document, which in the opinion of the adjudicating officer may be relevant to the subject-matter.</p> <p>(3) The adjudicating officer shall, after giving the person a reasonable opportunity of being heard in the matter, and if, on such inquiry, he is satisfied that the person concerned has contravened or has not complied with the provisions of the Act or the rules made thereunder, he may impose such penalty as he thinks fit in accordance with the provisions of sections 14A, 14B, 15, 15A or 15B, as the case may be.</p> <p>(4) The adjudicating officer,</p>
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			<p>while adjudicating the quantum of penalty under sub-section (3), shall have due regard to the following, namely: -</p> <p>(a) the population and the area impacted or affected due to such contravention or non-compliance;</p> <p>(b) the frequency and duration of such contravention or non-compliance;</p> <p>(c) the vulnerability of the class of persons likely to be adversely affected by such contravention or non-compliance;</p> <p>(d) the damage caused or likely to be caused to any person, as a result of such contravention or non-compliance, if any;</p> <p>(e) the undue gain derived out of such contravention or non-compliance; and</p> <p>(f) any such other factor, as may be prescribed.</p> <p>(5) The amount of penalty imposed under the provisions of section 14A, 14B, 15, 15A or 15B, as the case may be, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010)".</p>
8.	<p><b>Insertion of section 15D</b></p> <p><b>Appeal.</b></p>	Nil	<p>15D. Appeal. – (1) Any person aggrieved by the order, passed by the adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p>(2) Every appeal under sub-</p>

			<p>section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. Of the amount of the penalty imposed by the adjudicating officer.</p>
9.	<p><b>Insertion of section 15E</b></p> <p><b>Penalty amount to be credited to Environmental (Protection) Fund.</b></p>	Nil	15E. Penalty amount to be credited to Environmental Protection Fund. – Where any penalty or additional penalty, as the case may be, is imposed under sections 14A, 14B, 15, 15A or 15B, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16.
10.	<p><b>Insertion of section 15F</b></p> <p><b>Offence for failure to pay penalty or additional penalty.</b></p>	Nil	15F. Offence for failure to pay penalty or additional penalty. – (1) Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 14A, 14B, 15, 15A or 15B within ninety days of such imposition, he shall be liable for imprisonment which

		<p>may extend to three years or with fine which may extend to twice the amount of the penalty or with both.</p> <p>(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (1), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(3) Notwithstanding anything contained in sub-section (2), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> – For the purposes of this section, -</p> <p>(a) “company” includes body</p>
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			<p>corporate, firm, trust, society and any other association of individuals;</p> <p>(b) "director", includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.'</p>
13.	<b>Section 16</b>	<p>Offences by companies.—(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>	Proposed for omission in the Bill, as introduced.
15.	<b>Insertion of "CHAPTER IIIA FUND, ACCOUNTS AND AUDIT" after Chapter III</b>	Nil	<p>"CHAPTER IIIA FUND, ACCOUNTS AND AUDIT</p> <p>16.Environmental Protection Fund. – (1) The Central Government may, by notification in the Official Gazette, establish a fund to be known as the Environmental Protection Fund.</p> <p>(2) There shall be credited to the Fund-</p> <p>(a) the amount of penalty imposed under the Air (Prevention and Control of</p>

		<p>Pollution) Act, 1981(14 of 1981) and under this Act;</p> <p>(b) the interest or other income received out of investments made from the Fund; and</p> <p>(c) any other amount from such sources, as may be prescribed.</p> <p>(3) The Fund shall be applied for –</p> <p>(a) the promotion of awareness, education and research for the protection of environment;</p> <p>(b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act 1981(14 of 1981) and this Act;</p> <p>(c) such other purposes, as may be prescribed.</p> <p>(4) The Central Government shall notify the administrator for the administration of the Fund and other matters connected therewith and incidental thereto in such manner, as may be prescribed.</p> <p>(5)The Central Government shall allocate seventy- five percent of the amount of penalties to the State Governments or Union territory administrations, which has been credited to the Fund.</p> <p>16A. Accounts and audit of the Fund. – (1) The Central Government shall maintain separate accounts and other relevant records in relation to the Environmental Protection Fund and prepare an annual</p>
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			<p>statement of accounts in such form, as may be prescribed, in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of the Fund shall be audited by the Comptroller and Auditor – General of India at such intervals as may be specified by him and such audited accounts together with the audit report thereon shall be forwarded annually to the Central Government.</p> <p>16B. Annual Report.- The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities define under this Act in such form, as may be prescribed, for each financial year during the previous financial year and forward a copy thereof, within four months from the last date of the previous financial year, to the Central Government which shall cause the annual report and the audit report given by the Comptroller and Auditor-General of India to be laid before each House of Parliament.”.</p>
14.	<b>Section 17</b>	<p>Offences by Government Departments.—(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this section shall render such Head of the</p>	<p>Proposed for omission in the Bill, as introduced.</p>



		Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.	
16	<b>Insertion of new clause (aa) after clause (a) in Section 19</b>	Nil	(aa) adjudicating officer or any officer authorised by him in this behalf;
17	<b>Section 24</b>	Effect of other laws.—(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act. (2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.	24. Effect of other laws. – The provisions of this Act and the rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
3.	<b>Insertion of clauses in Section 25(2) after clause (g)</b>  <b>Power to make Rules</b>	Nil	(ga) the manner of holding inquiry and imposing penalty by the adjudicating officer under sub-section (1) and other factors for determining quantum of penalty under clause (f) of sub-section (4), of section 15C;  (gb) the other amount under clause (c) of sub-section (2) of section 16;  (gc) the other purposes under clause (c) of sub-section (3) of section 16;  (gd) the manner of administration of Fund under sub-section (4) of section 16;  (ge) form for maintenance of accounts of the Fund and for

			<p>preparation of annual statement of accounts under sub-section (1) of section 16A;</p> <p>(gf) form for preparing Annual Report of the Fund under section 16B;</p>
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**2.143. Submission by the Ministry:**

2.143.1. In their background note, the Ministry have submitted that at present in case of any non-compliance or contravention of the provisions of the Environmental (Protection) Act, 1986, or of the rules or directions issued under the said Act is being governed under Section 15 of the Act, the violator will be punishable with imprisonment up to five years or with a fine up to Rs. 1, 00,000, or with both. In case of continuation of such violation, an additional fine of up to Rs. 5,000 for every day during which such failure or contravention continues after the conviction for the first such failure or contravention will be levied. Further, if the violation continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

2.143.2. Explaining the rationale behind the proposed amendments, the Ministry have submitted that:

- (a) Imprisonment provision for minor violations not leading to any injury to human or damage to environment is not justifiable.
- (b) Imprisonment provision for many provisions in the first instance itself is also not justifiable.
- (c) Criminal provisions many a times cause harassment to businesses and citizens for simple non-compliance.
- (d) As per the available records/information, total 1737 Criminal Cases have been registered for violation of Environmental norms under EPA, 1986; Water Act, 1974 and Air Act, 1981 over last three years i.e 2019-2021. Out of which only total 39 people were actually convicted under the above said Acts.
- (e) Courts were being needlessly burdened due to invoking of Section 15 of EPA, 1986 on minor and procedural defaults.

2.143.3. The Ministry have further submitted as under:

“Considering the above and experience gained in the implementation of the EPA, 1986 over a period of 36 years, it was observed that the criminal provisions contained in the existing Act neither act as a deterrent nor helps towards the cause of environment protection. Therefore, imposition of heavier penalties coupled with provisions of IPC, 1860 will act as a deterrent for habitual violators. It is proposed that imprisonment for minor lapses shall be replaced with heavier penalties. The amount of penalties to be imposed was fixed on the basis of the nature of offence. As an outcome, the proposed amendment with heavier penalties shall at one hand act as a deterrent for violators and at other hand shall encourage a culture of self-regulation for serious players.”

2.143.4. The Ministry have also informed the Committee that Inter-Ministerial Consultation (IMC) and Public Consultation (PC) was carried out through Public Notice published on website of MoEF & CC and in 61 newspapers PAN-INDIA. A total of 73 comments/ suggestions were received from PC and 9 comments from IMC which were duly examined and incorporated, as deemed fit, in the proposed bill.

2.143.5. Enumerating the salient features of the proposed amendments under the Act, the Ministry in their background note have submitted as under:

- i. Penal provision mentioned under EPA, 1986 is proposed to be completely decriminalized by substituting it with penalty and additional penalty.
- ii. The amount of penalty has been specified on the basis of the type and nature of the contravention of the provisions of EPA.
- iii. Penalty for non-compliance of Section 7 & Section 8 dealing with discharging/ emitting in excess and handling of hazardous substances respectively shall be covered under Section 14A with higher amount of penalty than contravention to other or provisions.
- iv. Penalty for contravention of Section 9,10 & Section 11 dealing with furnishing of information, powers for entry and inspection and powers to take sample respectively shall be covered under Section 14B with lesser amount of penalty as compared to penalty for the contravention of Section 7&8.
- v. In case of contravention of the rules or directions issued under the EPA for which no penalty has been provided the same shall be covered under Section 15.
- vi. Contravention of the provisions of the EPA by Companies shall be covered under Section 15A and by Govt departments under 15B respectively. Section 16&17 omitted.
- vii. Appointment of Adjudicating Officer is proposed for the purpose of determining the penalties under EPA, 1986. However, if the penalty and additional penalty, as the case may be, is not paid by the violator, criminal provision shall be applicable.
- viii. Provision for creation and management of fund namely Environment (Protection) Fund is also proposed for collection as well as proper utilization of fund collected from penalty.
- ix. Any person aggrieved by the Order of the Adjudicating Officer may prefer an appeal before the Hon'ble National Green Tribunal as prescribed under section 15D.

2.143.6. Apprising the Committee regarding the benefits of the proposed reform, the Ministry have submitted that amendment of the Environmental (Protection) Act, 1986 shall achieve the following:

- i. Proposed amendment will encourage self-regulation and create an atmosphere of trust based governance.
- ii. By way of the instant proposed amendment bill, the concept of Adjudicating officer for dealing with defaulters has been proposed to be introduced. In doing so, the proposed bill will ease out the stress on the criminal justice system.
- iii. Increased penalty amount will act as deterrent for law-abiding entrepreneurs which would ensure better compliance of laws while also promote better corporate management practices in their operations.

- iv. Eliminates the fear of imprisonment on minor lapses. This reform will also send out a clear message to the law-abiding entrepreneurs and corporations at large, about the Government's commitments to promote ease of doing business and ease of living in India.
- v. Efforts would boost foreign investments in India.

**2.144. Discussion in the sitting of the Committee:**

2.144.1. During the sitting held on 17<sup>th</sup> January, 2023, the Committee sought clarifications on the reasons for insertion of adjudicating officer to Section 19 of the Act relating to Cognizance of offence. In this regard the Ministry clarified that when the person who has been imposed with the penalty and he refuses to pay penalty, then it becomes a criminal offence for which prosecution has to be filed by somebody.

2.144.2. In this regard, representative from the Legislative Department (Ministry of Law & Justice) further clarified as under:

“No court shall take cognizance of an offence unless a complaint is filed by somebody. So, we are only enabling the Adjudicating Officer or any other officer.”

**2.145. Suggestions by the Committee:**

2.145.1. After discussion and clarifications on the amendments proposed to be made in the Environmental (Protection) Act, 1986, specified at serial no. 24 in the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration.

Section 15 : Penalty amount may be increased from five thousand to ten thousand.

**The National Housing Bank Act, 1987**  
**[Serial No. 25 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.146. **Administering Ministry: Ministry of Finance**  
**[Department of Financial Services]**

2.147. **Purpose of the Act:** To establish a bank to be known as the National Housing bank to operate as a principal agency to promote housing finance institutions both at local and regional levels and to provide financial and other support to such institutions and for matters connected therewith or incidental thereto.

2.148. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	Insertion of new Section 33C	Nil	33C. Power to take action against auditors. – Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the Reserve Bank may, if satisfied, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time.”
2.	Section 49(2)	If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.	Proposed for omission in the Bill, as introduced.
3.	Section 49(2B)	If any auditor fails to comply with any direction given or order made by the National Housing	Proposed for omission in the Bill, as introduced.

		Bank or the Reserve Bank under section 33, he shall be punishable with fine which may extend to five thousand rupees.	
4.	Section 49(3)(aa)	If any person other than an auditor—  (aa) fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V; or	Proposed for omission in the Bill, as introduced.
5.	Section 49(4)	If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, any person guilty of such contravention or default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one, with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.	Proposed for omission in the Bill, as introduced.
6.	Section 52A (Marginal Heading)	Power of National Housing Bank and Reserve Bank to impose fine.-	Power of National Housing Bank and Reserve Bank to impose penalty.-
7.	Section 52A(1)	(1) Notwithstanding anything contained in section 49, if the contravention or default of the nature referred to in the said section is committed by a housing finance institution which is a company, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such company—  (a) a penalty not exceeding five thousand rupees; or  (b) where the contravention or	(1) Notwithstanding anything contained in section 49, if the contravention or default of the nature referred to in the said section is committed by a housing finance institution which is a company, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such company—  (a) a penalty not exceeding <b>twenty-five thousand</b> rupees; or  (b) where the contravention or

		<p>default is under sub-section (2A) or clause (a) or clause (aa) of sub-section (3) of that section, a penalty not exceeding five lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to twenty-five thousand rupees for every day, after the first, during which the contravention or default continues.</p>	<p>default is under sub-section (2A) or clause (a) of sub-section (3) of that section, a penalty not exceeding <b>ten lakh</b> rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to <b>one lakh</b> rupees for every day, after the first, during which the contravention or default continues.</p>
8.	Insertion of new sub-sections	Nil	<p>(1A) If any person or housing finance institution which is a company fails to produce any book, account or other document, or to furnish any statement or information, which, under the provisions of this Act, is the duty of such person or housing finance institution to produce or furnish, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding one lakh fifty thousand rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to seven thousand five hundred rupees for every day, after the first, during which the contravention or default continues.</p> <p>(1B) If any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person a penalty not</p>

		<p>exceeding ten lakh rupees.</p> <p>(1C) If any person (other than an auditor) or housing finance institution which is a company fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding ten lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to one lakh rupees for every day, after the first, during which the contravention or default continues.</p> <p>(1D) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, the National Housing Bank or the Reserve Bank, as the case may be, may impose on any person or housing finance institution which is a company, guilty of such contravention or default, a penalty not exceeding one lakh rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to ten thousand rupees for every day, after the first, during which the contravention or default continues.”;</p>
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9.	Section 52A(2)	(2) For the purpose of imposing penalty under sub-section (1), the National Housing Bank or the Reserve Bank, as the case may be, shall serve a notice on the housing finance institution which is a company requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such housing finance institution.	(2) For the purpose of imposing penalty under <b>this section</b> , the National Housing Bank or the Reserve Bank, as the case may be, shall serve a notice on the <b>person or housing finance institution</b> which is a company requiring to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such <b>person or housing finance institution</b> .
10.	Section 52A(3)	(3) Any penalty imposed by the National Housing Bank or the Reserve Bank, as the case may be, under this section shall be payable within a period of thirty days from the date on which notice issued by the National Housing Bank or the Reserve Bank, as the case may be, demanding payment of the sum is served on the housing finance institution which is a company and, in the event of failure of such housing finance institution to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office or the head office of such housing finance institution is situated: Provided that no such direction shall be made, except on an application made by an officer of the National Housing Bank or the Reserve Bank, as the case may be, authorised in this behalf, to the principal civil court.	(3) Any penalty imposed by the National Housing Bank or the Reserve Bank, as the case may be, under this section shall be payable within a period of thirty days from the date on which notice issued by the National Housing Bank or the Reserve Bank, as the case may be, demanding payment of the sum is served on the <b>person or housing finance institution</b> which is a company and, in the event of failure of such <b>person or housing finance institution</b> to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in <b>the area where such person ordinarily resides or, as the case may be, the registered office</b> or the head office of such housing finance institution is situated: Provided that no such direction shall be made, except on an application made by an officer of the National Housing Bank or the Reserve Bank, as the case may be, authorised in this behalf, to the principal civil court.

11	Section 52A(4)	(4) The court which makes a direction under sub-section (3), shall issue a certificate specifying the sum payable by the housing finance institution which is a company and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.	(4) The court which makes a direction under sub-section (3), shall issue a certificate specifying the sum payable by the <b>person</b> or the housing finance institution which is a company, as the case may be, and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.
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**2.149. Submission by the Ministry:**

2.149.1. The Department of Financial Services has proposed to amend Section 49 and Section 52A of the National Housing Bank Act, 1987 and insertion of Section 33C in the Act. In their background note, the Department of Financial Services has stated that sub-sections (2), (2B), (3) and (4) of Section 49 of the Act currently provide for imposition of a fine and Section 52A provides for the power of the National Housing Bank and the Reserve Bank of India to impose a penalty. The proposal is to amend the said sub-sections of Section 49 by omitting them from Section 49 and suitably inserting them in Section 52A, thereby replacing the provision of imposition of fine with provision for imposition of penalty by the National Housing Bank and the Reserve Bank of India. These offences under Section 49 pertain to certain procedural lapses related to failure to produce any book, accounts or other document, failure to furnish any information etc. and, therefore, these can be brought under the purview of Section 52A of the Act. Section 33C is also proposed to be inserted in the Act on the lines of similar provisions available in the Reserve Bank of India Act, 1934 as consequential amendments in view of decriminalizing the offence of failure by auditors to comply with directions by their debarment or removal. Besides bringing the aforesaid provisions made under Section 49, consequential amendments have also been incorporated in Section 52A of the Act to enable the National Housing Bank or the Reserve Bank of India, as the case may be, to impose penalty for such violations.

**2.150. Discussion in the sitting of the Committee:**

2.150.1. The Committee held thorough discussions on the proposed amendments during their sitting held on 6<sup>th</sup> February, 2023. On a query raised by the Committee whether the expression “under the provisions of this Act” in Section 49(2) of the Act include any direction or orders issued under any rules and regulations. The representative from the Department clarified that the aforesaid expression is only in respect of the National Housing Bank Act, 1987. The Committee was also of the view that the Companies Act, 2013 should be checked up if any such provision is present therein. The Committee then proceeded to observe that the penalty comes only from the main provisions of the statute and not from the rules made thereunder.

2.150.2. As regards the newly incorporated Section 33C, the Committee raised their concern whether removal or debarment of an auditor of any of the Reserve Bank regulated entities on his failure to comply with any direction or order of the National Housing Bank or

the Reserve Bank of India only on the satisfaction of the Reserve Bank is a sufficient safeguard to impose penalty and a stigma on the auditors. The Committee felt that such a provision will not stand the judicial scrutiny when a reasonable opportunity of hearing is not being afforded. Accordingly, the words “if satisfied” in the proposed Section should be suitably replaced for the auditors should be given a reasonable opportunity of being heard by the Regulator in order to be able to present their case rather than simply being debarred on mere satisfaction of the Regulator.

2.151. **Suggestions by the Committee:**

2.151.1. After comprehensive deliberations and clarifications on the amendments proposed to be made in the National Housing Bank Act, 1987, specified at serial no. 25 of the Schedule to the Bill, the Committee concurred with most of the amendments proposed and decided to consider *inter alia* the following modifications during clause-by-clause consideration:

- (i) Section 33C: The expression “if satisfied” under the section shall be replaced suitably with the expression “reasonable opportunity of being heard.”

## The Motor Vehicles Act, 1988

### [Serial No. 26 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.152. **Administering Ministry:** Ministry of Road Transport and Highways

2.153. **Purpose of the Act:** The Motor Vehicles Act, 1988 (MV Act, 1988) governs practically all elements of road transport vehicles. It covers all areas covered by the Act's provisions, such as traffic laws, vehicle insurance, motor vehicle registration, controlling permits, and penalties.

2.154. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1.	<b>Section 192A</b>	192A. Using vehicle without permit.— (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with imprisonment for a term which may extend to six months and a fine of ten thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:	192A. Using vehicle without permit.— (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with imprisonment for a term which may extend to six months <b>or a fine of ten thousand rupees, or with both</b> and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:
		Provided that the court may for reasons to be recorded, impose a lesser punishment.	Proposed for omission in the Bill, as introduced.
2.	<b>Section 200</b>	200. Composition of certain offences.-- (1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182,	<b>200. Compounding of offences.-</b> (1) Any offence whether committed before or after the commencement of this Act, punishable under section 177, section 177A, section 178, section 179, section 180, section

		sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, subsection (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld communication devices, section 186, section 189, subsection (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf:	181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, subsection (1) or sub-section (2) of section 183, section 184 to the extent of use of handheld communication devices, section 186, section 189, subsection (2) of section 190, section 192, section 192A, sub-section (3) of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.
3.	<b>Insertion of new proviso in Section 215(3)</b>	Nil	Provided that the Central Government may, by notification in Official Gazette, constitute District Road Safety Committee for such district in such State, where the State Government has not constituted the Committee consisting of a Chairman and such other members as it considers necessary and on such terms and conditions as it may determine.

### 2.155. **Submissions by the Ministry:**

2.155.1. As regards the guiding criteria followed while reviewing the Act, the background note of the Ministry of Road, Transport and Highways stated that the various provisions of the MV Act, 1988, containing imprisonment were also reviewed in consultation with States/UTs. It was found that provisions are required to be retained for being unique to the MV Act and for being essential to create a deterrent against various offences and to also ensure road safety. As an alternative, some provisions are being made compoundable through amendment of Section 200 of MV Act.

2.155.2. The Ministry of Road Transport and Highways have identified following provisions for insertion in Section 200, for making them compoundable:

- i. Section 177A- Penalty for contravention of regulations under section 118.
- ii. Sub-section (3) of Section 192B- Offences relating to registration.
- iii. Section 201- Penalty for causing obstruction to free flow of traffic.

2.155.3. It further mentioned that the Section 192A of the MV Act, 1988 was identified as an anomaly. Section 192A (1) prescribes fine of Rs. 10,000 'and' imprisonment up to 6 months, for first offence, and fine of 10,000 'and/or' imprisonment of 6 months to 1 year, for subsequent offence. Therefore, the said provision is being amended to replace "and" with "and/or" for the penalty prescribed for the first offence. This amendment further rectifies the issue that Section 192A (1) of the MV Act although mentioned as a compoundable offence, could not be compounded due to the said anomaly. Section 215 of the MV Act, 1988 provides for Road Safety Councils and Committees. The sub-clause 3 of the said provision is being amended to empower the Central Government to establish Road Safety Committees only in the event the concerned State Government fails to.

#### 2.156. **Discussion in the sitting of the Committee:**

2.156.1. During the deliberations, the Secretary, Ministry of Road Transport and Highways informed the Committee about the constitution of State and District level Road Safety Committees. The Ministry informed that a concurrent Power is being given to the Central Government under Section 215 (3) to constitute road safety Councils and Committees by adding a Provision.

2.156.2. The Committee in this regard pointed out differences in the language of the Section in the Bill presented in the House and the Statement of Amendments being produced before the Committee. The Secretary, Ministry of Road Transport and Highways stated that essence is similar though the wordings may differ and committed to correct the inconsistency.

#### 2.157. **Suggestions of the Committee:**

2.157.1. After detailed discussions and clarifications on the amendments proposed to be made in the Motor Vehicles Act, 1988, specified at serial no. 26 of the Schedule to the Bill, the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration:

- (i) The existing marginal heading of Section 200 should be retained.
- (ii) Under Section 215, the new *proviso* proposed to be inserted should read like as under:

"Provided that the Central Government may, by notification in the Official Gazette, constitute District Road Safety Committee for such district in such State, where the State Government has not constituted a District Road Safety Committee under sub-section (3). Provided further that where the Central Government constitutes a District Road Safety Committee, it shall consist of a Chairman and such other members as the Central Government considers necessary and shall be constituted on such terms and conditions as the Central Government may determine."

## The Railways Act, 1989

### [Serial No. 27 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.158. **Administering Ministry:** Ministry of Railways

2.159. **Purpose of the Act:** The Act provides in detail the legislative provisions regarding railway zones, construction and maintenance of works, passenger and employee services.

2.160. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1.	<b>144</b>	Prohibition on hawking, etc., and begging :- (2) If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment as provided under sub-section (1).	Prohibition on hawking, etc., and begging.— (1) If any person canvasses for any custom or hawks or exposes for sale any article whatsoever in any railway carriage or upon any part of a railway, except under and in accordance with the terms and conditions of a licence granted by the railway administration in this behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both: Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of one thousand rupees. <b>(2) No person shall be permitted to beg in any railway carriage or upon any part of the railway.</b> (3) Any person referred to in sub-section (1) or sub-section (2) may be removed from the railway carriage or any part of the railway or railway station, as the case may be, by any railway servant authorised in this behalf or by any other person whom such railway servant may call to his aid.

## 2.161. Submissions by the Ministry:

2.161.1. The Ministry of Railways in their background note have informed that the Ministry seeks to amend Section 144(2) which deals with prohibition on hawking etc. and begging. The Section 144(2) of Railways Act criminalizes begging with a penalty of a term which may extend to one year or with fine which may extend to two thousand rupees or with both with a proviso that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of one thousand rupees. It is like being penalized for being poor and destitute. Therefore, the Ministry seeks to decriminalize begging by modifying Section 144(2).

2.161.2. As regards the exact number of times aforesaid criminal provision has been invoked, the Ministry in their background note provided the following statistics:

- (a) The number of cases registered under Section 144(2) of the Railway Act proposed to be decriminalized is 16391 during the year 2022 (Up to November 2022).
- (b) There are various other criminal punishment provisions for various offences on the railways which have been provided in the "Railways Act, 1989" and "Railway Property (Unlawful Possession) Act, 1966" as amended from time to time besides the Section 144(2) of the Railway Act, which are invoked from time to time.
- (c) There is no provision (Zero '0') in the "Railways Act, 1989" and "Railway Property (Unlawful Possession) Act 1966" which has not been invoked at any point of time.
- (d) Further, the exact data on the number of cases registered under various sections of both the above mentioned Acts is as under:

S.No.	Act	Number of cases in given	
		2021	2022 (upto October)
1.	Railway Property (Unlawful Possession) Act 1966	4,647	5,038
2.	Railways Act, 1989	4,19,516	5,88,720
Total		4,24,163	5,93,758

2.161.3. Other provisions for criminal punishment which are provided in the "Railways Act, 1989" and "Railway Property (Unlawful Possession) Act, 1966" as amended from time to time, are essential to ensure that there is a deterrent.



## 2.162. Discussion in the sitting of the Committee:

2.162.1. During the sitting the Committee held on 07.02.2023, the Committee enquired if the Ministry has examined the other provisions of the Act relating to minor offences under section 137 to 182 which can be decriminalised. The Committee in this regard sought to understand the rationale of imprisonment for petty offences like fraudulently travelling or travelling without ticket or crowding platforms without platform tickets. The Committee suggested that in such offences, imprisonments may be changed into penalties as these would have a greater deterrent effect in checking the menace. The representatives of the Railway Board apprised the Committee as under:

“सर, वह चीज छोटी लग सकती है। But it can cause major disruption to the train operations, and passenger safety.

.....सर, इसको तो हम लोगों ने रिव्यू के लिए दिया है। बाकी जो हैं, उसमें तीन मेजर कैटेगरीज़ ऑफेंसेज़ के हैं, जिसमें पैसेंजर की सेफ्टी, ट्रेन की सेफ्टी है। It can cause even major accidents if you do not control these offences. Trespassing on tracks and other things. These concern with running the railway safely, ensuring the passengers safety, ensuring the safety of the women who are travelling on the trains, and ensuring the safety of children who are there. So, all that is involved. किस तरह का खाना सर्व हो रहा है, उस तरह की चीजें भी हैं।”

2.162.2. The Committee further enquired about the provisions for tackling of repeat offenders, the representatives apprised as under:

“सर, बहुत बार ऐसा होता है कि लोग हजार रुपये भी फाइन देने के लिए तैयार नहीं होते हैं। मैंने खुद भी हजारों बार टिकट चेकिंग की है। कई लोग कहते हैं कि हम पैसा नहीं दे सकते हैं। हमारे नहीं देंगे, हमारे पास नहीं है। हम उन को कुछ घंटे के लिए रख लेते हैं, उसके बाद फाइनली शाम तक हम उनको छोड़ ही देते हैं। कुछ तो डिटरेंट करना ही पड़ेगा न, वरना हम फिर टिकट भी न लें। कुछ तो डिटर करना पड़ेगा।”

## 2.163. Suggestions by the Committee:

2.163.1. After detailed discussions with the representatives of the Ministry of Railways, the Committee agreed, in principle, with the amendments proposed to the Indian Railways Act, 1989, specified at Serial No. 27 of the Schedule to the Bill. However, the Committee directed that the Ministry of Railways shall go through the Act once again and find out other provisions in the Act which can be decriminalized. The Committee decided to consider the Act during Clause-by-Clause consideration.

## The Public Liability Insurance Act, 1991

### [Serial No. 28 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.164. **Administering Ministry:** Ministry of Environment, Forests and Climate Change

2.165. **Purpose of the Act:** The Public Liability Insurance (PLI) Act, 1991 was enacted with the objective of providing relief to the victims of accidents that might occur while handling hazardous substances. The owner who has control over handling hazardous substances is required under the Act to take an insurance policy and pay matching amount to Environment Relief Fund established under the act.

2.166. **Amendments proposed to the Act:**

Sl. No.	Section No.	Existing Provision	Provisions as amended by the Bill introduced in Lok Sabha
1.	<p style="text-align: center;"><b>Section 2.</b></p> <p style="text-align: center;"><b>Definitions (New Definitions are proposed in the Bill)</b></p> <p>clause (ha) shall be renumbered as (hb) and new clause be inserted as (ha)</p> <p>and</p> <p>clause (k) shall be inserted after clause (j)</p>	Nil	<p>(ha) “property” includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;</p> <p>(k) words and expressions used and not defined in this Act but defined in the Transfer of Property Act, 1882 (4 of 1882) and the Environment Protection Act, 1986 (29 of 1986) shall have the meanings respectively assigned to them in those Acts.</p>
2.	<p style="text-align: center;"><b>Section 3: Liability to give relief in certain cases on</b></p>	<p>(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall-be</p>	<p>(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to</p>

	<p><b>principle of no fault. -</b></p>	<p>liable to give such relief as is specified in Schedule for such death, injury or damage.</p>	<p>reimburse such amount, or provide such other relief as may be prescribed, for-</p> <ul style="list-style-type: none"> <li>a. death due to fatal accident;</li> <li>b. medical expenses incurred due to total or partial disability;</li> <li>c. loss of wages due to partial disability;</li> <li>d. other injury or sickness;</li> <li>e. damage to private property; or</li> <li>f. any such other loss or damage, as may be prescribed.</li> </ul>
<p>3.</p>	<p><b>Section 4:</b></p> <p><b>Duty of owner to take out insurance policies. -</b></p>	<p>(1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance whereby he is insured against liability to give relief under sub-section (1) of section 3;</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of this Act shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from such commencement.</p>	<p>(1) Every owner of any undertaking shall take out, before he starts handling any hazardous substance, one or more insurance policies for such undertaking or unit providing for contracts of insurance whereby he is insured against liability to give such relief or reimburse such amount referred to in sub-section (1) of section 3.</p> <p><i>Explanation.</i> - For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under-</p> <ul style="list-style-type: none"> <li>i. the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and</li> <li>ii. the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981),</li> </ul> <p>shall be treated as a separate unit:</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of the Jan Vishwas (Amendment of Provisions) Act, 2022, shall take out such insurance policy or policies as soon as may be and in</p>

		<p>(2A) No insurance policy taken out or renewed by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.</p> <p><i>(Explanation. -For the purpose of this sub-section, "paid-up capital" means in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contracts of insurance.)</i></p>	<p>any case within a period of one year from commencement of that Act.</p> <p>(2A) An insurance policy taken out or renewed by an owner for any undertaking or unit shall be for an amount which shall not be less than the amount of the paid-up capital of that undertaking or unit handling any hazardous substance owned or controlled by that owner and may extend to such amount as may be prescribed but not exceeding five hundred crore rupees.</p> <p><i>Explanation. — For the purposes of this sub-section, “paid-up capital”, in relation to an owner not being a company, means the market value of all assets and stocks of the undertaking on the date of contract of insurance.’.</i></p>
4.	<p><b>Section 6:</b></p> <p><b>Application for claim for relief. –</b></p> <p><b>Insertion of new sub-section (1A) after sub-section (1)</b></p>	Nil	<p>(1A) Where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector.</p>
5.	<p><b>Insertion of new sub-section (9) in existing Section 7</b></p>	NIL	<p>(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by Central</p>

			Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund for restoration of the damage so caused in the manner as may be prescribed.
6.	<b>Insertion of new sub-section (1A) under Section 7A</b>	NIL	(1A) There shall be credited to the Relief Fund established under sub-section (1)- <ul style="list-style-type: none"> <li>a. the amount as prescribed in sub-section (2C) of section 4;</li> <li>b. the amount of penalty imposed under this Act;</li> <li>c. the interest or other income received out of investments made from the Fund; and</li> <li>d. any other amount from such sources, as may be prescribed.</li> </ul>
7.	<b>Section 14. Penalty for contravention</b>	<p>1. Whoever contravenes any of the provisions of 1 [sub-section (1) or sub-section (2) or sub-section (2A) or sub-section (2C)] of section 4 or fails to comply with any direction issued under section 12, he shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both.</p> <p>2. Whoever, having already been convicted of an offence under sub-section (1), is convicted for the second offence or any offence subsequent to the second offence, he shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than one lakh rupees.</p> <p>3. Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of</p>	<p>(1) Where any person contravenes any of the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be liable to pay the penalty equal to the amount of annual premium for insurance policy and may extend up to twice the amount of such premium.</p> <p>(2) Where contravention under sub-section (1) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues.</p>

		1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.	
8.	<b>Section 15.</b>	If any owner fails to comply with direction issued under section 9 or fails to comply with order issued under sub-section (2) of section 11, or obstructs any person in discharge of his functions under section 10 or sub-section (1) or sub-section (3) of section 11, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.	<p><b>15. Penalty for non-compliance of directions.</b> - (1) Where any person does not comply with any directions issued under section 12, he shall be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues non-compliance under sub-section (1), he shall be liable to pay an additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees every day during which such non-compliance continues.</p> <p>(3) Where any owner does not comply with direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under sub-sections (1), (2) or (3) of section 11, he shall be liable to pay penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(4) Where any person continues non-compliance under sub-section (3), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such non-compliance continues.</p>
9.	<b>Insertion of new Section 15A</b>	Nil	<p><b>15A. Adjudicating Officer.-</b> (1) The Central Government, for the purposes of determining the penalties under sections 14 and 15, may appoint the District</p>

		<p>Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the rank of Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry in the manner, as may be prescribed and to impose the penalty:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit in accordance the provisions of sections 14 and 15:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p>
10	<p><b>Insertion of new Section 15B</b></p>	<p><b>15B. Appeal.</b> (1) Any person aggrieved by the order, passed by the adjudicating officer under section 14 or 15, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p>

			<p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent of the amount of the penalty imposed by the adjudicating officer.</p>
11.	<b>Section 16. Offences by Companies</b>	<p>1. Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>2. Notwithstanding anything contained in sub-section (1),</p>	Proposed for omission in the Bill, as introduced.



		<p>where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation. —For the purposes of this section, —</i></p> <p>(a) “company” means anybody corporate and includes a firm or other association of individuals;</p> <p>(b) “director,” in relation to a firm, means a partner in the firm.</p>	
12.	<p><b>Section 17. Offences by Government Departments</b></p>	<p>Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>	<p><b>17. Penalty for contravention by Government Department.--</b></p> <p>(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary.</p> <p>Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, he shall be liable to pay the penalty equal</p>

			<p>to one month of the his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p>
13.	Insertion of new Sections	Nil	<p><b>17A. Penalty amount to be credited to Environmental Relief Fund.</b>-Where any penalty or additional penalty, as the case may be, is imposed under section 14 or section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.</p> <p><b>17B. Offence for failure to pay the penalty or additional penalty.</b>- (1) Where any person fails to pay the penalty or additional penalty imposed for -</p> <ul style="list-style-type: none"> <li>a. contravention or continued contravention under sections 14 or 17, as the case may be; or</li> <li>b. non-compliance of the directions issued under section 15,</li> </ul> <p>within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend up to <b>fifteen lakh rupees</b> or with both.</p> <p>(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:</p>

			<p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> —For the purposes of this section,—</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals;</p> <p>(b) “director,” in relation to a firm, means a partner in the firm.’</p>
14.	<b>Section 23. Power to make rules</b>	(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;	(a) such amount under sub-section (2A) of section 4;
15.	<b>Insertion of new clauses after clause (e) in Section</b>		(ea) amount or relief and any other loss or damage under sub-section (1) of section 3; (eb) such other person under sub-

	<b>23</b>		section (1A) of section 6; (ec) manner of allocation of fund for restoration of damage under sub-section (9) of section 7; (ed) any other amount from other sources under clause (d) of sub-section (1A) of section 7A; (ee) manner of holding inquiry under sub-section (1) of section 15A;
<b>16.</b>	<b>THE SCHEDULE</b>	<p><b>THE SCHEDULE</b> [See section 3(1)]</p> <ol style="list-style-type: none"> <li>i. Reimbursement of medical expenses incurred up to a maximum of Rs. 12,500 in each case.</li> <li>ii. For fatal accidents the relief will be Rs. 25,000 per person in addition to reimbursement of medical expenses if any, incurred on the victim up to a maximum of Rs. 12,500.</li> <li>iii. For permanent total or permanent partial disability or other injury or sickness, the relief will be (a) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 12,500 in each case and (b) cash relief on the basis of percentage of disablement as certified by an authorised physician. The relief for total permanent disability will be Rs. 25,000.</li> <li>iv. For loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs. 1,000 per month up to a maximum of 3 months: provided the victim has been hospitalised for a period exceeding 3 days and is</li> </ol>	Proposed for omission in the Bill, as introduced.

		above 16 years of age. v. Up to Rs. 6,000 depending on the actual damage, for any damage to private property	
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## 2.167. Submission by the Ministry:

2.167.1. As per the existing legal framework, the Public Liability Insurance Act prescribes for mandatory Insurance policy for certain category of Industries and compensation for non-working population living in vicinity of the Industry in case of any accident. The Central Government, by notification, established a fund to be known as the Environmental Relief Fund. An Environmental Relief Fund was created through matching contribution by industries as the premium. The application for relief is to be made by the affected person to Collector based on the damage caused, like death, loss of employment, injury etc. The accumulated fund is about Rs.1000 crore till now, however, no claim of relief has been made under this act till date and hence the need of amendment was felt. Whoever contravenes any of the provisions shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both. In case of continuation of such violation, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than one lakh rupees. If any owner fails to comply with direction issued or for any non-compliances shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

2.167.2. As regards the rationale behind the proposed amendments, the Ministry have stated that:

1. The proposed amendment will help in substantial progress of the Nation on account of the fact that India has now been recognized as an emerging and powerful economy in the world.
2. Elimination of the penal provisions under the PLI Act, 1991, will ameliorate fear of imprisonment and in case of any non-compliance or contravention of the provisions of the PLI Act, 1991 or of the rules or directions issued under the said Act, the violator will be punished through financial penalty and not jail term.
3. The proposed amendment will provide conducive business environment for the industries dealing with hazardous chemicals.
4. Also, the public affected by any accident will be provided swift and reasonable compensation by the proposed amendments. The amount of relief is sought to be made commensurate with the extent of damage done and also with the inflation.
5. The quantum of premium of the policy will be revised keeping in view the inflation index. The amendments will also widen the scope of the act and provide for allocation of fund from ERF for restoration of public property and environment.
6. The Schedule containing the quantum of the compensation has been omitted from the Act and will be notified in the Rules so as to ensure flexibility in revision.
7. As an outcome, the proposed amendment with heavier fines shall at one hand act as a deterrent for violators and at other hand shall encourage a culture of self-regulation for serious players.

2.167.3. The Ministry also informed the Committee that Inter-Ministerial Consultation (IMC) and Public Consultation (PC) were carried out through Public Notice published on website of MoEF&CC and in 82 newspapers PAN-INDIA. A total of 17 comments/suggestions were received from PC and 6 comments from IMC which were duly examined and incorporated, as deemed fit, in the proposed bill.

2.167.4. Enumerating the salient features of the proposed amendments in the Act, the Ministry have inter-alia stated as under:

1. The violations of various provisions of PLI act will not attract prosecution. Only non-payment of penalty/additional penalty will attract criminal liability.
2. Provisions for substantial penalty will be introduced for contravention and non-compliance of the provisions in place of imprisonment.
3. Provisions for Adjudicating officer for awarding the penalty and compensation amount will be introduced.
4. The provisions with respect to restoration of public property and environmental damage by utilization of Environment Relief Fund will be inserted.
5. The amount of limit of the insurance policy has been increased substantially as per inflation index.
6. The proposed amendment involves the omission of Schedule containing the quantum of relief and transferring it to the PLI Rules, 1991 for ease of revision of the amount of relief as per the inflation in future.
7. Appeal to Hon'ble National Green Tribunal has been introduced in case of grievance against the imposition of penalty.

2.167.5. The Ministry have also submitted that amendment proposed under the Act seek to achieve the following benefits:

1. Proposed amendment will encourage self-regulation and create an atmosphere of trust based governances.
2. By way of the instant proposed amendment bill, the concept of Adjudicating officer for dealing with defaulters has been proposed to be introduced. In doing so, the proposed bill will ease out the stress on the criminal justice system.
3. Increased penalty amount will act as deterrent for law-abiding entrepreneurs which would ensure better compliance of laws while also promoting better corporate management practices in their operations.
4. Eliminates the fear of imprisonment on minor lapses. This reform will also send out a clear message to the law-abiding entrepreneurs and corporations at large, about the Government's commitments to promote ease of doing business and ease of living in India.
5. The amount of limit of the insurance policy has been increased substantially as per inflation index.
6. Omission of Schedule containing the quantum of relief and transferring it to the PLI Rules, 1991 for ease of revision of the amount of relief as per the inflation in future.
7. Appeal to Hon'ble National Green Tribunal has been introduced in case of grievance against the imposition of penalty.

**2.168. Discussion in the sitting of the Committee:**

2.168.1. During the sitting held on 17<sup>th</sup> January, 2023, the Committee sought to know how the insurance premium to be paid and compensation for environment damage by any industry will be ascertained. The Ministry informed the Committee that the same shall be prescribed in the Rules. The Committee further enquired as to why the Ministry seeks to amend Section 3 to bring about compensation to be prescribed by Rules wherein earlier it is specified in the Schedule. The Ministry submitted that the same has been proposed to enable ease of periodical review of compensation.

**2.169. Suggestions by the Committee:**

2.169.1. After detailed discussion, the Committee agreed, in principle, with the amendment proposed to the Public Liability Insurance Act, 1991 specified at Serial No.28 of the Schedule to the Bill and decided to consider any further modifications, if required, during the clause-by-clause consideration of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

## The Cable Television Networks (Regulation) Act, 1995

[Serial. No. 29 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

### 2.170. Administering Ministry: Ministry of Information and Broadcasting

2.171. **Purpose of the Act:** The Cable Television Networks (Regulation) Act, 1995 (CTN Act) was enacted to provide a framework for regulation of cable networks in India. The Act mandated a compulsory registration for cable operators and laid down provisions to regulate content to be broadcasted by the cable operators. The Act protects the interest of the subscribers and bars transmission of anti-national broadcasts which are inimical to our national interest. For contravening/violating any provision of the CTN Act, Section 16 prescribes for imprisonment which may extend up to 2 years, in case of first instance and 5 years for every subsequent offence. Section 17 of the Act casts accountability on the key persons holding responsible positions in case of offences committed by company, firm or association of Individual. Section 18 of the Act provides that no court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by any Authorised officer.

### 2.172. Amendments proposed to the Act:

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1.	<b>Section 16</b>	<p><b>“Punishment for contravention of provisions of this Act. –</b></p> <p>[[1]] Whoever contravenes any of the provisions of this Act shall be punishable,</p> <p>(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;</p> <p>(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.</p> <p>[[2] Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A shall be a cognizable offence under this section.]”</p>	<p><b>16. Penalty for contravention of provisions of this Act. –</b></p> <p>(1) Whoever contravenes any of the provisions of this Act shall be punishable,-</p> <p>(a) for the first offence, with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent offence, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both;</p> <p>(c) for any violation thereafter, by cancellation of registration granted, for such period,</p> <p>by the designated officer, as may be prescribed.</p>



			<p>(2) The designated officer may, for the reasons to be recorded in writing, by order, impose penalty mentioned in sub-section (1):</p> <p>Provided that no such penalty shall be imposed without giving a reasonable opportunity of being heard.</p> <p>(3) Any person aggrieved by any penalty imposed by order under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p> <p>Provided that no such appeal shall be admissible after thirty days of imposition of penalty:</p> <p>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>
2.	<b>Section 17</b>	<p>Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised</p>	Proposed for omission in the Bill, as introduced.

		<p>all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation.—For the purposes of this section,—</p> <p>(a) “company” means anybody corporate and includes a firm or other association of individuals; and</p> <p>(b) “director” in relation to a firm means a partner in the firm.</p>	
3.	<b>Section 18</b>	<b>Cognizance of offences.</b> —No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made 1[by any authorised officer.	Proposed for omission in the Bill, as introduced.
4.	<b>Insertion of clause (db) after clause (da) in Section 22</b>		(db) the period and designated officer under sub-section (1) of section 16;

### 2.173. Submissions by the Ministry:

2.173.1. The Ministry of I&B in their background note informed that decriminalization of Offences and Penalties under the Cable Television Networks (Regulations) Act, 1995 aims at making the Act more business-friendly and boost the investor confidence in the sector. Penalties prescribed under Section 16 of the Act were re-examined and it was observed that

imprisonment provisions prescribed under Section are harsh for the offences which are mostly in the nature of technical violations. Serious offences like violation of copyright and actions prejudicial to sovereignty or integrity of India, security of India, etc. are already covered in copyright Act, and other criminal laws.

2.173.2. In order to make the Cable Television Networks (Regulations) Act, 1995 consistent with Government's Ease of Doing Business the Ministry of Information and Broadcasting has proposed to amend Section 16 and consequently Section 17 and 18 of the Act have become redundant due to proposed amendments in section 16, and thus, are proposed to be omitted.

2.173.3. As regards the penalties proposed in the Act, the Ministry informed as under:

(i) For the first offence, it has been proposed that imprisonment shall be replaced with Advisory, or Censure, or Warning, or a penalty. Further, maximum penalty has been increased from one thousand rupees to twenty thousand rupees. The designated officer may impose either or both, depending upon nature of violation.

(ii) For every subsequent offence, it has been proposed that imprisonment shall be replaced with Advisory, or Censure, or Warning or a fine. Further, maximum penalty for subsequent offence has been increased from five thousand rupees to one lakh rupees. The designated officer may impose either or both, depending upon nature of violation.

(iii) For any violation thereafter, it has been proposed to cancel the registration granted for such period which may be determined by the designated officer on the basis of facts of the case and subject to the rules to be framed.

#### 2.174. **Discussion in the sitting of the Committee:**

2.174.1. During the briefing on the Bill on 09.02.2023, the representatives, Ministry of Information and Broadcasting deposed before the Committee about various provisions, the Ministry seeks to amend as stated below:

“Sir, the Cable Television Network Valuation Act, 1995 regulates the cable sector in India, and there is certain obligation cast by the Act on the Cable Network Operators. For example, there is an obligation to register; there is a process of encryption of the signal that they sent; and then adherence to programme code, advertisement code is there. There is a mandatory transmission of channels. Like this, there are several obligations cast on the Cable Network Operators. We are here only concerned about Section 16, 17, and 18.

Section 16 talks about contravention of the provisions of the Act. So, the existing Act gives certain consequences for non-compliance with the obligation cast. So, the provisions are basically: imprisonment and fine. First offence is imprisonment and fine; and second is also imprisonment and fine. So, we are decriminalising these two provisions. The imprisonment provisions are being deleted.

I will take you through the existing ones and the new ones. Then, Section 17 and 18 are consequential in nature because if the offence has been committed by a company, then who all will be responsible? The key persons are responsible. So, the liability will be fixed on the key persons in the company. So, because there is no imprisonment provision now, the new provision does not require the responsibility to be fixed on key persons of the company, therefore, we are proposing to delete Section 17 and 18. There is also one consequential change in Section 22 where we are defining who is a designated officer prescribed by law. We are using that provision and we are inserting it there in Section 22.”

2.174.2. The representatives, Ministry of Information and Broadcasting informed the Committee that the Ministry has proposed for inclusion of advisory or censure or warning or penalty which may extend to rupees 20,000 or both under section 16. Earlier it was two years of imprisonment or with fine. For part (b) for every subsequent offences, ‘with imprisonment for a term’ has been deleted and substituted with advisory or censure or warning or penalty which may extend to Rs. One lakh or with both. The imprisonment of five years or a fine of Rs. 5000 has been deleted from section 16. For violations thereafter, cancellation of registration granted for such period by designated officers has been provided for, to decriminalize the section.

2.174.3. The Committee in this regard sought to clarify if the ‘opportunity of hearing’ has been provided for in case of cancellation of registration, the Ministry representatives informed that it is under 16(2). The Committee observed that it is only for the purpose of imposed penalty and not covering case of cancellation of registration. The Committee made a point that the authority while working in a quasi-judicial capacity needs to extend the fair opportunity of being heard before issuing orders of cancellation.

2.174.4. The Committee further observed that provision to cancel the registration may be suitably incorporated and reworded as “the designated officer, may for thereasons to be recorded in writing’, by order, impose penalty or cancellation referred in sub-section (1). The Ministry agreed to carry out the requisite changes.

2.174.5. The Committee also asked Ministry to make consequent alternation in sec. 16 (3) in view of changes brought about in 16(1) and 16(2).

#### 2.175. **Suggestions by the Committee:**

2.175.1. After detailed discussions on the amendments proposed to be made in the Cable Television Networks (Regulation) Act, 1995, specified at Serial No. 29 of the Schedule to the Bill and decided to consider the following suggestions/modifications if required during Clause-by-Clause consideration:

- 16(1) (i) Terms “Punishable” and “Offence” to be substituted by “liable” and “contravention”.
- (ii) Period for repeat contravention needs to be specified
- (iii) Provision to cancel the registrations to be rephrased and placed in the Bill at more suitable place.

16(3) The words “after thirty days of receipt of such order” to substitute “after thirty days of such order”.

New insertion as a consequential change due to changes in 16(1) & (2).

## The Trade Marks Act, 1999

### [Serial No. 30 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.176. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.177. **Purpose of the Act:** An Act to amend and consolidate the law relating to trade marks, to provide for registration and better protection of trade marks for goods and services and for the prevention of the use of fraudulent marks.

2.178. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	Section 106: Penalty for removing piece goods, etc., contrary to section 81	If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from any premises referred to in section 81 or sells or exposes for sale or has in his possession for sale or for any purpose of trade or manufacture piece goods or cotton yarn or cotton thread which is not marked as required by that section, every such piece and every such bundle of yarn and all such thread and everything used for the packing thereof shall be forfeited to Government and such person shall be punishable with fine which may extend to one thousand rupees.	Proposed for omission in the Bill, as introduced.
2.	Section 107: Penalty for falsely representing a trade mark as registered	If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.	(2) If any person contravenes any of the provisions of sub-section (1), he shall be <b>liable to a penalty of not less than twenty-five thousand rupees but which may extend to one lakh rupees.</b>
3.	Section 108: Penalty for improperly describing a place of business as	If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Trade	Proposed for omission in the Bill, as introduced.

	connected with the Trade Marks office	Marks Office, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both	
4.	Section 109: Penalty for falsification of entries in the register	If any person makes, or causes to be made, a false entry in the register or a writing falsely purporting to be a copy of an entry in the register or produces or tenders or causes to be produced or tendered, in evidence any such writing knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.	Proposed for omission in the Bill, as introduced.
5.	Insertion of new Section after Section 112	Nil	112A. Adjudication of penalties.- (1) The Registrar may, by an order, impose penalty on a person for any contravention or default, the manner and conditions of recovery of penalty under the provisions of this Act, shall be such as may be prescribed.  (2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.  (3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of the receipt of the order, he shall be punishable with a fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both.
6.	Section 140: Power to require information of imported goods bearing false	(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees.	(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to pay a penalty of ten thousand rupees:

	trade marks		Provided that penalty under this section shall be levied by such authority as authorised under the Customs Act, 1962 (52 of 1962) for this purpose.
7	Insertion of new clause after clause (xxxiiia) after clause (xxxiii) in Section 157(2)	Nil	(xxxiiia) the manner and conditions of recovery of penalty under sub-section (1) of section 112A;

### 2.179. **Submission by the Ministry:**

2.179.1. The Department for Promotion of Industry and Internal Trade has proposed to amend Sections 107, 140, 157, omit Sections 106, 108, 109 and incorporating Section 112A in the Trade Marks Act, 1999.

### 2.180. **Discussion in the sitting of the Committee:**

2.180.1. In their sitting held on 31<sup>st</sup> January, 2023, the Committee discussed the amendments proposed by the Department for Promotion of Industry and Internal Trade with their representatives. The representative of the Department apprised the Committee that India ranks fifth in Trade Mark filing as the complete process has been digitized. There has been four-fold increase in the registration of Trade Mark in the last nine years.

2.180.2. The Committee held in depth discussion on the amendments proposed in the Trade Marks Act, 1999 by the Department. The Committee agreed to the omission of existing Sections 106, 108 and 109 of the Act since these are covered under the Indian Penal Code, 1860. However, the Committee was dissatisfied with the quantum of penalty proposed in Section 107 of the Act. The Committee was of the view that considering the gravity of the contravention, the maximum ceiling of the penalty proposed should be five lakh rupees.

2.180.3. As regards the adjudication provision, the Committee was of the opinion that there must be an appellate authority above the adjudicating authority. At least one stage should be there for appeal and if the person who contravenes the provisions is not satisfied with the orders of the appellate authority, he can go to the court of law. The Committee felt that such a mechanism will certainly reduce the burden on the courts. Moreover, it will benefit the person because if a person goes to the court of law, he has to go through various steps involved in judicial process, whereas the appellate authority can decide the matter on a simple application. This will save money and time of the individuals especially the small traders.

2.180.4. During the deliberations, the Committee made a general observation that the provision for having an appellate authority should be made in almost all such Acts wherever



the penalty is imposed by the competent authority. Wherever a quasi-judicial authority is imposing penalty, one more tier of appellate authority should be provided in the Act. If that is done, almost ninety five *per cent* cases will be settled in the Department itself. The Committee further reiterated their view expressed by them in the very beginning that the Ministries concerned should look into effecting the amendments proposed in the Bill with retrospective effect.

2.181. **Suggestions by the Committee:**

2.181.1. After detailed deliberations and clarifications on the amendments proposed to be made in the Trade Marks Act, 1999, specified at serial no. 30 of the Schedule to the Bill, the Committee decided to consider *inter alia* the following modifications during the clause-by-clause consideration of the Bill:

- (i) Section 107: The maximum amount of the penalty proposed should be five lakh rupees.
- (ii) Section 124A: There is a need to have appellate mechanism against decision taken by Registrar.

## The Geographical Indications of Goods (Registrations and Protection) Act, 1999

[Serial No. 31 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.182. **Administering Ministry:** Ministry of Commerce and Industry  
[Department for Promotion of Industry and Internal Trade]

2.183. **Purpose of the Act:** An Act to provide for the registration and better protection of geographical indications relating to goods.

2.184. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	Insertion of a New Section	Nil	<p>“37A. Adjudication of penalties.- (1) The Registrar may, by an order, impose penalty, on a person for any contravention or default under the provisions of this Act, the manner and conditions of recovery of penalty, shall be such as may be prescribed.</p> <p>(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p>(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of the receipt of the order, the person shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees, or with both.”</p>
2.	Section 42(2)	(2)If any person contravenes any of the provisions of sub-section (1),	(2) If any person contravenes any of the provisions of sub-

		he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.	section (1), he shall be <b>liable to a penalty, of not less than twenty-five thousand rupees but which may extend to one lakh rupees.</b>
3.	Section 43	If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Trade Marks Office, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both	Proposed for omission in the Bill, as introduced.
4.	Section 44	If any person makes, or causes to be made, a false entry in the register or a writing falsely purporting to be a copy of an entry in the register or produces or tenders or causes to be produced or tendered, in evidence any such writing knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.	Proposed for omission in the Bill, as introduced.
5	Insertion of new clause after clause (o) in Section 87(2)	Nil	“(oa) the manner and conditions of recovery of penalty under sub-section (1) of section 37A;

## 2.185. **Submission by the Ministry:**

2.185.1. The Department for Promotion of Industry and Internal Trade has proposed to amend the aforesaid Sections of the Geographical Indications of Goods (Registrations and Protection) Act, 1999.

## 2.186. **Discussion in the sitting of the Committee:**

2.186.1. During the sitting of the Committee held on 31<sup>st</sup> January, 2023, the representatives of the Department for Promotion of Industry and Internal Trade gave their presentation on the proposed amendments before the Committee. The Committee discussed the proposed amendments at length with the representatives of the Department. The Committee felt that the proposed amount of penalty under Section 42 of the Act is not justified and this should be reasonably increased considering the nature of offence. The

Committee also felt that there is a need to have appellate mechanism against the decision taken by the Registrar.

**2.187. Suggestions by the Committee:**

2.187.1. After detailed deliberations and clarifications on the amendments proposed to be made in the Geographical Indications of Goods (Registration and Protection) Act, 1999, specified at serial no. 31 of the Schedule to the Bill, the Committee decided to consider *inter alia* the following modifications during clause-by-clause consideration:

- (i) Section 42: The amount of penalty should be increased to five lakh rupees.
- (ii) Section 37A: The provision for Appellate Mechanism against the decision of the Register should be provided.

## The Information Technology Act, 2000

### [Serial No. 32 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.188. **Administering Ministry:** Ministry of Electronics and Information Technology

2.189. **Purpose of the Act:** The Information Technology Act, 2000 seeks to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies.

2.190. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended by the Bill introduced in Lok Sabha
1	Section 2 Sub-section (1), clause (e)	Section 2 Sub-section (1), clause (e)  "appropriate Government" means as respects any matter,— (i) enumerated in List II of the Seventh Schedule to the Constitution; (ii) relating to any State law enacted under List III of the Seventh Schedule to the Constitution, the State Government and in any other case, the Central Government;	In section 2, in sub-section (1), in clause (e), for the long line, the following shall be substituted, namely:—  “the State Government, and in any other case-  (I) relating to relevant provision, or a computer resource, which is controlled by the respective Ministry or Departments of the Central Government, such Ministry or Department; or  (II) not covered under sub-clause (I), the Central Government;”.
2	Section 33 Surrender of licence.—	(2) Where any Certifying Authority fails to surrender a licence under sub-section (1), the person in whose favour a licence is issued, shall be guilty of an offence and shall be punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both.	(2) Where any Certifying Authority fails to surrender a licence under sub-section (1), the person in whose favour a licence is issued, shall be guilty of an offence and shall be <b>liable to pay penalty which may extend to five lakh rupees.</b>
3	Section 44	Penalty for failure to furnish information, return, etc.—	Penalty for failure to furnish information, return, etc.—

		<p>If any person who is required under this Act or any rules or regulations made thereunder to—</p> <p>(a) furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding one lakh and fifty thousand rupees for each such failure;</p> <p>(b) file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for every day during which such failure continues;</p> <p>(c) maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding ten thousand rupees for every day during which the failure continues.</p>	<p>If any person who is required under this Act or any rules or regulations made thereunder to—</p> <p>(a) furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding <b>fifteen lakh</b> rupees for each such failure;</p> <p>(b) file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding <b>fifty thousand</b> rupees for every day during which such failure continues;</p> <p>(c) maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding <b>one lakh</b> rupees for every day during which the failure continues.</p>
4	Section 45 Residual penalty.—	<p>Whoever contravenes any rules or regulations made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees.</p>	<p>Whoever contravenes any rules or regulations made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a <b>penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding.</b></p> <p>(a) ten lakh rupees, by an intermediary, company or body corporate, or (b) one lakh rupees, by any other person.</p>
5	Section 46 Power to adjudicate.—	<p>(1) For the purpose of adjudging under this Chapter whether any person has committed a</p>	<p>(1) For the purpose of adjudging <b>under this Act</b> whether any person has committed a</p>

		<p>contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section (3), appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government.</p>	<p>contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section (3), appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government.</p>
6	Section 66A	<p>Section 66A: Punishment for sending offensive messages through communication service, etc.—</p> <p>Any person who sends, by means of a computer resource or a communication device,—any information that is grossly offensive or has menacing character; or any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device;</p> <p>any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,</p> <p>shall be punishable with imprisonment for a term which may extend to three years and with fine.</p> <p>Explanation.—For the purposes of</p>	<p>Proposed for omission in the Bill, as introduced.</p>

		this section, terms “electronic mail” and “electronic mail message” means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.	
7	Section 67C	(2) any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine.	(2) any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be <b>liable to pay penalty which may extend to twenty five lakh rupees.</b>
8	Section 68	(2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both.	(2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be guilty of an offence and shall be liable <b>to pay penalty which may extend to twenty-five lakh rupees.</b>
9	Section 69B	(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which may extend to three years and shall also be liable to fine.	(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which any extend to <b>one year or shall be liable to fine which may extend to one crore rupees, or, with both.</b>
10	Section 70B	(7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both.	(7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to <b>one crore</b> rupees or with both.
11	Section 72	Penalty for Breach of confidentiality and privacy.—	Penalty for Breach of confidentiality and privacy.—



		Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.	Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, document or other material to any other person shall be <b>liable to penalty which may extend to five lakh rupees.</b>
12	Section 72A	Punishment for disclosure of information in breach of lawful contract.— Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.	Punishment for disclosure of information in breach of lawful contract.— Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be <b>liable to pay penalty which may extend to twenty five lakh rupees.</b>

## 2.191. Submissions by the Ministry:

2.191.1. Regarding the objectives kept in view during the review of the Information Technology Act, 2000, the Ministry of Electronics and Information Technology have in their

background note submitted that the provisions relating to punishment of contravention under the said Act have been reviewed keeping the following objectives in view:

- (a) Decriminalising imprisonment clauses wherever possible, or reducing the quantum of punishment or/and making the offence compoundable for Ease of Doing Business;
- (b) Maintaining uniformity in penalties for similar offences; and
- (c) Instead of fines, providing for penalties, to enable decisions at the level of administrative officers appointed as adjudicating officers, without burdening the courts.

2.191.2. The Ministry have further submitted that the review undertaken has been guided by the following principles:

- (a) Retention of the violation as a punishable criminal offence for more serious violations;
- (b) Bringing in alignment the quantum of punishment for offences of a similar nature;
- (c) In respect of contraventions by companies and other bodies corporate,—
  - (i) eliminating imprisonment; and/or
  - (ii) replacing the provision for fine imposed by court as punishment for a criminal offence by provision for financial penalty of a higher quantum imposed by administrative officers appointed as adjudicating officers; and
  - (iii) rationalising penalty/liability for non-criminal contraventions; and

2.191.3. Clarifying further on the subject, the Ministry inter alia submitted that amendments to Section 69 (B) [Not assisting in monitoring and collecting traffic data], Section 70 (B) [Not complying with directions of CERT-In, Section 44 (a) [Not furnishing document etc. to Controller of Certifying Authorities (CCA) for electronic signatures, Section 44(b) [Not filing return/ information with CCA] Section 44(c) [Non-maintenance of accounts/records by certifying authority] and Section 68 [Not complying with directions of CCA] have been proposed with a view to maintain uniformity in penalties for similar offences.

2.191.4. Amendments to Section 33 [Non-surrender or suspended or revoked licence by certifying authority], Section 67C [Non-preservation/retention of prescribed information by intermediary], Section 72 [Accessing of electronic records etc. by person in pursuance of powers conferred by the IT Act, without obtaining the consent of the person concerned], Section 72A [Disclosing information in breach of a lawful contract, or without consent of a person to cause wrongful loss or gain] and Section 45 [Penalty in cases where no penalty is specified in a section of the IT Act], have been proposed with a view to (i) eliminating imprisonment for contraventions by companies and other bodies corporate, (ii) replacing the provision for fine imposed by court as punishment for a criminal offence by provision for financial penalty of a higher quantum imposed by administrative officers appointed as adjudicating officers, and (iii) rationalising penalty/liability for non-criminal contraventions:

2.191.5. A consequential amendment is also proposed to section 46 to empower the adjudicating officer to adjudicate any contravention under the Act and impose financial penalty.

2.191.6. Amendment to omit section 66A has been proposed as the same has been struck down by the Supreme Court in the matter of Shreya Singhal vs. Union of India.

2.191.7. Amendment has been proposed to the definition of ‘appropriate Government’ in section 2(1)(e), with a view to enable various administrative Ministries/Departments to exercise powers under the IT Act in respect of matters allotted to them under the Government of India (Allocation of Business) Rules, 1961, as against the current position where only the Ministry of Electronics and Information Technology is enabled to exercise powers.

## 2.192. **Discussion in the sitting of the Committee:**

2.192.1. During the sitting held on January 16, 2023, the Committee sought clarification on the use of terminology ‘directions and orders’ in Section 46 of the Act in relation to grant of compensation under the Act. In response the Ministry submitted that power to issue directions or order have been given under Section 69, 69(a), 69(d), 70 (a), 70 (b) etc. It was further submitted that issuing authority while issuing directions also conveys the consequence of noncompliance of such direction. The contravention of the directions would lead to compensation.

## 2.193. **Suggestions of the Committee:**

2.193.1. After detailed discussions and clarifications being sought by the Committee on the amendments proposed to be made in the Information Technology Act, 2000, specified at serial no. 32 in the Schedule to the Bill, the Committee suggested the following modifications to the proposed amendments:

- Section 2(1)(e): Language of the amendment may be drafted so that the meaning is clearer.
- Section 45: The scope of penalty may be made consistent with that under sub-section (1A) of section 46.
- Section 46: The basis for compensation under sub-section (1A) of section 46 may be made consistent with that under sections 43 and 43A.
- Section 72: Provision for punishment as an offence may be retained. Alignment may be ensured with the provisions in the Digital Personal Data Protection Bill.
- Section 72 A In case criminal punishment is not proposed, the short title for the section may refer to “Penalty” rather than “Punishment”.  
The provision for punishment as an offence may be retained. Alignment may be ensured with the provisions in the Digital Personal Data Protection Bill.

## The Metro Railways (Operation and Maintenance) Act, 2002

### [Serial No. 33 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.194. **Administering Ministry:** Ministry of Housing and Urban Affairs

2.195. **Purpose of the Act:** An Act to provide for the operation and maintenance and to regulate the working of the metro railway in the National Capital Region, metropolitan city and metropolitan area and matters connected therewith and incidental thereto.

2.196. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provisions as amended in the Bill introduced in Lok Sabha
1	Section 6(2)(h)		In section 6, in sub-section (2), in clause (h), the word “and” occurring at the end shall be omitted;
	Section 6(2)	Nil	After existing sub-section 6(2)(i), sub-section (j) shall be inserted as under:  "levy and collect <b>penalties</b> as provided in this Act."  (the above clause is being inserted as one of the powers of the Metro Railway Administration under Section 6)
2	Section 59(2)	If any metro railway official is in a state of intoxication while on duty, he shall be punishable with fine which may extend to two hundred and fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, with imprisonment	In section 59 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— “If any metro railway official or authorized person is in a state of intoxication while on duty, he shall be punishable with <b>penalty</b> which may extend to ten thousand rupees”

		for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.	
3	Section 63	If any passenger travels on the roof of a train or persists in travelling in any part of a train not intended for the use of passengers or projects any part of his body out of a train after being warned by any metro railway official to desist, he shall be <b>punishable with imprisonment for a term which may extend to one month</b> , or with fine which may extend to fifty rupees ,or with both, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.	If any passenger travels on the roof of a metro rail or persists in travelling in any part of a metro rail not intended for the use of passengers or projects any part of his body out of a metro rail after being warned by any metro rail official to desist, he shall be punishable with <b>penalty</b> which may extend to five thousand rupees, and shall also be liable to be removed from the metro rail by any metro rail official authorized by the metro rail Administration in this behalf.
4	Section 65	If any metro railway official, when on duty endangers the safety of any passenger,— (a) by any rash or negligent actor omission; or (b) by disobeying any rule, regulation or order which such official was bound by the terms of his employment to obey, and of which he had notice, he shall be <b>punishable with imprisonment for a term which may extend to five years</b> , or with fine which may extend to six thousand rupees, or with both.	If any metro rail official or authorized person, when on duty endangers the safety of any passenger,- (a) by any rash or negligent act or omission; or (b) by disobeying any rule or order which such official was bound by the terms of his employment to obey, and of which he had notice, he shall be <b>punishable with imprisonment for a term which may extend to one year, or with fine which may extend to thirty thousand rupees, or with both.</b>

5	Section 69 (4)	<p>If any passenger liable to pay the excess charge and fare mentioned in sub-section(1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro railway official authorised by the metro railway administration in this behalf may apply to any Metropolitan Magistrate for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payments shall in default of payments suffer imprisonment for a term which may extend to one month.</p>	<p>“If any passenger liable to pay the excess charge and fare mentioned in sub-section(1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro rail official authorized by the metro rail administration in this behalf may apply to any Metropolitan Magistrate or, as the case may be, Judicial magistrate of the first class, for the recovery of the sum payable as if it were a fine.”</p>
6	Section 70	<p>If any passenger or any other person without reasonable and sufficient cause, makes use of, or interferes with, any means provided by the metro railway administration in a train for communication between passengers and metro railway official in charge of the train, or misuses alarm bell of the train, he shall be punishable with <b>imprisonment which may extend to one year</b>, or with fine which may extend to one thousand rupees, or with both.</p>	<p>70. Needlessly interfering with means of communication in a train.- If any passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro rail administration in a metro rail for communication between passengers and metro rail official in charge of the metro rail or misuses alarm bell or emergency stop push or emergency trip system or emergency call point of the metro rail, he shall be punishable with Penalty which may extend to ten thousand rupees.</p>

7	Section 80	If any person requiring compensation from the metro railway administration under Chapter X makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be <b>punishable with imprisonment for a term which may extend to three years</b> , or with fine, or with both.	Proposed for omission in the Bill, as introduced.
8	Section 82 (1)	If a person commits any offence mentioned in sections 59, 61, 65 to 79, he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid: Provided that where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.	If a person commits any offence mentioned in <b>sections 61, 65 to 68, 71 to 79</b> , he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid:  Provided that where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

## 2.197. Submissions by the Ministry:

2.197.1. In their background note submitted to the Committee, the Ministry of Housing and Urban Affairs have submitted as under:

“Sections relating to travel without proper ticket or pass, making a false claim for compensation, travel on the roof of a train, etc. have imprisonment provisions. The imprisonment term under these provisions range from 1 month to 5 years, depending upon the nature of offence. Imprisonment and fine provisions under Sections 59(2), 63,69(4) and 70 are proposed to be converted to penalty and Imprisonment and fine under Section 80 is proposed to be omitted. Imprisonment tenure in Section 65 is proposed

to be reduced. Further, power to levy and collect penalties has been given to Metro Rail Administration.”

#### **2.198. Discussion in the sitting of the Committee:**

2.198.1. During the sitting held on January 17, 2023, the Ministry submitted that with respect to Section 59 (2) of the Metro Railways (Operation and Maintenance) Act, 2002 dealing with intoxication by metro railway official while on duty, the Ministry proposes to discontinue with punishment of imprisonment while increasing the penalty amount to Rs. 10,000/- from Rs. 250/-.

2.198.2. On concerns raised by the Committee that the proposed punishment prescribed in the provision does not commensurate with the gravity of the offence, the representatives of the Ministry of Housing and Urban Affairs informed the Committee that since the inception, no case has been registered till date under this Section. It was also informed that administrative action resulting in dismissal from service can also be initiated. The representatives also informed that in case act by the official endangers the safety of the passengers, Section 77 of the Act relating to Rash and Negligent shall also become applicable and the official concerned can be punished with imprisonment for one year. The Committee however, after detailed discussion on the matter felt that imprisonment provision should not be done away with and the same may be retained.

#### **2.199. Suggestions by the Committee:**

2.199.1. After detailed discussions and clarifications sought by the Committee on the amendments proposed to be made in the Metro Railways (Operation and Maintenance) Act, 2002, specified at serial number 33 of the Schedule to the Bill, the Committee suggested the following modifications to the proposed amendments:-

Section 59 (2): In first part “fine of two hundred and fifty rupees” to be changed to “penalty of ten thousand rupees”.  
In the second part imprisonment for two years and “fine” to be retained but the amount five hundred rupees of fine to be changed to ten thousand rupees.

Section 63: The term “after being warned by any metro rail official to desist” to be deleted

Section 65: Proposed imprisonment to be increased to two years from one year.

Section 82(1): Consequential changes be carried out appropriately



## The Prevention of Money-laundering Act, 2002

**[Serial No. 34 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.200. **Administering Ministry:** **Ministry of Finance**  
**[Department of Revenue]**

2.201. **Purpose of the Act:** An Act to prevent money-laundering and to provide for confiscation of property derived from, or involved in money-laundering and for matters connected therewith or incidental thereto.

2.202. **Amendments proposed to the Act:**

Sl. No.	Paragraphs	Existing Provision		Provision, as amended by the Bill introduced in Lok Sabha										
1.	PARAGRAPH 21 OFFENCES UNDER THE TRADEMARKS ACT, 1999	Section	Description of offence	For Paragraph 21, the following Paragraph shall be substituted, namely:- “PARAGRAPH 21 OFFENCES UNDER THE TRADEMARKS ACT, 1999 (47 OF 1999)										
		103	Penalty for applying false trademarks, trade descriptions, etc.											
		104	Penalty for selling goods or providing services to which false trademark or false trade description is applied											
		105	Enhanced penalty on second or subsequent conviction.											
		107	Penalty for falsely representing a trademark as registered.											
		120	Punishment of abetment in India of acts done out of India.											
				<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Section</th> <th style="text-align: center;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">“103</td> <td style="text-align: center;">Penalty for applying false trademarks, trade descriptions, etc.</td> </tr> <tr> <td style="text-align: center;">104</td> <td style="text-align: center;">Penalty for selling goods or providing services to which false trademark or false trade description is applied</td> </tr> <tr> <td style="text-align: center;">105</td> <td style="text-align: center;">Enhanced penalty on second or subsequent conviction.</td> </tr> <tr> <td style="text-align: center;">120</td> <td style="text-align: center;">Punishment of abetment in India of acts done out of India.”;</td> </tr> </tbody> </table>	Section	Description	“103	Penalty for applying false trademarks, trade descriptions, etc.	104	Penalty for selling goods or providing services to which false trademark or false trade description is applied	105	Enhanced penalty on second or subsequent conviction.	120	Punishment of abetment in India of acts done out of India.”;
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2	"PARAGRAPH 22 OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000	<table border="1"> <thead> <tr> <th>Section</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>72</td> <td>Penalty for breach of confidentiality and privacy.</td> </tr> <tr> <td>"75</td> <td>Act to apply for offence or contravention committed outside India.";</td> </tr> </tbody> </table>	Section	Description	72	Penalty for breach of confidentiality and privacy.	"75	Act to apply for offence or contravention committed outside India.";	<p>for Paragraph 22, the following Paragraph shall be substituted, namely:-  "PARAGRAPH 22 OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000 (21 OF 2000)</p> <table border="1"> <thead> <tr> <th>Section</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>"75</td> <td>Act to apply for offence or contravention committed outside India.";</td> </tr> </tbody> </table>	Section	Description	"75	Act to apply for offence or contravention committed outside India.";
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3.	PARAGRAPH 25 OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986	<table border="1"> <thead> <tr> <th>Section</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>15 read with section 7</td> <td>Penalty for discharging environmental pollutants, etc., in excess of prescribed standards</td> </tr> <tr> <td>15 read with section 8</td> <td>Penalty for handling hazardous substances without complying with procedural safeguards.</td> </tr> </tbody> </table>	Section	Description	15 read with section 7	Penalty for discharging environmental pollutants, etc., in excess of prescribed standards	15 read with section 8	Penalty for handling hazardous substances without complying with procedural safeguards.	Proposed for omission in the Bill, as introduced.				
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4.	PARAGRAPH 27 OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981	<table border="1"> <thead> <tr> <th>Section</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>37</td> <td>Failure to comply with the provisions for operating industrial plant.</td> </tr> </tbody> </table>	Section	Description	37	Failure to comply with the provisions for operating industrial plant.	Proposed for omission in the Bill, as introduced.						
Section	Description												
37	Failure to comply with the provisions for operating industrial plant.												

**2.203. Submission by the Ministry:**

2.203.1. As per their background note, the Department of Revenue proposed to decriminalize offences under Section 107 of the Trade Marks Act, 1999; Section 72 of the Information Technology Act, 2000; Section 15 of the Environment Protection Act, 1986; and Section 37 of the Air (Prevention and Control of Pollution) Act, 1981, as under:

- (i) substitution of paragraph 21 by deleting Section 107 (Penalty for falsely representing a trademark as registered) of Trade Mark Act, 1999;
- (ii) substitution of paragraph 22 by deleting Section 72 (Penalty for breach of confidentiality and privacy) of Information Technology Act, 2000;
- (iii) omission of paragraph 25 offences which deals with the offences under Section 15 read with Section 7 and 8 of the Environment Protection Act, 1986; and
- (iv) omission of paragraph 27 offences which deals with the offences under Section 37 of the Air (Prevention and Control of Pollution) Act, 1981.

2.203.2. The Department briefed in their background note that the aforesaid offences have been incorporated in the schedule to the Prevention of Money-laundering Act, 2002 keeping in view their grave nature and risk of money laundering associated therewith. Since incorporation of these provisions in the Schedule to the Prevention of Money-laundering Act, 2002, the Directorate of Enforcement have initiated a number of money laundering cases wherein substantial amount of proceeds of crime have been identified.

2.203.3. Deletion of Section 107 of the Trade Mark Act, 1999 from the Schedule to the Act may augment the malpractices in trade and may provide a potential area to money-launderers for generation of the proceeds of crime by indulging in money laundering activities such as trading in counterfeit goods. Such kind of trading may be associated with criminal syndicates and organized crime groups. Removing this provision may increase money laundering activities in such trade related activities.

2.203.4. Offence under Section 72 of the Information Technology Act, 2000 is a scheduled offence in paragraph 22 of the Act. This Section prescribed the penalty for breach of confidentiality and privacy. In the era where the digital records constitute the backbone of any administrative set up being corporate or government, it is likelihood wherein someone may misuse the data of any person by accessing the same without the consent of the person concerned and may disclose it to the third person, thus on the face of it by doing such act the person may likely to generate proceeds out of such act. So deletion of section 72 of the Information Technology Act, 2000 being the scheduled offence is opposed since the same has the potential of generation of proceeds of crime and in no way the deletion of the said section would commensurate the objective of the proposed Bill.

2.203.5. In respect of Environment related cases wherein omission of paragraph 25 offences which deals with the offences under Section 15 read with Section 7 and 8 of the Environment Protection Act, 1986 and omission of paragraph 27 offences which deals with the offences under Section 37 of the Air (Prevention and Control of Pollution) Act, 1981 is proposed in the Bill, it is mentioned that the offences related to environment have larger impact on the society and on the health of humans and other living beings. Hon'ble Supreme Court has time and again pointed out the importance of healthy environment and sustainable development. The National Green Tribunal has also emphasis upon money laundering aspects of environment related crimes. Thus, the decriminalization as well as the consequential removal of these offences from paragraphs 25 and 27 of the Schedule to the Prevention of Money-laundering Act, 2002 may aggravate the environmental hazard and also let the offender enjoy the proceeds of crime generated out of activities causing harm to the environment.

2.203.6. The Department of Revenue in their background note accordingly mentioned that in view of the aforesaid, the Directorate of Enforcement opposes the decriminalization of the aforesaid offences and consequently the amendments so proposed in the Schedule to the Act by way of making deletion/omission/substitution of above said provisions of the proposed Bill. However, in their subsequent comments, the Department of Revenue has stated that since these offences are de-criminalized, it is these may be deleted from the Schedule to the Prevention of Money-laundering Act, 2002 as well.

#### 2.204. **Discussion in the sitting of the Committee:**

2.204.1. The Committee held detailed deliberations on the above proposals of the Department of Revenue with the representatives of the Department.

Section 107 of the Trade Marks Act, 1999 is reproduced hereunder:

Section 107. Penalty for falsely representing a trade mark as registered.

(1) No person shall make any representation--

(a) with respect to a mark, not being a registered trade mark, to the effect that it is a registered trade mark; or

(b) with respect to a part of a registered trade mark, not being a part separately registered as a trade mark, to the effect that it is separately registered as a trade mark; or

(c) to the effect that a registered trade mark is registered in respect of any goods or services in respect of which it is not in fact registered; or

(d) to the effect that registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitation entered on the register, the registration does not in fact give that right.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3) For the purposes of this section, the use in India in relation to a trade mark of the word "registered", or of any other expression, symbol or sign referring whether expressly or impliedly to registration, shall be deemed to import a reference to registration in the register, except--

(a) where that word or other expression, symbol or sign is used in direct association with other words delineated in characters at least as large as those in which that word or other expression, symbol or sign is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside India being a country under the law of which the registration referred to is in fact in force; or

(b) where that other expression, symbol or sign is of itself such as to indicate that the reference is to such registration as is mentioned in clause (a); or

(c) where that word is used in relation to a mark registered as a trade mark under the law of a country outside India and in relation solely to goods to be exported to that country or in relation to services for use in that country.

Section 72 of the Information Technology Act, 2000 stipulates the following:

**72. Penalty for Breach of confidentiality and privacy.**—Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

Sections 7, 8 and 15 of the Environment Protection Act, 1986 are as under:

**7. Persons carrying on industry operation, etc., not to allow emission or discharge of environmental pollutants in excess of the standards.**- No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed .

**8. Persons handling hazardous substances to comply with procedural safeguards.**- No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

**15. Penalty for contravention of the provisions of the Act and the Rules, Orders and Directions.**- (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

2.204.2. And, Section 37 of the Air (Prevention and Control of Pollution) Act, 1981 is as under:

**37. Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.**-- (1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

2.204.3. During the presentation by the Department of Revenue and the deliberations held with them, the Committee *inter alia* raised their concerns about decriminalization of Section 72 of the Information Technology Act, 2000 which provides penalty for breach of confidentiality and privacy. The Committee felt that the provisions which are being proposed to be amended in the Schedule to the Prevention of Money-laundering Act, 2002 essentially pertain to their original Acts being administered by the concerned Departments other than the Department of Revenue. The Department of Revenue is proposing only the consequential amendments in the Prevention of Money-laundering Act, 2002. The Committee were of the opinion that these matters would be examined once the discussions are held with the concerned Ministries/Departments administering the respective Acts during the Second Reading and finalize the same.

**2.205. Suggestions by the Committee:**

2.205.1. After detailed discussions, the Committee directed the Department of Revenue to re-examine the proposed amendments in the light of decriminalizing the main Acts and see especially in respect the Information Technology Act, 2000 if there are any other provisions under the Act imposing punishment.

## The Food Safety and Standards Act, 2006

### [Serial No. 35 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.206. **Administering Ministry:** **Ministry of Health and Family Welfare**  
**[Department of Health and Family Welfare]**

2.207. **Purpose of the Act:** The Food Safety and Standards Act, 2006 is an Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

2.208. **Amendments proposed to Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	<b>Section 59 (i)</b>	Punishment for unsafe food.- Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees	Punishment for unsafe food.- Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable- where such failure or contravention does not result in injury, with <b>fine which may extend to three lakh rupees</b> ;
2	<b>Section 61</b>	Punishment for false information.- If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh	Punishment for false information.- If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with <b>fine which may extend to ten lakh rupees</b> .

		rupees	
3	Section 63	Punishment for carrying out a business without license.- If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufacturers, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.	Punishment for carrying out a business without license.- If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufacturers, sells, stores or distributes or imports any article of food without licence, shall be punishable with a <b>fine which may extend to five lakh rupees.</b>

## 2.209. Submissions by the Ministry:

2.209.1. The Ministry of Health and Family Welfare in their background note provided the following information on the proposed amendments:

“Section 59(i) of the said Act deals with the punishment for unsafe food, which does not result in injury. Provision of “imprisonment” in section 59(i), as it appears far in excess of the gravity of offence, has been proposed to be omitted. It is, however, proposed to increase the fine under 59(i), from one lakh to three lakhs, to act as deterrent.

Section 61 deals with the punishment for false information. The said provision punishes a person for false or misleading information/ documents. Amendment to omit the imprisonment and enhance the fine has been proposed.

Section 63 deals with the punishment for carrying out a business without license. Provision punishes a person for carrying on business without a license. Accordingly, amendment to omit the imprisonment has been proposed.”

## 2.210. Discussion in the sitting of the Committee:

2.210.1. The Secretary, Department of Health and Family Welfare during the briefing on the bill, apprised the Committee that in section 59(1), section 61 and section 63, the Ministry is proposing to remove imprisonment and increase fine from rupees one lakh to three lakhs to completely decriminalise these provisions.

2.210.2. The Secretary, Department. of Health and Family Welfare further informed the Committee that as Food Safety and Standards Act contains provisions for settling penalty disputes by administrative authority under section 50 to 58 and therefore, these could be considered for complete decriminalisation.



2.210.3. The Committee observed that all the sections from 50 to 58 use the word Penalty instead of fine and in line suggested that likewise 'Penalty' should be used in section 50, 61 and 63 as well.

2.210.4. In this regard, Secretary, Department of Health and Family Welfare informed that to fix substantive liability there should be clear definition of 'Unsafe Food' though 'Food' has been defined under section 3 of the Food Safety and Standards Act 2006. The definition talks about 'hazardous food' but not 'unsafe food' which covers several types of unsafe food. Keeping this in view only petty offences under section 56, 61 and 63 have been decriminalised.

2.210.5. The Committee, however, opined that complete decriminalisation of Section 59(1) may affect overall structure of the section, therefore, reduced imprisonment of 3 months period may be retained and fine may be extended to three lakh rupees.

2.210.6. The Committee also agreed to the removal of punishment under section 61 and 63 and to extended fine amount of Rs. ten lakh, and observed that word 'fine' and 'punishment' may be replaced with 'Penalty'.

2.210.7. During the course of discussion, the Committee observed that we should not forget the purpose of the Bill which is to unburden courts from unnecessary litigation. Therefore, for provisions which provides only for fine, our efforts should be to decriminalize them.

2.210.8. The Committee suggested that opening sentence of section 63 should be changed to 'penalty for carrying' instead of 'punishment for carrying' and in place of the words 'shall be punishable be substituted with "shall be liable to a penalty'. The Committee further suggested that section 61 and 63 may be placed after Section 58 and 'penalty' may be provided for in this section. The Committee asked the Ministry to review for renumbering these sections in accordance with uniformity of the Punishment/Penalty being provided for in these sections to maintain the harmonious flow of the provisions.

#### 2.211. **Suggestions by the Committee:**

2.211.1. After detailed discussions, the Committee agreed, in principle, with the amendments proposed to the Food Safety and Standards Act, 2006, specified at Serial No. 35 of the Schedule to the Bill, and decided to consider the following suggestions/modifications if required during Clause-by-Clause consideration:

- Section 59(i): Imprisonment for a term which may extend to three months and also with fine which may extend to three lakh rupees.
- Section 61: Original Section to be deleted.
- Section 63: Original Section to be deleted.

## The Government Securities Act, 2006

### [Serial No. 36 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.212. **Administering Ministry:** Ministry of Finance  
[Department of Economic Affairs]

2.213. **Purpose of the Act:** It is an Act to consolidate and amend the law relating to Government securities and its management by the Reserve Bank of India and for matters connected therewith or incidental thereto. "Government security" means a security created and issued by the Government for the purpose of raising a public loan or for any other purpose as may be notified by the Government.

2.213.1. The Act provides for terms and conditions including the forms of Government securities to be issued, such as (i) a Government promissory note payable to or to the order of a certain persons; or (ii) a bearer bond payable to bearer; or (iii) a stock; or (iv) a bond held in a bond ledger account.

2.214. **Amendments proposed to the Act:**

Sl. No.	Section	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	Section 30(1)	Contravention and penalties. – (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.	Contravention and penalties. – (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable <b><u>with fine</u></b> .

2.215. **Submission by the Ministry:**

2.215.1. The Department of Economic Affairs has proposed to amend sub-section (1) of Section 30 of the Government Securities Act, 2006. The Department, in their background note, has given the following rationale for amendment and decriminalisation of Section 30(1) of the Act:

- (i) It will make the Act less regressive in the present time by eliminating imprisonment clause and retaining only fine related clause.
- (ii) The matter was referred to the Reserve Bank of India, the regulator concerned, and it has been confirmed by them that “there has neither been any instance of invocation of imprisonment clause under Section 30(1) of the Government Securities Act, 2006 nor any fine has been imposed under the said Section of the Act.”
- (iii) As there had been no occasion for RBI to impose fine on any individual or entity dealing with the Government Securities Act, 2006 and the fact that institutions like banks, insurance companies, mutual funds, etc. mostly deal in large amount of Government securities, it was felt that imprisonment related clause may be removed and fine related provision only be continued as any contravening individual/institution will be liable for punishment with fine imposed by the Court on a complaint made by the RBI.

#### **2.216. Discussion in the sitting of the Committee:**

2.216.1. During their sitting held on 6<sup>th</sup> February, 2023, the Committee pondered the amendment proposed by the Department and examined Section 30 in entirety deliberating on all the sub-section and related sections of the Act. The Committee enquired whether there is any such provision of the Act which relates to contravention of any regulation or notification or direction. The Committee observed that sub-section (3) of Section 30 covers all types of contraventions. The Committee further observed as under:

“Instead of fine, the word ‘penalty’ will be there. It is because in the opening portion of sub-section 30, it is said “Contravention and penalties”. The thing is that penalty is to be decided by the RBI and fine is to be decided by the Court. We do not want that matter should go before the Court. We want that it should be before the RBI to decide the penalty. Our intent and object is very clear. Only for this purpose, if we are compelling the aggrieved person to go before the Court for fine by filing a complaint under sub-section (2), no purpose will be served.”

2.216.2. The representative from the Department submitted that this provision was kept because if somebody gives a wrong document or statement to obtain the title of the security, then the ownership cannot be decided by the Regulator. In such a case, there may be a police case and court adjudication. After having detailed discussion, the Committee opined that at the preliminary stage, it can even be decided by the RBI and if any person is aggrieved of that they can file the appropriate petition before the appropriate court of law. The Committee also considered that there are many other enactments where *mens rea* is there and the administrative authority is deciding the issue.

#### **2.217. Suggestions by the Committee:**

2.217.1. After deliberations and clarifications on the amendments proposed to be made in the Government Securities Act, specified at serial no. 36 of the Schedule to the Bill, the

Committee decided to consider *inter alia* the following modifications during clause-by-clause consideration:

- (i) Section 30(1): The fine related provision should be replaced with penalty provision to be imposed by the Reserve Bank of India and the quantum of penalty should be prescribed.
- (ii) Section 30(2): To be omitted.
- (iii) Section 30(3): This should be renumbered as sub-section (2).
- (iv) The Committee was of the view that the Ministry of Law and Justice may reformulate the above provisions in consultation with the Department of Financial Services.

## The Cantonments Act, 2006

### [Serial No. 37 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.218. **Administering Ministry:** Ministry of Defence  
[Department of Defence]

2.219. **Purpose of the Act:** The administration in Cantonments is carried out as per the provisions of the Cantonments Act, 2006 (41 of 2006), which replaced the repealed Cantonments Act, 1924. Many of the provisions of the earlier Act were retained in the new Act, and with the passage of time it was found necessary to amend certain provisions to keep pace with the changing times and keeping it aligned with best practices of modern municipal governance.

2.220. **Amendments proposed to Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	<b>Section 156</b>	Subject to the provisions of any Act made in this regard and the rules and regulations made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.	To be omitted
2	<b>Section 185(1)</b>	No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence	No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or

		of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty he shall be punishable with imprisonment which may extend to one month; and the conditions of service specified herein shall, invariably be mentioned in the appointment letter of the persons employed to said services.	absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed.
3.	Section 285	If within a cantonment, or within such limit sad joining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.	If within a cantonment, or within such limit sad joining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding the station, to grant such permission, he shall be punishable with fine which may extend to <b>seven thousand and five hundred rupees</b> .
4.	Section 286	If within a cantonment, or within any limits defined under section 285— (a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or (b) the wife or servant of any such person or of a soldier, has in his or her possession, except on behalf of the Central Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-	If within a cantonment, or within any limits defined under section 285— (a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or (b) the wife or servant of any such person or of a soldier, has in his or her possession, except on behalf of the Central Government or for the

		<p>liquor, without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees.</p>	<p>private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorized by the Officer Commanding the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to <b>three thousand rupees, and, in the case of a subsequent offence with fine which may extend to five thousand rupees.</b></p>
5.	Section 287	<p>Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.</p> <p>(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or</p>	<p>Seizure and confiscation of things for offences under sections 285 and 286.-- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 or section 286 has been committed and any vessels or coverings in which the liquor or drug is contained.</p> <p>(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any</p>

		<p>was in the possession of, such person.</p> <p>(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).</p> <p>(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974) anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken</p>	<p>limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.</p> <p>(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).</p> <p>(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974) anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.</p>
6	289(5)	<p>Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.</p>	<p>Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be <b>punishable, in the case of a first offence, with a fine which may extend to five thousand rupees and, in the case of a subsequent offence, with a fine which may extend to ten thousand rupees.</b></p>
7.	300(1)	<p>Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which</p>	<p>Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be <b>punishable with fine which may extend to six thousand rupees.</b></p>



		may extend to one year.	
8	314	<p>Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:</p> <p>Provided that— (a) in the case of a breach of any such provisions as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained;</p> <p>(b) no person shall be so arrested for an offence under section 300 except—  (i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or  (ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.</p>	<p>314. Arrest without warrant.— Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of the provision of clause (a) of Section 304;</p> <p>Provided that in the case of a breach of such provisions, no person shall be arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address given, the burden of proof of which shall lie on the arresting officer, and no person arrested shall be detained after his name and address have been ascertained.</p> <p>This should be deleted.</p>
9	331	Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorized by	Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in <b>clause (a) of section 304</b> , except on the complaint of or

		the Board by a general of special order in this behalf.	upon information received from the Board concerned or a person authorized by the Board by a general of special order in this behalf.
10	332(1)	<p>(1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under Chapter XIV:</p> <p>Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.</p>	<p>(1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under clause (a) of section 304:</p> <p>Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.</p>
11	Schedule IV	174	Making or selling of food, etc., or washing of clothes, by infected person.
		289(1)(a)(i)	Drunkenness, etc.
		183(1)	Remaining in or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
		259	Destroying, etc., name of street or number affixed to building.
			Schedule IV is proposed to be omitted in the Bill, as introduced.

		282	Feeding animal on faith, etc.
		289(1)(a)(ii)	Using threatening or abusive words, etc.
		289(1)(a)(iii)	Indecent exposure of person, etc.
		289(1)(a)(iv)	Begging.
		289(1)(a)(v)	Exposing deformity, etc.
		289(1)(a)(vii)	Gaming.
		289(1)(a)(xii)	Destroying notice, etc.
		289(1)(a)(xiii)	Displaces, damages, alters, pavements, gutter, storm water drain.
		289(1)(f)	Keeping common gaming-house, etc.
		289(1)(g)	Beating Drum etc.
		289(1)(h)	Singing, etc., so as to disturb public peace or order.
		290(6)	Setting loose, or setting on, ferocious dog.
		296	Discharging fire-arms, etc., so as to cause danger.
		300	Loitering or importuning for sexual immorality.

## 2.221. **Submissions by the Ministry:**

2.221.1. The Ministry of Defence in their background note informed that in line with the Government's policy of decriminalizing minor offences, various offences in Cantonments

Act, 2006 are proposed to be decriminalized by way of either removal of such provisions altogether, or by retaining only 'the fine' in case of such offences. Offences such as carrying, using, manufacturing non-bio-degradable material (including polythene bags), penal provision relating to persons employed in essential duty resigning / absenting without reasonable cause/proper authority, loitering or importuning for sexual immorality, selling spirituous liquor and intoxicating drug substances, possession of spirituous liquor, public nuisances etc. under the Cantonments Act, 2006 have been decriminalized in the Jan Vishwas (Amendment of Provisions) Bill, 2022. Many of these offences are proposed to be decriminalized are such offences which are already covered either under the Indian Penal Code (IPC) or other Central/State Legislations.

## 2.222. **Discussion in the sitting of the Committee:**

2.222.1 The representative from Ministry of Defence during the sitting dated 9.2.2023 briefed the Committee about the proposed amendments in the Cantonment Act, 2006. The representative deposed the following:

*“Under the Cantonment Act, out of 24 offences, which is punishable with imprisonment, about 23 have been amended and have been either removed completely or the component of fine has been retained. Sir, Section 156, which we are proposing to amend, talks about the failure to take adequate precautions in collection and supply of blood which results in supply of infected or contaminated blood, plasma, marrow, etc. As per the existing Act, this offence is punishable with imprisonment up to five years or a fine up to Rs. one lakh or both. In the proposed amendments, this Section is proposed to be deleted.”*

2.222.2. While deliberating upon the amendments in Section 156, covering offence of considerably of serious nature, the Committee sought rationale for repealing this section. The representative M/o Defence submitted the following:

*“Sir, under the Drugs and Cosmetics Act, there is Section 27 which talks about penalty for manufacture, sale, etc., of drugs in contravention of this Chapter. Now, the drugs actually have been defined in a very elaborate term. It includes everything. Blood is also basically a part of the drug. Under this Act, a rule has been made, that is, the Drugs and Cosmetics Rules, 1945. In this, there is a complete chapter. Though that chapter has not been given any number, but Section 122 (e) to Section 122 (p) of the Drugs and Cosmetics Rules, 1945 deal with the collection, distribution of blood, etc. Everything has been given in detail. There is a provision of licensing, inspection, etc. All such details are provided in the rules. If there is a contravention of these provisions, then under Section 27 of the Act only the penalty can be imposed. So, what we are saying is, the entire gamut of collection or transfusion of blood or blood centre is dealt with under the Drugs and Cosmetics Act or the rules laid thereunder.”*

2.222.3. The Committee further asked whether both these sections are identical, the representative informed as under:

*“It is not identical. Under the Drugs and Cosmetics Rules, there is an elaborate arrangement for managing these blood collection centres. So, our provision was only*

*in a very summarised way. But in the rules under the Drugs and Cosmetics Act, it has been provided in a very detailed manner. Each and every aspect of the Blood Collection Centre is actually covered. It is a very elaborate rule. 122-E is the rule.”*

2.222.4. The Committee found the explanation as not satisfactory enough as it raised doubts if the penalty provision mentioned in the Drugs and Cosmetics Act penalises the blood bank as well. As the Drugs and Cosmetic Act that came into existence way back in 1940 and Cantonment Act which is as recent as 2006. Further, Committee viewed it to be vague to say that blood banks would be covered in section 27, as the two are essentially different, one is about negligence and the other is drug related issue.

2.222.5. The Committee then wished to know about other Acts which covers blood banks, the Ministry representative apprised that it is covered in the Rules of Drugs and Cosmetics Act. In this connection, one of the representatives deposed before the Committee, the following:

*“The definition is contained under a subordinate legislation made under a different Act. The purpose of definition may be only restricted to administration of that particular Act. That definition can be changed, edited and it may not come to the Parliament. The Government may change the definition depending upon the change of circumstances. So, we do not know if the change would have some effects on the blood, that is, proposed to be dealt with under the Cantonments Act.”*

2.222.6. The Committee being not sure about the coverage of the offence in remaining Acts and considering the grave nature of the offence, suggested to the Ministry to reconsider their proposal of repealing the section and instead to retain the section. The Committee asked Ministry to make specific note in this regard and submit to the Secretariat.

2.222.7. While pondering further over the proposal of Ministry to repeal Section 285, the Committee viewed that the section covers act of selling liquor and other intoxicating drug to the minor is a serious offence and hence should not be decriminalised. Similarly, whether the Narcotics Drugs and Psychotropic Substances Drugs Act, 1985 will be applicable in Cantonment and Ministry may see whether the amendments are compatible with the provisions. This does not fulfil the objectives of the Bill to decriminalise for the purpose of ease of doing business and it involves public safety therefore may be retained. However, Ministry representative informed that the matter is covered under the State Excise Act. The Committee asked the Ministry to first get sure if the State Excise Act applies to Cantonment Area as well and which among these would prevail.

### **2.223. Suggestions by the Committee:**

2.223.1. Members of the Committee sought clarifications regarding compatibility and applicability of sections 156, 285, 286, 287(1), 289(5) and section 300(1) with other Central and State Acts and review the amendments proposed to the Cantonments Act, 2006, specified at Serial No. 37 in the Schedule to the Bill. The Committee further deliberated and after detailed discussion proposed to consider any amendments, if required, during the clause-by-clause consideration.

## The Payment and Settlement Systems Act, 2007

### [Serial No. 38 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.224. **Administering Ministry:** Ministry of Finance  
[Department of Financial Services]

2.225. **Purpose of the Act:** To provide for the regulation and supervision of payment systems in India and to designate the Reserve Bank of India as the authority for that purpose and for matters connected therewith or incidental thereto.

2.226. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision, as amended in the Bill introduced in Lok Sabha
1.	<b>Section 26(3):</b>	If any person fails to produce any statement, information, returns or other documents, or to furnish any statement, information, returns or other documents, which under section 12 or under section 13, it is his duty to furnish or to answer any question relating to the operation of a payment system which is required by an officer making inspection under section 14, he shall be punishable with fine which may extend to ten lakh rupees in respect of each offence and if he persists in such refusal, to a further fine which may extend to twenty-five thousand rupees for every day for which the offence continues.	If any person fails to produce any statement, information, returns or other documents, or to furnish any statement, information, returns or other documents, which under section 12 or under section 13, it is his duty to furnish or to answer any question relating to the operation of a payment system which is required by an officer making inspection under section 14, he shall <b><u>liable to a penalty as may be imposed in accordance with the provisions of section 30.</u></b>
2.	<b>Section 26(6):</b>	If any provision of this Act is contravened, or if any default is made in complying with any other requirement of this Act, or of any regulation, order or direction made or given or condition imposed thereunder and in respect of which no penalty has been specified, then, the person guilty of such contravention or default, as the case may be, shall be	If any provision of this Act is contravened, or if any default is made in complying with any other requirement of this Act, or of any regulation, order or direction made or given or condition imposed there under and in respect of which no penalty has been specified, then, the person responsible of such contravention or default, as the case may be, shall be <b><u>liable to a penalty as may be imposed in</u></b>

		punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues.	<b><u>accordance with the provisions of section 30.</u></b>
3.	<b>Section 30: Power of Reserve Bank to impose fines</b>	(1) Notwithstanding anything contained in section 26, if a contravention or default of the nature referred to in sub-section (2) or sub-section (6) of section 26, as the case may be, the Reserve Bank may impose on the person contravening or committing default a penalty not exceeding five lakh rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more, and where such contravention or default is a continuing one, a further penalty which may extend to twenty-five thousand rupees for every day after the first during which the contravention or default continues	(1) Notwithstanding anything contained in section 26, if a contravention or default of the nature referred to in sub-section (2) <b><u>or sub-section (3)</u></b> or sub-section (6) of section 26, as the case may be, the Reserve Bank may impose on the person contravening or committing default a penalty not exceeding <b><u>ten lakh</u></b> rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more, and where such contravention or default is a continuing one, a further penalty which may extend to twenty-five thousand rupees for every day after the first during which the contravention or default continues.

### 2.227. **Submission by the Ministry:**

2.227.1. The Department of Financial Services has proposed to amend Section 26 of the Payment and Settlement Systems Act, 2007 and consequential amendments in Section 30 of the Act. In their background note, the Department has stated *inter alia* that the existing sub-section (3) of Section 26 of the Act criminalizes a relatively routine procedural violation into an offence punishable by fine. The proposed amendment in this sub-section decriminalizes this by changing this into a liability to pay penalty. Similarly, sub-section (6) of Section 26 is an omnibus clause without any specificity of offence. Rather than fine, the proposed amendment in this sub-section seeks to empower the regulator to levy a penalty, thereby decriminalizing the Section. The consequential amendments proposed in Section 30 to include the aforesaid changes appropriately therein providing for the manner of levying penalty by the Reserve Bank of India.

## **2.228. Discussion in the sitting of the Committee:**

2.228.1. During their sitting held on 6<sup>th</sup> February, 2023, the Committee discussed the proposed amendments at length. The Committee observed that from the very beginning when the Payment and Settlement Systems Act, 2007 came into effect, the word 'fine' is mentioned in the marginal heading to Section 30 of the Act whereas the provisions of the Section indeed pertain to imposition of 'penalties' as mentioned in the body of the Section. This fallacy in the original Act needed to be rectified.

## **2.229. Suggestions by the Committee:**

2.229.1. After discussing the amendments proposed in the Payment and Settlement Systems Act, 2007 in detail, the Committee concurred with the amendments proposed by the Department of Financial Services and decided to consider *inter alia* the following modifications during clause-by-clause consideration:

- (i) Section 30: In the marginal heading of the Section, "Power of Reserve Bank to impose fines" be replaced with "Power of Reserve Bank to impose penalties".



## The Collection of Statistics Act, 2008

### [Serial No. 39 of the Jan Vishwas(Amendment of Provisions) Bill, 2022]

**2.230. Administering Ministry: The Ministry of Statistics and Programme Implementation**

**2.231. Purpose of Act:** The Act is intended to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects by Government at all levels, and for matters connected herewith or incidental there to. The rules under the CoS Act, 2008, namely, the Collection of Statistics Rules, 2011 have been notified on 16.05.2011.

**2.231.1.** As per provisions under CoS Act, persons to furnish information requested for by the 'statistics officer' of any ministry or department in the central or state government or union territory administration, or any panchayat or municipality. The statistics officer also has the right to access any relevant document in the person's possession, including entering any premises where he believes the document to be kept in order to inspect or take possession.

**2.232. Amendments proposed to Act:**

Sl. No.	Section No.	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	Section 15. Penalty for neglect or refusal to supply particulars.–	15. Penalty for neglect or refusal to supply particulars.– (1) Whoever, fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.	15. Penalty for neglect or refusal to supply particulars or any other acts in contravention of the Act.– (1) Whoever, acts in contravention of or fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine

			which may extend to five thousand rupees.
2.	Section 16. Penalty for making false statement.–	Section 16. Penalty for making false statement.–Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
3	Section 17. Penalty for mutilation or defacement of information schedule.–	<b>Section 17. Penalty for mutilation or defacement of information schedule.–</b> Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
4	Section 18. Penalty for obstruction of employees.–	Section 18. Penalty for obstruction of employees.–Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.

5	Section 19. Penalty for other offences.—	Section 19. Penalty for other offences.—Whoever— (a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or (b) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
6	Section 20. Penalty for failure to carry out duties and functions by employees.—	Section 20. Penalty for failure to carry out duties and functions by employees.—If any person employed in the execution of any duty or functions under this Act,— (a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or (b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or (c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.
7	Section 21.	Section 21. Penalty for	Proposed for omission in the

	Penalty for impersonation of employee.–8	impersonation of employee.– Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Bill, as introduced.
8	Section 22. General penalty.–	<b>Section 22. General penalty.–</b> Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.	Proposed for omission in the Bill, as introduced.

### 2.233. Submissions by the Ministry

2.233.1. The Ministry submitted the following note on the proposed amendments for decriminalization/rationalization of the CoS Act, 2008:-

“In pursuance of the Cabinet Secretary’s D.O. letter dated 01.06.2020, the Ministry had constituted a Committee to review the penal provisions under CoS Act, 2008 in order to identify the offences which can be decriminalised/ rationalized. After receiving the report of Committee, the Ministry had sought comments of general public on the Committee’s recommendations. Based on the recommendations of Committee and comments received from general public, a draft proposal for rationalization/ decriminalization of CoS Act, 2008 was prepared. As per the process of pre-legislative consultations, consultations on the draft proposal for rationalization/decriminalization of various penalties under CoS Act, 2008 were carried out with the concerned stakeholders viz. Central Ministries/Department, State/UT Govts., industry associations, general public. In view of the recommendations of Committee, comments received from various stakeholders, internal deliberations held in the Ministry and advice of the Department for Promotion of Industry & Internal Trade (DPIIT) and subsequent review by MoSPI, amendments in the CoS Act, 2008 proposed for its decriminalization/ rationalization

through the Draft Jan Vishwas (Amendment of Provisions) Bill, 2022 introduced in the Lok Sabha on 22.12.2022 (at Sr. No. 39 of the said Bill).”

#### **2.234. Discussion in the sitting of the Committee:**

2.234.1. During their deliberations in sitting of the Committee on 09.02.2023, it was informed that the Ministry seeks to omit sections 16 to 22 dealing with various offences committed in contravention of this Act.

2.234.2. The Committee in this regard sought to understand the rationale behind retaining section 23, 24, 25 and 26, providing for cognizance of offences by courts under these sections, when the sections dealing with offences under Sections 16 to 22 have been omitted. The Ministry’s representatives informed that these provisions have been kept in view of section 15, under which there is provision for fine.

2.234.3. The Committee further enquired, if after repealing these sections, would section 15 (1) cover the offences by companies, the representatives, Ministry of Statistics and Programme Implementation responded affirmatively.

2.234.4. The Committee opined that these provisions may be omitted as the offences by companies are covered under section 15. Committee further suggested that to decriminalize section 15, the fine may be converted into penalty to avoid involvement of Courts in the adjudication process.

2.234.5. When Committee enquired about the sufficiency and effectiveness of quantum of penalty imposed under section 15(1), the representatives of Ministry of Statistics and Programme Implementation apprised the Committee that the sections applies to individuals as well as companies ranging from small to larger ones, that is why the amount has been kept low. The Committee, however, suggested that the amount of penalty may be increased to Rupees 1 Lakh.

2.234.6. In this regard, the Committee desired to know as to who will be exercising adjudication powers under the Act to realise the penalties, the Committee suggested that the prescription may be added in section 15.

2.234.7. On being asked about the Committee regarding the provisions for rule making powers under the Act, the Ministry representative informed about Section 33 of the Act. The Committee suggested to incorporate the necessary directions under Section 33.

#### **2.235. Suggestions by the Committee:**

2.235.1. After detailed discussions and clarifications on the amendments proposed to be made in the Collection of Statistics Act, 2008, specified at Serial No. 39 of the Schedule to the Bill, the Committee decided to consider *inter alia* the following modifications during clause-by-clause consideration:

Section15(1)(i): The word “punishable” to be substituted with “liable” and “fine” may be converted to “penalty”. Word “prescribed” to be removed.

- (ii) In case of Company, penalty may be extended to one lakh rupees.

Section 15(2)(i): The words “conviction of” may be substituted with “imposition of penalty on”.

- (ii) The words `for an offence` may be omitted
- (iii) The words `conviction` may be substituted with `imposition`.
- (i) The word `punishable` may be substituted with `liable`.
- (ii) The word `fine` may be converted to `Penalty`.

Section 23 to 26- may be omitted.

Sec 33 – Sub-clause (d) (6) to be added before 33 (2) (e). Regarding manner for prescribing penalty under section 15 in this regard adjudicating mechanism to be added in the Act.

## The Legal Metrology Act, 2009

### [Serial No. 40 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.236. **Administering Ministry:** **Ministry of Consumer Affairs, Food and Public Distribution**  
**[Department of Consumer Affairs]**

2.237. **Purpose of the Act:** The objective of the Act is to ensure public guarantee from the point of view of security and accuracy of the weighments and measurements and was enacted to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number. The Central Government and the State Governments are empowered to make Rules under section 52 and section 53 of the Act respectively.

2.237.1. Legal Metrology Act 2009 is the primary instrument which establishes and enforces the standards of weights and measures and regulates trade in weights and measures in the country and is the foundation of most business activities in the country.

2.238. **Amendments proposed to the Act:**

Sl. No.	Sections	Existing Provision	Provision as amended in the Bill introduced in Lok Sabha
1	25	Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.	Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to <b>one lakh twenty five thousand rupees and for the second offence with fine which may extend to two lakh fifty thousand rupees and for the third and subsequent offence, with fine which may extend to five lakh rupees.</b>
2	27	Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,- (a) does not conform to the standards of weight or measure specified by or under this Act; or (b) which bears thereon any	Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,- (a) does not conform to the standards of weight or measure specified by or under this Act; or (b) which bears thereon any inscription of weight, measure or number which does not

		<p>inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act, except where he is permitted to do so under this Act, shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both.</p>	<p>conform to the standards of weight, measure or numeration specified by or under this Act, except where he is permitted to do so under this Act, shall be punished with a fine which may extend to <b>one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and subsequent offence, with fine which may extend to four lakh rupees.</b></p>
4	28	<p>Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.</p>	<p>Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to <b>fifty thousand rupees and for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence, with fine which may extend to two lakh rupees.</b></p>
5	29	<p>Whoever violates section 11 shall be punished with fine which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.</p>	<p>Whoever violates section 11 shall be punished with fine which may extend to <b>fifty thousand rupees for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence, with a fine which may extend to two lakh rupees.</b></p>
6	31	<p>Whoever, being required by or under this Act or the rules made there under to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one</p>	<p>Whoever, being required by or under this Act or the rules made there under to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to <b>twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for third and subsequent offence, with fine</b></p>



		year and also with fine.	<b>which may extend to one lakh rupees.</b>
7	34	Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.	Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with <b>fine which may extend to twenty five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees.</b>
8	35	Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which shall be extend to one year and also with fine	Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with <b>fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees.</b>
3	48	48. (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47 or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.  (2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule	48. (1) Any offence punishable under section 25, <b>sections 27 to 39, section 41</b> , sections 45 to 47 or any rule made under sub -section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.  (2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, <b>sections 27 to 39, section 41</b> and any rule made under sub-section (3)

	made under sub-section (3) of section 52.	of section 52.
	(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 53: Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.	(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, <b>section 41</b> , sections 45 to 47 and any rule made under sub-section (3) of section 53: Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

### 2.239. **Submissions by the Ministry:**

2.239.1. The administrative Ministry in their background note informed that Section 25 to 47 of LM Act 2009 under Chapter V provides for various penalties by way of levy of fine in case of first offence. For second & subsequent offence depending on the nature of the offence (i) either imprisonment or fine or both or, (ii) both imprisonment and fine or (iii) only imprisonment is prescribed. Provision of Appeal is made under Section 50 of the Act. Provision for nominating one Director of the company who will be responsible by the company under the Legal Metrology Act is made.

2.239.2. The background note further stated that Civil and criminal penalties presently prescribed under the LM Act, 2009 were reviewed with regard to their suitability for the imposition of criminal liability and to decriminalize the minor offences on the following principles:

- (i) which do not have *mens rea* (malafide/ criminal intent); and
- (ii) Where the larger public interest is not affected adversely.
- (iii) The monetary fine in first and second & subsequent offence has been proposed to be increased

2.239.3. The Ministry of Consumer Affairs had placed the proposal to decriminalize the Legal Metrology Act, 2009 on the Department's website for public consultation and the comments were also sought from the State Governments/UTs on the proposal. Most of the States and Industry associations were in favour of the decriminalization of the LM Act, 2009. Industry associations were in favor of decriminalization of most of the provisions of the Act; however, the responses of the States were varied in this regard.

2.239.4. As regards the provisions of the Legal Metrology Act, 2009 slated for decriminalization, the Ministry in their written submission stated that Section 25 to 47 of LM Act, 2009 provides for various penalties by way of levy of fine in case of first offence. 6 sections (out of 23) have the provision of imprisonment in 1st offence. For second & subsequent offence depending on the nature of the offence the following has been

prescribed:

- (i) either imprisonment or fine or both or
- (ii) both imprisonment and fine or
- (iii) only imprisonment

2.239.5. During the briefing on the Bill on 07.02.2023 by the administrative Ministry, as regards the penalties to be imposed under Section 25 for use of non-standard weight or measure, the Ministry stated that in this the amount of fine has been increased and imprisonment has been removed.

2.239.6. In this connection when the Committee sought clarifications as to why the amount of fine imposed under the amended section 25, is not in round figures, the Ministry representatives apprised the Committee that the amount has been increased five times, keeping in view the ceiling. The Committee opined that this amount may be rationalized and increased to round figures.

#### 2.240. **Suggestions by the Committee:**

2.240.1. After detailed discussions the Committee agreed, in principle, with the amendments proposed to the Legal Metrology Act, 2009, specified at Serial No. 40 of the Schedule to the Bill, and the Committee decided to consider, *inter alia*, the following modifications during Clause-by-Clause consideration.

**Section 25 :** For the first offence, with fine which may extend to rupees one lakh, for the second offence, with fine which may extend to rupees two lakh and for the third and subsequent offence, with fine which may extend to five lakh rupee.

## The Factoring Regulation Act, 2011

### [Serial No. 41 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]

2.241. **Administering Ministry:** Ministry of Finance  
[Department of Financial Services]

2.242. **Purpose of the Act:** The Act provides a framework for regulating the factoring ecosystem in the country.

2.243. **Amendments proposed to the Act:**

Sl. No.	Section No.	Existing Provision	Provision, as amended by the Bill introduced in Lok Sabha
1.	Section 21: Penalties	If a default is made in filing under section 19 the particulars of any transaction of assignment of receivables and realization of receivables by a factor, such company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees for every day during which the default continues.	21. Penalties. - If a default is made in filing under section 19 the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be liable to a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues, to be imposed by the Reserve Bank in accordance with the provisions of sub-sections (2) to (4) of section 22.
2.	Section 22: Penalties for non-compliance of direction of Reserve Bank.—	(1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupees for every day during which the default continues.	22. Penalties for non-compliance of direction by Reserve Bank.- (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may

		<p>(2) For the purpose of adjudging the penalty under sub-section (1), the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.</p> <p>(3) Any penalty imposed by the Reserve Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:</p> <p>Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf.</p>	<p>extend to ten thousand rupees for every day during which the default continues.</p> <p>(2) For the purpose of adjudging the penalty under sub-section (1) or section 21, the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.</p> <p>(3) Any penalty imposed by the Reserve Bank under this section or section 21, shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:</p> <p>Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf:  Provided further that the Reserve Bank may also recover the amount of penalty by debiting the current account, if any, of the defaulter or by liquidating the securities held to the credit of the defaulter.</p>
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	(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.	(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.”
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#### 2.244. **Submission by the Ministry:**

2.244.1. The Department of Financial Services has proposed to amend Section 21 of the Factoring Regulation Act, 2011 and consequential amendments in Section 22 of the Act. In their background note, the Department has stated that Section 21 of the Act has been proposed to be amended by replacing the provision of imposition of fine with provision for imposition of penalty by the Reserve Bank of India. The offence relates to defaults made in filing in registration of certain assignments of receivable transactions in Central Registry set up under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which is relatively routine in nature. Also, there are consequential insertions proposed in Section 22 of the Act to provide for the manner of levying penalty and recovery of penalty *i.e.* the adjudication process for levying penalty by RBI and the recovery of penalty is proposed to be prescribed.

2.244.2. The Department elaborated that the offence under Section 21 of the Factoring Regulation Act, 2011 is procedural and in the nature of not registering the particulars of transaction of assignment of receivables and receivables with the Registry. Therefore, ‘fine’ has been proposed to be changed to a ‘penalty’ to be levied by RBI for a procedural violation. Further, the proposed amendment in Section 22 of the Act is consequential to provide the manner in which penalty imposed under Section 21 shall be levied. Section 22 is also extended for penalties to be levied under Section 21 for violation of Section 19.

#### 2.245. **Discussion in the sitting of the Committee:**

2.245.1. During their sitting held on 6<sup>th</sup> February, 2023, the representatives from the Department of Financial Service made their presentation before the Committee and briefed the Committee on the proposed amendments to the Factoring Regulation Act, 2011.

#### 2.246. **Suggestions by the Committee:**

2.246.1. After the briefing by the Department of Financial Services, the Committee opined that before imposing a penalty, a reasonable opportunity should be given to the factor of being heard. From the date of issuing notice of show cause the factor must have sufficient time of being heard and adduce reasons for failure.

2.246.2. The Committee, however, agreed in principle with the amendments proposed to the Factoring Regulation Act, 2011, specified at Serial No. 41 of the Schedule to the Bill, and decided to consider the suggestions, if required, during clause by clause consideration.

**The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**

**[Serial No.42 of the Jan Vishwas (Amendment of Provisions) Bill, 2022]**

2.247. **Administering Ministry:** Ministry of Electronics and Information Technology

2.248. **Purpose of the Act:** The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 seeks to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto.

2.249. **Amendments proposed to the Act:**

<b>Sl. No.</b>	<b>Section</b>	<b>Existing Provision</b>	<b>Provisions as amended by the Bill introduced in Lok Sabha</b>
<b>1.</b>	<b>Section 41</b>	Penalty for non-compliance with intimation requirements—Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.	Penalty for non-compliance with intimation requirements—Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be <b>liable to a penalty which may extend to one lakh rupees, or in the case of a company, with a penalty which may extend to ten lakh rupees.</b>

2.250. **Submissions by the Ministry:**

2.250.1. The Ministry of Electronics and Information Technology have in their background note submitted that the provisions relating to punishment of contravention under the said Act have been reviewed keeping the following objectives in view:

- (a) Decriminalising imprisonment clauses wherever possible, or reducing the quantum of punishment or/and making the offence compoundable for Ease of Doing Business;
- (b) Maintaining uniformity in penalties for similar offences; and

- (c) Instead of fines, providing for penalties, to enable decisions at the level of administrative officers appointed as adjudicating officers, without burdening the courts.

2.250.2. The Ministry have further submitted that the review undertaken has been guided by the following principles:

- (a) Retention of the violation as a punishable criminal offence for more serious violations;
- (b) Bringing in alignment the quantum of punishment for offences of a similar nature;
- (c) In respect of contraventions by companies and other bodies corporate,—
  - (i) eliminating imprisonment; and/or
  - (ii) replacing the provision for fine imposed by court as punishment for a criminal offence by provision for financial penalty of a higher quantum imposed by administrative officers appointed as adjudicating officers; and
  - (iii) rationalising penalty/liability for non-criminal contraventions; and

### 2.251. **Discussion in the sitting of the Committee:**

2.251.1. During the sitting of the Committee held on 16 January, 2023, the representatives of the Ministry submitted that the both Section 3(2) and Section 8(3) of the Aadhaar Act have a limited purpose of informing the individual undergoing Aadhaar enrolment or authentication about nature, use etc. of information given by the individual. It was further submitted that of the nine sections (Sections 34 to 42 of the Act) which deal with penal provisions, offences which are of serious nature such impersonation, fraud etc., imprisonment has been retained, it is only in the case of non-intimation by Aadhaar Ecosystem Partner that punishment of imprisonment is being removed and the financial fine being increased.

2.251.2. The Committee thereafter sought to know the impact of the penalty proposed by the Ministry in the light of the proposed Digital Personal Data Protection Bill. The Committee also sought to know whether the amendments proposed in the Aadhaar Act are in consonance with the provisions of the Digital Personal Data Protection Bill. The representative from the Ministry in this regard submitted as under:

“..., we have examined the Digital Personal Data Protection Bill. As of now, we do not find any discrepancy between the Aadhaar Act and this Bill. Once the Bill becomes an Act and in case there are certain changes made, we will examine whether there is need for some changes in the Aadhaar Act.”

2.251.3. Explaining further on the issue, Secretary, MEITY stated as under:

“In the DPDP Bill also, we have no clause of criminalisation. There is no imprisonment in that also. That is one part. Obviously, Aadhaar Act has to be in compliance with both. So, we are in active consultation. Since both the Acts belong to the same Ministry, we are looking at both the Acts together so that there is no discord between the two Acts. Thirdly, I would like to submit that if we do this kind of a penalty, and basically imprisonment, even on somebody not furnishing information, I



think, that will actually become a deterrent because now-a-days, a lot of private entities like banks are asking for this information. SEBI is also asking for this information. They need it for authentication. Aadhaar has become an important tool of authentication. So, we want them to be a part of this larger ecosystem. When we are looking at making one unique identity for the whole nation so that one person should have single identity for all purposes, I think, this will go a long way once we do that.

2.251.4. On being further asked to justify the removal of imprisonment for non-furnishing of information and penalty for 1 lakh and 10 lakh(in case of a company) being imposed, Secretary, MEITY responded as under:

“Sir, xxxxxxx, the informed consent is part of our DPDP Bill also. It was there in the last Bill. If we look at the purpose here, the enrolling agencies are largely departmental agencies. There will not be any mens rea. The form is already there and they are signing it. If a senior medical officer, by mistake, is not able to get this thing or has forgotten to give that form, even then, the mens rea cannot be established. Penalty is something which one can give, but for imprisonment, there has to be a mala fide or mens rea. When we consulted, in consultation also, it came out. I think, hardly any case has come on this.”

2.251.5. The Committee was further informed that no cases have been registered under section 41 since its inception in 2016. The Ministry further submitted that normally the requesting entity is regulated by a regulator, whether it is RBI, SEBI or IRDA. In addition, the enrolment agencies and the requesting agencies are also bound through a separate contractual obligation. It was also submitted that there are multiple means of enforcing that the enrolment agencies and the requesting agencies follow the guidelines of the Aadhaar Act and the regulations under the Aadhaar Act, apart from this.

#### 2.252. **Suggestions of the Committee:**

2.252.1. After detailed discussions and clarifications sought by the Committee on the amendments proposed to be made in the Act, the Committee observed that the **Ministry apprise the Committee on whether the amendments proposed in the Aadhaar Act are *in parimateria* with the DPDP Bill that the Government propose to introduce.**

## **2.253. LEGALITY, PRACTICABILITY AND CONSEQUENTIAL AMENDMENTS TO GIVE EFFECT TO THE SUGGESTIONS**

2.253.1. The Committee asked all the concerned Ministries and Departments to submit their views on the legality, practicability and other related aspects on the amendments being considered in the Jan Vishwas (Amendment of Provisions) Bill, 2022. The Committee also directed all the concerned Ministries and Departments to go through the amendments proposed and find out wherever any consequential changes in the Act once the amendments are adopted to give effect to the suggestions put forth by the Members of the Committee during the briefing on the amendments proposed in the Bill.

### **GENERAL RECOMMENDATIONS**

1. The Committee note that the objective of the Jan Vishwas Bill is to achieve the principle of Minimum Government Maximum Governance and redefining the regulatory landscape of the country under the ease of living and ease of doing business reforms. The Committee further note that the Government in its effort to make the country as a preferred global investment destination and to boost investors confidence has brought this Bill which envisages rationalisation of monetary penalties and decriminalising a large number of offences of minor nature by replacing the punishment thereof with monetary penalties. The Committee also note that this Bill seeks to amend 183 provisions contained in 42 Acts which are being administered by 19 Ministries.

The Committee appreciate the motive and intent of the Government and note that the Government had earlier also repealed a number of laws from statute book as they had become obsolete or retention thereof as separate act was unnecessary. However, this Bill is a consolidated one with holistic approach to decriminalise offences of minor nature by replacing the punishment with monetary penalties, which will reduce the burden of judiciary. The Committee express their satisfaction that such reforms will go a long way in building the trust of the people in bureaucracy and Institutions at large which is the corner stone of a democratic Government.

**The Committee, therefore, recommend that such exercise should be continued in future by reviewing other Acts too and bring similar legislations before Parliament.**

**(Recommendation No. 1)**

2. The Committee note that many of the laws have been proposed to be amended by the Jan Vishwas Bill. The subjects “criminal law” and “criminal procedure” with some exceptions are included in the Concurrent List and the implementation thereof mainly lie with the State Governments/UTs and that legislations dealing with offences of minor nature may also have been enacted by some State Legislatures. The effort and intent of the Union Government to simplify and rationalise compliances to improve ease of living and ease of doing business should be reflected at the ground level. As many of the approvals, clearances and litigations take place at the State level, there is a need to simplify the compliance and requirements at the State level also. **Therefore, the Committee**

recommend that the Union Government and DPIIT may issue suitable advisories to State Governments and Union Territories to take suitable action on similar lines taken by Central Government in reforming their laws and decriminalising minor offences by replacing punishments with monetary penalties, which shall also reduce the burden of cases in Judicial system and improve investors' confidence. In this regard, the Committee also recommend that the nodal Ministry, namely DPIIT, may take the help of Niti Aayog and other stakeholders like regulatory bodies, business associations, industry bodies, etc. to create awareness by holding seminars and workshops about the reforms initiated through this Bill by the Union Government.

(Recommendation No. 2)

3. The Constitution provides for enactment of laws by the Parliament, and the State Legislatures. As per article 246 of the Constitution, List-II (State List) mentions subjects in respect of which the State Legislatures have exclusive jurisdiction to make law. The Committee note that by the Jan Vishwas (Amendment of Provisions) Bill, 2022, the Union Government has shown its intent to decriminalise offences of minor nature and replace the punishments therein with monetary penalties. An exercise of similar nature is required to be done at the State level in respect of offences of minor nature contained in law, on subjects exclusively, provided for State Legislatures. The Committee, therefore, recommend that the Union Government may issue an advisory to all the State Governments to review the legislations which are in the exclusive domain of State Governments to decriminalise offences of minor nature on the similar lines as done by the Union Government so as to realize ease of living and ease of doing business in real sense .

(Recommendation No. 3)

4. The Committee note that there are a number of legislations spanning the huge number of economic activities for the development of the country. The Committee desire that an exercise similar to Jan Vishwas Bill should be carried out by the Government. In this regard, the Joint Committee desire that the Ministry should appoint a group of experts which should be a full time body consisting of legal professionals, industry bodies, members of bureaucracy and regulatory authorities, etc. to examine many other provisions of various laws that govern the twin aspects of ease of living and ease of doing business and suggest suitable amendments aimed at achieving the goal of the Union Government, namely, Minimum Government Maximum Governance by decriminalising offences of minor nature and replacing punishments for such offences with monetary penalties. **The Committee recommend that the Government should appoint a group to examine in this regard at the earliest.**

(Recommendation No. 4)

5. The Committee note that the Amendment Bill envisages a further thrust to businesses by eradicating the fear of criminal provisions for minor, technical and procedural defaults. The Committee feel that this will go a long way in realizing the vision of greater ease of doing business and an 'Atmanirbhar Bharat'. The Committee envisage that the amendments proposed in the Bill would accelerate investment decisions due to smoother processes and help in attracting more foreign and domestic investment and prevent the flight of capital to foreign countries. The Committee are hopeful that the Amendment Bill will speed up rationalizing criminal provisions and ensuring that businesses, citizens and the

government departments operate without fear of imprisonment for minor, technical or procedural defaults. The Committee are of the considered view that the clauses of criminality for small procedural lapses and minor defaults clog judiciary thereby burdening the courts needlessly and putting adjudication of major offences on the back burner. The Committee note that the Civil liabilities can be imposed with retrospective effect but criminal liabilities cannot be imposed retrospectively. However, the criminal liabilities can be done away with retrospective effect. **As such, the Committee recommend that the Government may look into legalities and other consequences of giving retrospective effect and if feasible, endeavour to bring the amendments proposed in the Jan Vishwas (Amendment of Provisions) Bill, 2022 with retrospective effect thereby abating the pending legal proceedings in respect of offences being decriminalised.**

**(Recommendation No. 5)**

6. The Committee note that in most of the Acts by way of the proposed amendment Bill, the concept of Adjudicating officer for dealing with defaulters has been proposed to be introduced. The Committee desire that the Ministry of Law alongwith the respective administering Ministries may ensure that adjudication mechanism alongwith appellate authority for appeal by the aggrieved parties for adjudication of penalty be provided for in each of the Act seeking to impose penalty while decriminalising the provisions. The Committee also desire that the Ministry of Law may also look into the aspect of incorporating an adjudication mechanism alongwith appellate authority for adjudication of penalty while decriminalization through levying of penalty in all Acts which may come for amendment in future too.

**(Recommendation No. 6)**

7. The Committee note that in 11 of the Acts, while imprisonment has been removed, the fine has either been retained or enhanced. The Committee are of the considered view that while the aim of Jan Vishwas (Amendment of provisions) Bill, 2022 is to enhance trust based governance for ease of living and doing business, it also seeks to reduce pressure on the judiciary, lessen the burden of the courts and help in efficient justice dispensation. The Committee would like to observe that the distinction between fine and penalty is that fine is determined by a court and penalty is levied by an executive authority. Hence, it is felt that retention of fine would not reduce compliance burden and lessen the litigations, which will nullify the objective sought to be achieved through the Bill. **The Committee, therefore, recommend that wherever feasible removal of imprisonment may be accompanied with levying of penalty instead of fine to avoid increase in litigation.**

**(Recommendation No. 7)**

## CHAPTER-III

### CLAUSE BY CLAUSE CONSIDERATION OF THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022

#### Clause 2 of the Bill provides –

**“2. The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.”**

As the amendments proposed to be incorporated in 42 enactments with the primary objective of decriminalizing and rationalizing certain offences of minor nature are specified in the Schedule to the Bill, the Committee decided to take up the Schedule into consideration before consideration of Clauses. Also taking into account that the said 42 enactments are being administered by 19 different Ministries/Departments of the Government of India, the Committee decided to group the proposed amendments to 42 Acts Ministry-wise and accordingly considered the amendments pertaining to Acts of a particular Ministry/Department together, one-by-one.

3.2 The existing provisions of the Acts and the amendments proposed to existing provisions by The Jan Vishwas (Amendment of Provisions) Bill, 2022, as introduced in Lok Sabha, have already been dealt with and shown in tabular form in Chapter II. In this Chapter, therefore, for brevity, in some of the amendments proposed in the Bill, as introduced, instead of reproducing all the amended provisions, as they appear in the Bill, only those particular sections or sub-sections or clauses have been reproduced where the modifications have been made by the Committee.

3.3 While considering the amendments proposed to 42 Acts specified in the Schedule to the Bill, as introduced, the Committee in every case, took note of the modifications suggested by them to the proposed amendments during briefing by Ministries for examination by the Ministry from the angle of their legality, practicability and other aspects.

3.4 For facility of reference, consideration by the Joint Committee of amendments to Acts specified in the Schedule have been arranged serial-wise, as they appear in the Schedule.

## CONSIDERATION OF THE SCHEDULE

### 1. Amendments proposed to The Press and Registration of Books Act, 1867

#### (Sl. No. 1 of the Schedule)

3.5 The Ministry submitted inter alia as under during Clause by Clause consideration of amendments:

“महोदय, पिछली बैठक में एक ही संशोधन का प्रस्ताव था जो आखिर में सैक्शन 8 सी, सैक्शन 19 के का संशोधन किया था। सबसे आखिरी प्रोवीजन पर संशोधन हुआ था। The last part said: “He shall be punishable with penalty not exceeding Rs. 10000.” कमेटी ने बोला था कि ‘पनिशेबल विद’ के बदले ‘लाएबल फॉर पेनल्टी’ होगा। हमने यह संशोधन कर लिया है और कोई संशोधन प्रस्तावित नहीं था।”

3.6 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.7 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Press and Registration of Books Act, 1867	<p>(A) In section 8C,— xxx xxx xxx</p> <p>12(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving an opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>xxx xxx xxx</p> <p>13(D) For section 19K, the following section shall be substituted, namely:—</p>	<p>(A) In section 8C,- xxx xxx xxx</p> <p>12(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving a <b><u>reasonable</u></b> opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>xxx xxx xxx</p> <p>13(D) For section 19K, the following section shall be substituted, namely: -</p>

<p>19K. Penalty for contravention of section 19D or section 19E.- If the publisher of any newspaper –</p> <p>(a) refuses or neglects to comply with the provisions of clause (b) of section 19D or section 19E; or</p> <p>(b) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be punishable with penalty not exceeding ten thousand rupees.</p> <p style="text-align: center;">xxx xxx xxx</p>	<p>“19K. Penalty for contravention of section 19D or section 19E.- If the publisher of any newspaper –</p> <p>(a) refuses or neglects to comply with the provisions of clause (b) of section 19D or section 19E; <u>or</u></p> <p>(b) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be <u>liable to</u> penalty not exceeding ten thousand rupees.”.</p> <p style="text-align: center;">xxx xxx xxx</p> <p style="text-align: center;"><b>(Recommendation No. 9 )</b></p>
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3.8 Amendment moved by Adv. Dean Kuriakose, MP in absentia was not accepted by the Committee as there was no justification.

## 2. Amendments proposed to The Indian Post Office Act, 1898

### (Sl. No. 2 of the Schedule)

3.9 The Committee observed that during briefing by the Department of Posts on the proposed amendments, the Committee agreed in principle to the amendments proposed to the Indian Post Office Act, 1898.

3.10 The Department of Posts submitted :-

“महोदय, हमारा प्रस्ताव था कि पूरे चैप्टर 10 इंडियन पोस्ट ऑफिस एक्ट का 1898 जो पैनल्टीज एंड प्रोसीजर को डील करता है, उसे ओमिट कर दिया जाए, primarily because either they are covered by other rules and provisions or they have become redundant and obsolete over a period of time.”

3.11 The Committee deliberated on the amendments proposed in the Bill to the Indian Post Office Act, 1898 and decided not to make any modification in the amendments proposed at Sr. No. 2 of the Schedule to the Bill in view of the submission made by the Department.

### 3. Amendments proposed to The Boilers Act, 1923

#### (Sl. No. 3 of the Schedule)

3.12 The Ministry submitted the following:

“माननीय समिति की इच्छा थी और डायरेक्शंस थे। हमने इन प्रिंसिपल सब मान ली हैं। केवल रेस्ट्रोस्पेक्टिव को छोड़ कर हमने सारी बातें लिखी है।”

3.13 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.14 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Boilers Act, 1923</b></p>	<p>(A) In section 22,-</p> <p>(a) in clause (iii), for the word and figures "section 16," the words and figures "section 16, or" shall be substituted;</p> <p>(b) after clause (iii), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(iv) to report an accident to a boiler or boiler component when so required under section 18,".</p> <p>(B) For section 23, the following section shall be substituted, namely:—</p> <p>"23. Penalties for illegal use of boiler.—Any owner of a boiler who—</p>	<p>(A) In section 22,-</p> <p>(a) in clause (iii), for the word and figures "section 16," the words and figures, "section 16; or" shall be substituted;</p> <p>(b) after clause (iii), the following clause shall be inserted, namely:-</p> <p style="padding-left: 40px;">“(iv) to report an accident to a boiler or boiler component when so required under section 18,”;</p> <p><b><u>(c) in the long line, for the words “punishable with fine”, the words “liable to penalty” shall be substituted.</u></b></p> <p>(B) For section 23, the following section shall be substituted, namely:-</p> <p>"23. Penalties for illegal use of boiler.- Any owner of a boiler who—</p>



	<p>(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby;</p> <p>(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (b) of section 6;</p> <p>(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (6) of section 7,</p> <p>shall be liable for fine which may extend to one lakh rupees, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues."</p> <p style="text-align: center;">xxx xxx xxx</p>	<p>(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby; <b><u>or</u></b></p> <p>(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (b) of section 6; <b><u>or</u></b></p> <p>(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (6) of section 7,</p> <p>shall be liable <b><u>to penalty</u></b> which may extend to one lakh rupees, and in the case of a continuing <b><u>contravention or failure</u></b>, with an additional <b><u>penalty</u></b> which may extend to one thousand rupees for every day during which such <b><u>contravention or failure</u></b> continues.".</p> <p style="text-align: center;">xxx xxx xxx</p> <p style="text-align: center;"><b>(Recommendation No.10)</b></p>
		<p><b><u>(D) In section 25, in sub-section (1), for the words "punishable with fine", the words "liable to penalty" shall be substituted.</u></b></p> <p style="text-align: center;"><b>(Recommendation No.11)</b></p>

		<p><u>(E) After section 26, the following sections shall be inserted, namely:-</u></p> <p><u>“26A. Adjudication.- (1) The State Government or the Union territory administration, as the case may be, for the purposes of determining the penalties under sections 22, 23, sub-section (1) of section 25 and section 30, may authorise the District Magistrate or the Additional District Magistrate, as the case may be, having jurisdiction, to be the adjudicating officer to hold an inquiry and to impose penalty, in the manner as may be prescribed, by the State Government or the Central Government, as the case may be.</u></p> <p><u>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 22, 23, sub-section (1) of section 25 and section 30, he may impose penalty:</u></p> <p><u>Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.</u></p>

		<p><b><u>26B. Appeal. - (1) Whoever aggrieved by the order, passed by the adjudicating officer under section 26A, may prefer an appeal to an officer not below the rank of Secretary to the State Government or the Union territory administration, as the case may be, specially authorised by that Government or administration in this behalf, within sixty days from the date of receipt of order, in such form and manner as may be prescribed by the State Government or the Central Government, as the case may be.</u></b></p> <p><b><u>(2) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</u></b></p> <p><b><u>(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.</u></b></p> <p><b><u>(4) An appeal under sub-section (1) shall be disposed of within sixty days from the date of filing.”.</u></b></p> <p>(Recommendation No.12)</p>
		<p><b><u>(F) In section 27, the words “Presidency Magistrate or a” shall be omitted.</u></b></p> <p><b><u>(G) In section 28A, in sub-section (1A), after clause (c), the following clauses shall be inserted, namely:-</u></b></p> <p><b><u>“(ca) the manner of holding inquiry and imposing penalty under sub-section (1) of section 26A;</u></b></p>

		<p><b><u>(cb) the form and manner of preferring appeal under sub-section (1) of section 26B;”.</u></b></p> <p>(Recommendation No. 13)</p> <p><b><u>(H) In section 29, in sub-section (1), after clause (h), the following clauses shall be inserted, namely:-</u></b></p> <p><b><u>“(ha) the manner of holding inquiry and imposing penalty under sub-section (1) of section 26A;</u></b></p> <p><b><u>(hb) the form and manner of preferring appeal under sub-section (1) of section 26B;”.</u></b></p> <p>(Recommendation No. 14)</p> <p><b><u>(I) In section 30, -</u></b></p> <p><b><u>(i) for the words “punishable, in the case of a first offence, with fine”, the words “liable to penalty, in the case of a first contravention, with penalty” shall be substituted;</u></b></p> <p><b><u>(ii) for the words “subsequent offence, with fine”, the word “subsequent contravention, with penalty” shall be substituted.</u></b></p> <p>(Recommendation No. 15)</p>
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#### 4. Amendments proposed to The Indian Forest Act, 1927

(Sl. No. 4 of the Schedule)

3.15 The Ministry submitted inter alia as under during Clause by Clause consideration of amendments:

“हमारे चार एक्ट्स हैं, जिनमें 16 पीनल प्रोविजन्स में से 9 में डिक्रिमिनलाइजेशन का प्रस्ताव रखा था। माननीय समिति ने 6 सुझाव दिए थे और हमने 6 सुझावों को एक्सेप्ट कर लिया है।”

3.16 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.17 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Indian Forest Act, 1927</b></p>	<p>(A) In section 26,—</p> <p>(i) in sub-section (1), clauses (d) and (e) shall be omitted;</p> <p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:—</p> <p>"(1A) Any person who, in a reserved forest—</p> <p>(a) trespasses or pastures cattle or permits cattle to trespass;</p> <p>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber, shall be liable to pay fine which may extend to five</p>	<p>(A) In section 26,-</p> <p>(i) in sub-section (1), clauses (d) and (e) shall be omitted;</p> <p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Any person who, in a reserved forest-</p> <p>(a) trespasses or pastures cattle, or permits cattle to trespass <b><u>shall be liable to penalty which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68;</u></b></p> <p><b>(Recommendation No. 16)</b></p> <p>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber <b><u>shall be liable to penalty which may extend to</u></b></p>

	<p>hundred rupees in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid."</p> <p>(B) In section 33,-</p> <p>(i) in sub-section (I), clauses (e), (f) and (g) shall be omitted;</p> <p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:—</p> <p>"(1A) Any person who commits any of the following offences, namely:—</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(c) permits cattle to damage any such tree, shall be liable to pay fine which may extend to five hundred rupees."</p>	<p><b><u>five thousand rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68."</u></b></p> <p><b>(Recommendation No. 17)</b></p> <p>(B) In section 33,-</p> <p>(i) in sub-section (I), clauses (e), (f) and (g) shall be omitted;</p> <p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>"(1A) Any person who, <b><u>in a protected forest-</u></b></p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid,</p> <p><b><u>Amendment Omitted</u></b></p> <p>shall be liable to <b><u>penalty</u></b> which may extend to five <b><u>thousand</u></b> rupees <b><u>in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68."</u></b></p> <p><b>(Recommendation No. 18)</b></p>
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		<p><b>(C) <u>In section 68,-</u></b></p> <p><b><u>(i) for the marginal heading, the following marginal heading shall be substituted, namely:-</u></b>  <b><u>“Power to compound offences and impose penalties”;</u></b></p> <p><b><u>(ii) in sub-section (1)-</u></b></p> <p><b><u>(I) in clause (a), for the word “and”, the word “or” shall be substituted;</u></b>  <b><u>(II) after clause (a), the following clause shall be inserted, namely:-</u></b></p> <p><b><u>“(aa) to accept from any person a sum of money by way of penalty or compensation in violation of sub-section (1A) of section 26 and sub-section (1A) of section 33; and”.</u></b></p> <p><b>(Recommendation No. 19)</b></p>
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**5. Amendments proposed to The Agricultural Produce (Grading and Marking) Act, 1937**

**(Sl. No. 5 of the Schedule)**

3.18 The Department submitted inter alia as under during the Clause by Clause consideration of amendments:

“कृषि विभाग का जो एक्ट है Agricultural Produce (Grading and Marking) Act, 1937, पिछली बैठक में संशोधन हेतु जो प्रस्ताव आया था, उसमें कमेटी की जो रिक्मेंडेशन्स थीं, उनको विभाग ने पूरा कर दिया है। बैठक के बाद 3 अमेंडमेंट्स प्रपोज किए गए थे। कुल 4 अमेंडमेंट्स थे। सबकी सहमति से हमने उनको वैसे ही रखा है। ये 3 प्रपोज्ड अमेंडमेंट्स हैं तथा कमेटी ने अपनी जो राय दी थी, उसके अनुसार हमने संशोधन कर लिए हैं। पहला है काउंटरफीटिंग की पेनल्टी, that is Section 5, Penalty for Counterfeiting. The penalty was Rs.8 lakh. We have increased it to Rs.15 lakh because this has a stronger implication, whereas in other infringements the penalty is much lower. So, this has been increased to Rs.15 lakh.

In the appeal provision, as was suggested, the word 'modifying' has been deleted. It is only confirming or setting aside the order passed earlier.

बेसिकली सैक्शन 4, सैक्शन 5, सैक्शन 5A, सैक्शन 5बी था। सैक्शन 4 में कोई सजेशन नहीं था। That was accepted. सैक्शन 5 में था – Penalty for Counterfeiting Grade Designation Mark. इसमें पहले इम्प्रिजनमेंट था – 'imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees. This has been changed now. इम्प्रिजनमेंट हटा दिया गया था। पेनल्टी 8 लाख रुपये की थी, which was the amendment. Then, one suggestion was made. 8 लाख रुपये की पेनल्टी को 15 लाख रुपये करने के लिए सजेशन आया था। That has been accepted.”

3.19 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.20 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Agricultural Produce (Grading and Marking) Act, 1937</b></p>	<p>(A) In section 3, in sub-section (2), after clause (g), the following clauses shall be inserted, namely:—  “(ga) holding inquiry to impose penalty under sub-section (1) of section 5C;  (gb) preferring appeal under sub-section (1) of section 5D;”.</p> <p>(B) In section 4, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted.</p> <p>(C) In section 5, for the words "imprisonment for a term not</p>	<p>(A) In section 3, in sub-section (2), after clause (g), the following clauses shall be inserted, namely: -  “(ga) holding inquiry <b><u>and imposing</u></b> penalty under sub-section (1) of section 5C;  (gb) preferring appeal under sub-section (1) of section 5D;”.</p> <p><b>(Recommendation No. 20)</b></p> <p>(B) In section 4, for the words “<b><u>punishable with</u></b> imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees”, the words “<b><u>liable to</u></b> penalty <b><u>not exceeding</u></b> five lakh rupees” shall be substituted.</p> <p><b>(Recommendation No. 21)</b></p> <p>(C) In section 5, for the words “<b><u>punishable with</u></b> imprisonment</p>



	<p>exceeding three years and fine not exceeding five thousand rupees", the words "penalty of eight lakh rupees" shall be substituted.</p> <p>(D) In section 5A, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of three lakh rupees" shall be substituted.</p> <p>(E) In section 5B, in sub-section (4), for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted.</p> <p>(F) For section 5C, the following sections shall be substituted, namely:—</p> <p>"5C. Adjudicating officer.— (1) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry in the manner, as may be prescribed and to impose penalty:</p>	<p>for a term not exceeding three years and fine not exceeding five thousand rupees", the words "<b><u>liable to</u></b> penalty <b><u>not exceeding fifteen</u></b> lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 22)</b></p> <p>(D) In section 5A, for the words "<b><u>punishable with</u></b> imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "<b><u>liable to</u></b> penalty <b><u>not exceeding</u></b> three lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 23)</b></p> <p>(E) In section 5B, in sub-section (4), for the words "<b><u>punishable with</u></b> imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees, the words "<b><u>liable to</u></b> penalty <b><u>not exceeding</u></b> five lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 24)</b></p> <p>(F) For section 5C, the following sections shall be substituted, namely:-</p> <p>"5C. Adjudicating officer.- (1) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry <b><u>and impose penalty,</u></b> in the manner</p>
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	<p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>5D. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person in such manner as may be prescribed.</p>	<p>as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned a <b><u>reasonable</u></b> opportunity of being heard in the matter.</p> <p style="text-align: center;"><b>(Recommendation No. 25)</b></p> <p>5D. Appeal.- (1) <b><u>Whoever</u></b> aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date <b><u>of receipt of order</u></b> in such manner as may be prescribed.</p> <p><b><u>(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the Agricultural Marketing Adviser that he had sufficient cause for not preferring the appeal within that period.</u></b></p>
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	<p>(2) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit, confirming, modifying or setting aside the order appealed against.</p> <p>(3) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</p> <p>5E. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed by adjudicating officer under section 5C or ordered by the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrears of land revenue."</p>	<p>(3) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.</p> <p>(4) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.</p> <p><b>(Recommendation No. 26)</b></p> <p>5E. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed by <u>the</u> adjudicating officer under section 5C or <u>order of</u> the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue."</p> <p><b>(Recommendation No. 27)</b></p>
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## 6. Amendments proposed to The Drugs and Cosmetics Act, 1940

### (Sl. No. 6 of the Schedule)

3.21 The Department submitted inter alia as under during the Clause by Clause consideration of amendments:

“.....हमने पूरा देख लिया है। इन्फैक्ट आपने पिछली मीटिंग में ही करना शुरू कर दिया था, तब हम लोगों ने आपसे अनुरोध किया था कि आप ये हम पर छोड़ दीजिए, हम लोग कर लेंगे, तो अब कर लिया है। वही दिखा रहे हैं।”

3.22 In view of the submissions made by the Department, the Committee decided that amendment proposed by the Committee may be incorporated in the Bill.

3.23 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Drugs and Cosmetics Act, 1940</b></p>	<p>(A) In section 30, in sub-section (2), for the words "imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "fine which shall not be less than five lakh rupees" shall be substituted.</p> <p>(B) In section 32B, in sub-section (1), after the words and figures "of section 13,", the words, brackets, letters and figures "clause (d) of section 27 and clause (ii) of section 27A," shall be inserted.</p>	<p><b><u>(A) In section 29, for the words "punishable with fine which may extend to five thousand rupees", the words "liable to penalty which may extend to one lakh rupees" shall be substituted.</u></b></p> <p><b>(Recommendation No. 28)</b></p> <p><b><u>(B)</u></b> In section 30, in sub-section (2), for the words "imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "fine which shall not be less than five lakh rupees" shall be substituted.</p> <p><b><u>(C)</u></b> In section 32B, in sub-section (1), after the words and figures "of section 13,", the words, brackets, letters and figures "clause (d) of section 27 and clause (ii) of section 27A," shall be inserted.</p>

3.24 Amendment moved by Adv. Dean Kuriakose, MP in absentia was not accepted by the Committee as there was no justification.

## **7. Amendments proposed to The Public Debt Act, 1944**

### **(Sl. No. 7 of the Schedule)**

3.25 The Department of Economic Affairs, Ministry of Finance on the amendment proposed in the Bill stated that omission of Section 27 of the Public Debt Act, 1944 as

proposed may be accepted.

3.26 The Committee agreed to the amendment proposed in the Bill.

## 8. Amendments proposed to The Rubber Act, 1947

### (Sl. No. 8 of the Schedule)

3.27 The Department submitted inter alia as under during Clause by Clause consideration of amendments:

“For the purpose of adjudging the penalties under section 11(3) and 26, the Executive Director, Rubber Board shall appoint Secretary, Rubber Board or any other officer authorized by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned an opportunity of being heard for the purpose of imposing any penalty. (2) Whoever is aggrieved by any decision or order of the adjudicating officer may prefer an appeal to the Executive Director, Rubber Board within .....we have removed imprisonment.”

3.28 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.29 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Rubber Act, 1947	xxx xxx xxx	<p style="text-align: center;">xxx xxx xxx</p> <p><b><u>(C) In section 25, in sub-section (2), after clause (xxiii), the following clauses shall be inserted, namely:-</u></b></p> <p><b><u>“(xxiiia) the manner of imposing penalty under sub-section (1) of section 26B;</u></b></p> <p><b><u>(xxiiib) the form and manner of preferring appeal under sub-section (2) of section 26B;”.</u></b></p> <p style="text-align: right;"><b>(Recommendation No. 29)</b></p>

(C) In section 26, in sub-section (1), in the long line, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "liable to pay penalty which may extend to fifty thousand rupees" shall be substituted.

**(D)** In section 26, in sub-section (1), in the long line, for the words, "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "liable to penalty which may extend to fifty thousand rupees" shall be substituted.

**(E) After section 26A, the following section shall be inserted, namely:-**

**"26B. Adjudication of penalties.-**

**(1) For the purposes of adjudging the penalties under sub-section (3) of section 11 and section 26, the Executive Director shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard.**

**(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Executive Director, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.**

**(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Executive Director that he had sufficient cause for not preferring the appeal within that period.**

		<p><b><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></b></p> <p><b><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></b></p> <p><b><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”.</u></b></p> <p style="text-align: right;"><b>(Recommendation No. 30)</b></p>
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3.30 Amendment moved by Adv. Dean Kuriakose, MP in absentia was not accepted by the Committee as there was no justification.

## **9. Amendments proposed to The Pharmacy Act, 1948**

### **(Sl. No. 9 of the Schedule)**

3.31 The Department submitted, inter alia, as under during Clause by Clause consideration of amendments:

“with imprisonment for a term which may extend upto three months, or with fine not exceeding two lakh rupees or with both.....उसे हमने इनकॉर्पोरेट कर दिया है।”

3.32 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.33 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

<b>Title</b>	<b>Amendments proposed to the Act in the Bill as introduced in Lok Sabha</b>	<b>Format after incorporating amendments adopted by the Committee</b>
<b>The Pharmacy Act, 1948</b>		<b><u>(A) In section 18, in sub-section (2), after clause (h), the following clauses shall</u></b>

	<p>(A) In section 26A, in sub-section (3), for the words "with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "on first conviction with fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p> <p>(B) In section 41, for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(1) If any person whose name is not for the time being entered in the register of the State claims that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to fifty thousand rupees and on subsequent conviction with fine not exceeding one lakh rupees:</p>	<p><b><u>be inserted, namely:-</u></b></p> <p><b><u>“(ha) the manner of imposing penalty under sub-section (1) of section 43A;</u></b></p> <p><b><u>(hb) the form and manner of preferring appeal under sub-section (2) of section 43A;”.</u></b></p> <p><b>(Recommendation No.31)</b></p> <p><b>(B)</b> In section 26A, in sub-section (3), for the words “<b><u>punishable</u></b> with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both”, the words “<b><u>liable to penalty</u></b> which may extend to one lakh rupees” shall be substituted.</p> <p><b>(Recommendation No. 32)</b></p> <p><b>(C)</b> In section 41, for sub-section (1), the following sub-section shall be substituted, namely:-</p> <p>“(1) If any person whose name is not for the time being entered in the register of the State <b><u>falsely pretends</u></b> that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to <b><u>one lakh</u></b> rupees and on subsequent conviction with <b><u>imprisonment which may extend to three months or with</u></b> fine not exceeding <b><u>two</u></b> lakh rupees, <b><u>or with both</u></b>:</p>
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	<p>Provided that it shall not be an offence if the name of the person is entered in the register of another State and that at the time of claim, an application for registration in the State had been made."</p> <p>(C) In section 42, in sub-section (2), for the words "imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p>	<p>Provided that it shall be a defence if the name of the person is entered in the register of another State and that at the time of claim, an application for registration in the State had been made."</p> <p><b>(Recommendation No. 33)</b></p> <p><b>(D)</b> In section 42, in sub-section (2), for the words "imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "<u><b>imprisonment for a term which may extend to three months, or with</b></u> fine which may extend to <u><b>two</b></u> lakh rupees, <u><b>or with both</b></u>" shall be substituted.</p> <p><b><u>(E) After section 43, the following section shall be inserted, namely:-</u></b></p> <p><b><u>"43A. Adjudication of penalties.- (1) For the purposes of adjudging the penalties under section 26A, the Central Government shall authorise the President of the State Council, where the alleged violation is committed, to be the adjudicating officer for holding an inquiry and impose penalty in the manner as may be prescribed under section 18, after giving any person concerned a reasonable opportunity of being heard.</u></b></p> <p><b><u>(2) Whoever is aggrieved by any order of the</u></b></p>
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		<p><u>adjudicating officer may prefer an appeal to the President, Central Council, within a period of forty-five days from the date of receipt of such order in such form and manner as may be prescribed under section 18.</u></p> <p><u>(3) The President, Central Council may entertain an appeal after the expiry of forty-five days, if it is satisfied that the appellant was prevented from sufficient cause for filing the appeal within the said period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) An appeal under sub-section (2) shall be disposed of within ninety days from the date of filing.</u></p> <p><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”</u></p> <p>(Recommendation No. 34)</p>
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**10. Amendments proposed to The Industries (Development and Regulation) Act, 1951**

**(Sl. No. 10 of the Schedule)**

3.34 The Department submitted, inter alia, as under during Clause by Clause consideration of amendments:

“इसमें आपने यह निर्देश दिया था कि ‘फाइन’ को ‘पैनाल्टी’ कर देना चाहिए। इसे हमने मान लिया है। जैसा कि पिछली बार मैंने अनुरोध किया था कि हमारे सामने परेशानी यह है कि हमारे पास इसमें पूरे देश में केवल तीन अधिकारी हैं। हमने इसका यह तरीका निकाला है कि हम कलेक्टर – डीएम को इसकी पावर दे रहे हैं।.....दूसरी बात आपने यह व्यक्त की थी ऐसा न हो कि अपील सीधे हाई कोर्ट जाने लग जाए। अतः डिस्ट्रिक्ट कोर्ट, एप्रोप्रिएट कोर्ट में कलेक्टर के ऑर्डर की अपील का प्रावधान कर दिया गया है।.....डिस्ट्रिक्ट कोर्ट में कलेक्टर के लेवल पर अपील चली जाएगी। हम लोगों ने दूसरा ऑल्टरनेटिव यह सोचा कि हम पावर एसडीएम को और अपील कलेक्टर को करने का प्रावधान कर दें।”

3.35 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.36 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Industries (Development and Regulation) Act, 1951</b></p>	<p>(A) In section 24, in sub-section (1), for the long line, the following long line shall be substituted, namely:—</p> <p>"he shall be punishable with fine which may extend to twenty-five lakh rupees."</p> <p>(B) Section 24A shall be omitted.</p>	<p>(A) (In section 24, in sub-section (1), for the long line, the following long line shall be substituted, namely:-</p> <p>"he shall be <b><i>liable to penalty</i></b> which may extend to twenty-five lakh rupees."</p> <p style="text-align: center;"><b>(Recommendation No.35)</b></p> <p>(B) <b><i>For section 24A, the following sections shall be substituted, namely:-</i></b></p> <p><b><i>"24A. Adjudication.— (1) The Central Government, for the purposes of determining the penalties under section 24, shall authorise the District Magistrate or the Additional District Magistrate, having jurisdiction, to be the adjudicating officer, to hold an inquiry and impose the penalty in the manner, as may be prescribed.</i></b></p>

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose such penalty as he thinks fit in accordance the provisions of section 24:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

24B. Appeal. - (1) Whoever aggrieved by the order, passed by the adjudicating officer under section 24A, may prefer an appeal to an officer not below the rank of Joint Secretary to the Government of India, within thirty days from the date of receipt of order, in such form and manner as may be prescribed.

(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

**(4) An appeal under sub-section (1) shall be disposed of within sixty days from the date of filing.**

**24C. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed by adjudicating officer under section 24A or order of the appellate authority under section 24B, as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.”.**

(Recommendation No.36)

**(C) Section 27 shall be omitted.**

(Recommendation No.37)

**(D) In section 28, for the words “prosecuted”, the words “imposed penalty” shall be substituted.**

(Recommendation No.38)

**(E) Sections 29 and 29A shall be omitted.**

(Recommendation No.39)

**(F) In section 30,-  
(i) in sub-section (2), after clause (pp), the following clauses shall be inserted, namely:-**

**“(ppa) the manner of imposing penalty under sub-section (1) of section 24A;**

**(ppb) the form and manner of preferring appeal under sub-section (1) of section 24B;”;**

**(ii) in sub-section (3), for the word “punishable”, the words “liable to penalty” shall be substituted.**

(Recommendation No.40)

## 11. Amendments proposed to The Cinematograph Act, 1952

### (Sl. No. 11 of the Schedule)

3.37 During the Clause by Clause consideration of the amendments, the Ministry submitted:-

“सिनेमैटोग्राफ एक्ट में सेक्शन-14 और 15 है।

सेक्शन-7 (1) में कोई चेंजेज नहीं थे। उसके जो प्रोवाइजोस हैं, उसमें भी कोई सजेशन सजेस्टेड नहीं थे।“

3.38 The officials stated that Ministry has accepted the changes as suggested by the Committee.

3.39 The Committee then discussed the amendments proposed in the Bill and decided to accept the view of the Ministry and recommended the following amendments to the amendments proposed in the Bill.

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Cinematograph Act, 1952</b>	(A) In Section 7, -  (i) for sub-section (1), the following sub-section shall be substituted, namely:—  ‘(1) If any person— (a) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both;  (b) exhibits or permits to be exhibited in any place, any film—	(A) In section 7,-  (i) for sub-section (1), the following sub-section shall be substituted, namely: -  ‘(1) If any person— (a) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both;  (b) exhibits or permits to be exhibited in any place, any film-

	<p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered or tampered with after the mark has been affixed,</p> <p>he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:— “(4) Any person aggrieved by</p>	<p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered, or tampered with after the mark has been affixed,</p> <p>he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and <b><u>in the case of a continuing offence</u></b> with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and <b><u>in the case of a continuing offence</u></b> with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:— “(4) <b><u>Whoever</u></b> aggrieved by</p>
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	<p>any penalty imposed under clauses (d) to (f) of sub-section (1), may prefer an appeal in such manner and to such appellate authority as may be prescribed."</p> <p>(B) In section 8, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—</p> <p>"(ca) the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;</p> <p>(cb) the manner of preferring appeal and appellate authority under sub-section (4) of section 7;"</p> <p>(C) In section 14, for the words "one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues", the words "one lakh rupees and, in the case of a continuing offence, with a further fine which may extend to ten thousand rupees for each day during which the offence continues" shall be substituted.</p>	<p>any penalty imposed under clauses (d) to (f) of sub-section (1) <u>or section 14</u>, may prefer an appeal to such appellate authority <u>within such period and in such form and manner</u> as may be prescribed."</p> <p><b>(Recommendation No. 41)</b></p> <p>(B) In section 8, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:-</p> <p>"(ca) the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;</p> <p>(cb) the <u>period, form and</u> manner of preferring appeal and appellate authority under sub-section (4) of section 7;" .</p> <p><b>(Recommendation No. 42)</b></p> <p>(C) In section 14, for the words "<u>punishable with fine which may extend to</u> one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues", the words "<u>liable to penalty of</u> one lakh rupees and, in the case of a continuing <u>contravention</u>, with a further <u>penalty</u> which may extend to ten thousand rupees for each day during which the <u>contravention</u> continues" shall be substituted.</p> <p><b>(Recommendation No. 43)</b></p> <p><b><u>(D) For section 15, the following section shall be</u></b></p>
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		<p><b><u>substituted, namely:-</u></b>  <b><u>“15. Power to revoke or suspend licence.- (1) Where the holder of a licence has been convicted for an offence under clauses (a) to (c) of sub-section (1) of section 7, the licence may be revoked by the licensing authority.</u></b></p> <p><b><u>(2) Where the holder of a licence has been imposed penalty for contravention under clauses (d) to (f) of sub-section (1) of section 7 or section 14, the licence may be suspended by the licensing authority for a period not exceeding thirty days:</u></b></p> <p><b><u>Provided that in cases of more than three contraventions over a period of three years, the licensing authority, may, for the reasons to be recorded in writing, by order, revoke the licence:</u></b></p> <p><b><u>Provided further that no order under this section shall be made without giving the holder of the licence a reasonable opportunity of being heard.”.</u></b></p> <p><b>(Recommendation No. 44)</b></p>
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## 12. Amendments proposed to The Tea Act, 1953

(Sl. No. 12 of the Schedule)

3.40 The Department submitted, inter alia, as under:-

“there were four sets of guidance given by the Committee in the last meeting. The first set of guidance was that in all the four Acts, where we are decriminalising the provisions and have put in penalty, an adjudication mechanism should also be put in

place, which we have now proposed in the revised draft.

For Tea Board Act, there were two things. We had suggested for omission of five sections in which it was suggested that it should be parallel to other Boards also and we should retain or decide upon whether we want to have a penal provision for contravention of order and also the omnibus clause which allows for a penal provision for rules made thereunder. This was suggested, and we have decided that it is better to bring those provisions for Tea Board with a penalty provision instead of a fine and imprisonment provision. So, we have proposed accordingly.

Lastly, it was also suggested that in case there are any other provisions in the Act where fine is there without imprisonment, which has been left out, that fine should also be considered for to be converted into penalty. There was one such provision in the Spices Board Act where we felt that the fine has been left out. The provision of fine was there for false returns and things like that. That is also now proposed to be converted into penalty.

.....these were the four sets of guidance. We have accepted all the four. Accordingly, we have proposed amendments.”

3.41 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.42 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Tea Act, 1953	Sections 38 to 42 shall be omitted.	<p><b>(A)</b> Sections 38 to <u>40</u> shall be omitted.</p> <p style="text-align: center;"><b>(Recommendation No. 45)</b></p> <p><b><u>(B) In section 41, in sub-section (1), for the words “punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both,” the words “liable to penalty which may extend to fifty thousand rupees” shall be substituted.</u></b></p> <p style="text-align: center;"><b>(Recommendation No. 46)</b></p>

**(C) In section 42, for the words “punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention”, the words “liable to penalty which may extend to fifty thousand rupees and for subsequent contravention, penalty which may extend to one lakh rupees” shall be substituted.**

**(Recommendation No. 47)**

**(D) After section 42, the following section shall be inserted, namely:-**

**“42A. Adjudication of penalties.-**

**(1) For the purposes of adjudging the penalties under sub-section (1) of section 41 and section 42, the Deputy Chairman of the Board shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry in the manner as may be prescribed, after giving a reasonable opportunity of being heard.**

**(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Deputy Chairman of the Board, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.**

		<p><b><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Deputy Chairman that he had sufficient cause for not preferring the appeal within that period.</u></b></p> <p><b><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></b></p> <p><b><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></b></p> <p><b><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”.</u></b></p> <p style="text-align: center;"><b>(Recommendation No. 48)</b></p> <p><b><u>(E) In section 49, in sub-section (2), after clause (x), the following clauses shall be inserted, namely:-</u></b></p> <p style="padding-left: 40px;"><b><u>“(xa) the manner of imposing penalty under sub-section (1) of section 42A;</u></b></p> <p style="padding-left: 40px;"><b><u>(xb) the form and manner of preferring appeal under sub-section (2) of section 42A;”.</u></b></p> <p style="text-align: center;"><b>(Recommendation No. 49)</b></p>
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3.43 Amendment moved by Adv. Dean Kuriakose, MP in absentia was not accepted by the Committee as there was no justification.

### **13. Amendments proposed to The Copyright Act, 1957**

#### **(Sl. No. 13 of the Schedule)**

3.44 The Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry on the proposed amendment stated that omission of Section 68 as introduced in the Bill may be accepted.

3.45 The Committee decided to accept the view of the Department and agreed to the amendment proposed in the Bill.

#### 14. Amendments proposed to The Merchant Shipping Act, 1958

##### (Sl. No. 14 of the Schedule)

3.46 The Ministry submitted, inter alia, as under:-

“कमेटी के द्वारा गत सप्ताह में जो हमारी डिटेल एग्जामिनेशन हुई थी, वह मर्चेंट्स शिपिंग एक्ट, 1958 के प्रावधानों के बारे में था। दो प्रावधानों के अलावा, बाकी सभी में, कमेटी ने, जो हमने डिक्रीमिनलाइजेशन का प्रस्ताव दिया था, उससे सहमति व्यक्त की थी। प्रावधानों में कमेटी की राय थी कि हम या तो इस को रीटेन करें, क्योंकि वह न्यूक्लियर फ्यूएल्डशिप्स के बारे में था, जो कि काफी गंभीर था। पहले हमने जो प्रोपोज किया था, उसमें हमने इम्प्रीजनमेंट हटा कर पेनाल्टी की थी। कमेटी की यह राय थी कि या तो आप इस प्रावधान की गंभीरता को देखते हुए इसे रीटेन कीजिए या फिर अगर पेनाल्टी का प्रावधान करना है तो हमने जो पाँच लाख रुपये का प्रस्ताव किया था, उसे बढ़ाकर दस लाख रुपये किया जाए।

समिति की गत बैठक के पश्चात हमने अपने मंत्रालय में इस पर पुनर्विचार किया और दो प्रावधान, जो सीरियल नं. 108 (e) (a) और 108 (e) (b) पर हैं, इस पर मंत्रालय ने यह निर्णय लिया कि जो वर्तमान प्रावधान हैं, जिसमें इम्प्रीजनमेंट और फाइन हैं, उसी को हम लोग रीटेन करेंगे। कुल मिलाकर अगर देखा जाए तो 43 प्रावधानों में से हमारे 21 प्रावधान अब डिक्रीमिनलाइज हो रहे हैं। पहले 23 थे। इन प्रावधानों की गंभीरता को देखते हुए अब हम वापस डिक्रीमिनलाइज नहीं करना चाहते और इस को अब हम इम्प्रीजनमेंट और फाइन की श्रेणी में ही रखना चाहते हैं। पिछली बार इन दोनों प्रावधानों के बारे में समिति की राय थी।

इसके अलावा, हमने बाकी प्रावधानों में कोई परिवर्तन नहीं किया है, क्योंकि उसमें समिति के द्वारा सहमति प्रकट की गयी थी।”

3.47 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.48 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha				Format after incorporating amendments adopted by the Committee			
<b>The Merchant Shipping Act, 1958</b>	(A) in section 436, -  (a) in sub-section (2), in the Table, against the serial numbers mentioned under column 1, in respect of the offences under column 2, relating to the sections under column 3 and the penalties under column 4, shall, respectively be substituted, in the manner as provided, namely:—  X X X X X X X X X X				(A) in section 436, -  (a) in sub-section (2), in the Table, against the serial numbers mentioned under column 1, in respect of the offences under column 2, relating to the sections under column 3 and the penalties under column 4, shall, respectively be substituted, in the manner as provided, namely:—  X X X X X X X X X X			
	Serial No.	Offences	Section of this Act to which offence has reference	Penalties	Serial No.	Offences	Section of this Act to which offence has reference	Penalties
	1	2	3	4	1	2	3	4
	16			"Penalty which may extend to two lakh rupees."	16			"Penalty which may extend to two lakh rupees."
	X X X X X X X X X X				X X X X X X X X X X			
	108B			"The master or owner or agent shall be liable to penalty which may extend to five lakh rupees and the ship may also be detained."				

	108E(a)			"Penalty which may extend to five lakh rupees and the ship may also be detained."	<b><u>Amendment Omitted</u></b>  <b>(Recommendation No. 50)</b>		
	108E(b)			"Penalty which may extend to five lakh rupees and the ship may also be detained."	<b><u>Amendment Omitted</u></b>  <b>(Recommendation No. 51)</b>		
	109			"Penalty which may extend to five lakh rupees."	109		"Penalty which may extend to five lakh rupees."
	xxx xxx xxx			xxx xxx xxx			
	<p>(4) Any person aggrieved by an order of the Principal Officer referred to in sub-section (3), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe.</p> <p style="text-align: center;">xxx xxx xxx</p>			<p>(4) <b><u>Whoever</u></b> aggrieved by an order of the Principal Officer under sub-section (3), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe.</p> <p style="text-align: center;"><b>(Recommendation No. 52)</b></p> <p style="text-align: center;">xxx xxx xxx</p> <p><b><u>(7) Notwithstanding anything contained in this Act, if penalty imposed by Principal Officer of the Mercantile Marine Department under sub-section (3) or order of the Director-General under section (4), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.</u></b></p> <p style="text-align: center;">xxx xxx xxx</p> <p style="text-align: center;"><b>(Recommendation No. 53 )</b></p>			

**15. Amendments proposed to The Deposit Insurance and Credit Guarantee Corporation Act, 1961**

**(Sl. No. 15 of the Schedule)**

3.49 The Department submitted, inter alia, as under:-

“जो पिछली बैठक हुई थी, उसमें समिति से हमें कुछ सुझाव मिले थे। मौटे तौर पर चार बातें कही गई थीं, जो अलग-अलग एक्ट्स में लागू होती हैं। एक बात यह कही गई थी कि जहां हमने पेनल्टी का प्रावधान डाला था, उसमें यह था कि अगर पेनल्टी के लिए 60 दिन की बात की जाए तो हियरिंग के लिए उचित समय दिया जाए और उसके बाद 60 दिन का समय पेनल्टी के पेमेंट के लिए दिया है। जब हमने फिर से एक्ट को पढ़ा है तो हमारे दो नोटिसेस की बात है। We will go through the Sections with you.

One notice is a Showcause notice which is there in the initial subsection – please showcause why penalty should not be imposed. The second notice is a notice for actually paying the penalty. जो सेकण्ड नोटिस है और जो 60 दिन का समय दिया गया है, that is with reference to the second notice. It is not as if, जो पहले 6 तारीख की बैठक थी, उसमें यह शंका जाहिर की गई थी कि पहले नोटिस के बाद ही हम एडज्युडिकेशन का टाइम नहीं देंगे, हियरिंग का टाइम नहीं देंगे और वहीं से 60 दिन की गणना शुरू कर देंगे। जब हमने उसको फिर से पढ़ा तो समझ में यह आया कि पहला नोटिस शो कॉज नोटिस है और दूसरा पे द पेनल्टी नोटिस है। पे द पेनल्टी नोटिस के बाद 60 दिन का समय है, to that entity to make the payment of the penalty. That is the demand notice.

समिति के विचार को रखते हुए यह कन्फ्यूजन फिर न आए तो हमने जो सेकण्ड पे द पेनल्टी नोटिस है, उसका जो प्रावधान है, उसमें हमने प्रीवियस नोटिस का लिंक कर दिया है। We have said, subject to the provisions of the previous notice you should have issued showcause notice, you should have heard the other party and then come to the point of determination of penalty. हमने वह लिंक लगा दिया है।”

3.50 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.



3.51 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Deposit Insurance and Credit Guarantee Corporation Act, 1961</b></p>	<p>In section 47, in sub-section (2),—</p> <p>(i) for the words "punishable with a fine which may extend to two thousand rupees", the words "liable to a penalty which may extend to one lakh fifty thousand rupees" shall be substituted;</p> <p>(ii) for the words "fine which may extend to one hundred rupees", the words "penalty which may extend to seven thousand five hundred rupees" shall be substituted;</p> <p>(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>"(3) For the purpose of adjudging the penalty under sub-section (2), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the Corporation under this section shall be payable within a period of</p>	<p>In section 47, <u>for</u> sub-section (2), <u>the following sub-sections shall be substituted, namely:-</u></p> <p><u>"(2) If any person fails to produce any book, account or other document or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to penalty which may extend to one lakh fifty thousand rupees in respect of each failure, and in the case of a continuing failure, with an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure.</u></p> <p><b>(Recommendation No. 54)</b></p> <p>(3) For the purpose of adjudging the penalty under sub-section (2), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the Corporation under this section shall be payable within a period</p>

	<p>fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no direction shall be made except on an application made to the court by the Corporation or any officer authorised by it in this behalf.</p> <p>(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit."</p>	<p>of fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on <u>an order or</u> direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no <u>order or</u> direction shall be made except on an application made to the court by the Corporation or any officer authorised by Corporation in this behalf.</p> <p>(5) The court which makes <u>an order or</u> direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.</p> <p><b>(Recommendation No. 55)</b></p> <p><b><u>(6) No complaint shall be filed against any person in any court of law in respect of any contravention or default in respect of which any penalty has been imposed by the Corporation under sub-section (2).</u></b></p> <p><b><u>(7) Where any complaint has been filed against any person in any court in respect of any contravention or default of the nature referred to in sub-section (1), then, no proceedings for the</u></b></p>
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		<p><u><i>imposition of any penalty on the person shall be initiated under sub-section (2).”.</i></u></p> <p>(Recommendation No. 56)</p>
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**6. Amendments proposed to The Warehousing Corporations Act, 1962**

**(Sl. No. 16 of the Schedule)**

3.52 The Department for Food and Public Distribution, Ministry of Food and Public Distribution on the proposed amendment stated that omission of Section 38 as proposed in the Bill may be accepted.

3.53 The Committee agreed to the omission of Section 38 proposed in the Bill.

**17. Amendments proposed to The Food Corporations Act, 1964**

**(Sl. No. 17 of the Schedule)**

3.54 The Department for Food and Public Distribution, Ministry of Food and Public Distribution on the proposed amendment stated that omission of Section 41 as proposed in the Bill may be accepted.

3.55 The Committee agreed to the omission of Section 41 proposed in the Bill.

**18. Amendments proposed to The Patents Act, 1970**

**(Sl. No. 18 of the Schedule)**

3.56 The Department submitted as under:-

“सर, पेटेंट एक्ट में कमेटी की कुछ रेकमेंडेशंस थीं। हमने सारी एनालाइज़ की, We have all accepted them. उस हिसाब से हमने कुछ चेंजेज रेकमेंड किये हैं।.....”

3.56A In the original Jan Vishwas bill as introduced in the Parliament, provision of adjudication of penalty was proposed under the Patents Act, Trademarks Act, Geographical Indications Act. In another written communication, the Department for Promotion of Industry

and Internal Trade submitted the following:

“.....During the 2nd reading of Jan Vishwas Bill, Joint Parliamentary Committee recommended need for appellate mechanism to provide a person to get a forum to get his grievances addressed if not satisfied with the decision of the officer adjudicating penalty under the Patents Act, Trademarks Act or Geographical Indications Act, as the case may be. It was also recommended that the recovery of the penalty should be made by treating it as arrear of land revenue.

..... while the Department agrees with the recommendation of introduction of the appellate mechanism, however, it does not agree with the suggestion to treat the penalty dues as arrear of land revenue as under the Patents Act, Trademarks Act, Geographical Indications act, not every person on whom a penalty has been imposed will have an immovable property, especially for non-resident persons/entities. Hence, while the amendments in the Jan Vishwas Bill seeks to decriminalise the offences under Patents Act, Trademarks Act and Geographical Indications Act making them civil proceedings and providing a person an opportunity to present its case first before the authority adjudicating penalty and then before the appellate authority. However, if despite availing opportunities, a person refuses to pay penalty, especially when such person may not have an immovable asset or a property that could be use to recover penalty amount under the Revenue Recovery Act, it is essential that said recovery be done through the court, which may in addition to recovering the penalty due, may also impose fine or imprisonment or both. This will ensure that proposed amendments not just remain toothless but also that appropriate deterrence has been provided for those not complying with law of the country”.

3.56B In view of the submissions by the Department, the Committee decided that provision of fine/imprisonment for recovery of penalty may be retained with some modifications in all the three Acts, viz., Patents Act, Trademarks Act and Geographical Indications Act.

3.57 The Committee after taking into account the views of the Ministry decided to recommend the following amendments to the amendments proposed in the Bill:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Patents Act, 1970</b>	(A) In section 120, for the words "he shall be punishable with fine which may extend to one lakh rupees", the words "he shall pay, by way of penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues" shall be substituted.	(A) In section 120, for the words, "he shall be punishable with fine which may extend to one lakh rupees", the words "he shall <b><i>be liable to</i></b> penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues" shall be substituted.  <b>(Recommendation No. 57)</b>

	<p>(B) Section 121 shall be omitted.</p> <p>(C) In section 122,—</p> <p>(i) in sub-section (1), for the long line, the following long line shall be substituted, namely:—</p> <p>"he shall pay, by way of penalty which may extend to one lakh rupees, and in case of the continuing refusal, a further penalty of one thousand rupees for every day after the first during which such refusal continues.";</p> <p>(ii) in sub-section (2), for the words "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "he shall be punishable with penalty which shall not be less than twenty-five lakh rupees" shall be substituted.</p> <p>(D) In section 123, for the words "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "he shall pay, by way of penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues" shall be substituted.</p>	<p>(B) Section 121 shall be omitted.</p> <p>(C) In section 122,-</p> <p>(i) in sub-section (1), for the long line, the following long line shall be substituted, namely:-</p> <p>"he shall <b><u>be liable to</u></b> penalty which may extend to one lakh rupees, and in case of the continuing refusal <b><u>or failure</u></b>, a further penalty of one thousand rupees for every day after the first during which such refusal <b><u>or failure</u></b> continues.";</p> <p>(ii) in sub-section (2), for the words, "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "he shall be <b><u>liable to penalty a sum equal to one half per cent. of the total sale or turnover, as the case may be, of business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five crore rupees, whichever is less</u></b>" shall be substituted.</p> <p><b>(Recommendation No. 58)</b></p> <p>(D) In section 123, for the words, "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "he shall <b><u>be liable to</u></b> penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees</p>
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	<p>(E) After section 124, the following section shall be inserted, namely:—</p> <p>"124A. Adjudication of penalties.—</p> <p>(1) The Controller may, by an order, impose penalty on a person stating therein any contravention or default under the provisions of this Act, in the manner as may be prescribed.</p> <p>(2) The Controller shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p>(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of the receipt of the order, the person shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees, but which may extend to five lakh rupees, or with both."</p>	<p>for every day after the first during which such default continues" shall be substituted."</p> <p><b>(Recommendation No. 59)</b></p> <p>(E) After section 124, the following section shall be inserted, namely:-</p> <p>"124A. Adjudication of penalties.</p> <p>- The Controller may, by an order, <b><u>authorise an officer referred to in section 73, to be the adjudicating officer for holding an inquiry and impose penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person concerned a reasonable opportunity of being heard.</u></b></p> <p><b><u>124B. Appeal.- (1) Whoever aggrieved by an order of the adjudicating officer under section 124A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.</u></b></p> <p><b><u>(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed,</u></b></p> <p><b><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</u></b></p> <p><b><u>(4) No appeal shall be disposed of unless the appellant has been given a</u></b></p>
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	<p>(F) In section 159, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely:—</p> <p>"(xiiia) the manner of imposing penalty under sub-section (1) of section 124A;"</p>	<p><u>reasonable opportunity of being heard.</u></p> <p><u>(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</u></p> <p><u>(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 124A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</u></p> <p>(F) In section 159, in sub-section (2), after clause (xiii), the following clauses shall be inserted, namely:-</p> <p>"(xiiia) the manner of imposing penalty under section 124A;</p> <p><u>(xiiib) the form and manner of preferring appeal under sub-section (2) of section 124B;"</u></p> <p>(Recommendation No. 60)</p>
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**19. Amendments proposed to The Marine Products Export Development Authority Act, 1972**

**(Sl. No. 19 of the Schedule)**

3.58 The Department submitted, inter alia, as under:-

"In the last meeting, the Committee had given to us four suggestions. The first set of suggestions was, wherever we have introduced penalty as against fine or

imprisonment, there should be an adjudication mechanism which should be laid down as part of the Bill. In all the four Acts, this was given. We have laid down the mechanism.....”

3.59 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.60 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Marine Products Export Development Authority Act, 1972</b></p>	<p style="text-align: center;">xxx xxx xxx</p> <p>"24. Penalties for obstructing a member or officer of Authority in the discharge of his duties and for failure to produce books and records.—Any person who—</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to pay penalty which may extend to</p>	<p style="text-align: center;">xxx xxx xxx</p> <p>“24. Penalties for obstructing a member or officer of Authority in discharge of his duties and for failure to produce books and records.— Any person who-</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to penalty which may extend to ten thousand rupees.</p>



ten thousand rupees.

25. Other penalties.- Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 20, 23 and 24, shall be liable to pay a penalty not less than ten thousand rupees, or not exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such order has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an amount equivalent to twice the value of goods, whichever is higher, in respect of which such order has been made."

25. Other penalties.- Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment **or penalty** for the contravention whereof has been provided for in sections 20, 23 and 24, shall be liable to penalty not less than ten thousand rupees, or not exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such **contravention** has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an amount equivalent to twice the value of goods, whichever is higher, in respect of which such **contravention** has been made.

**(Recommendation No. 61)**

**25A. Adjudication of penalties.-**  
**(1) For the purposes of adjudging penalties under sub-section (3) of section 20, section 23, clause (b) of section 24 and section 25, the Chairman shall appoint the Secretary to the Authority or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and impose penalty under the provisions of this Act, in the manner as may be prescribed, after giving the**

person concerned a reasonable opportunity of being heard.

(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Chairman, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.

(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Chairman that he had sufficient cause for not preferring the appeal within that period.

(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(5) The appellate authority referred to in sub-section (2) shall dispose of the appeal within sixty days from the date of filing.

(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”.

(D) In section 33, in sub-section (2), after clause (q), the following clauses shall be inserted, namely:-

“(qa) the manner of holding inquiry and imposing penalty under sub-section (1) of section 25A;

(qb) the form and manner of preferring appeal under sub-section (2) of section 25A;”.

(Recommendation No. 62)

## 20. Amendments proposed to The High Denomination Bank Notes (Demonetisation) Act, 1978

### (Sl. No. 20 of the Schedule)

3.61 The Committee observed that during briefing by the Department of Economic Affairs, Ministry of Finance on the proposed amendments, the Committee asked the Ministry to examine the feasibility of repealing the High Denomination Bank Notes (Demonetisation) Act, 1978. During Clause by Clause consideration, the Ministry agreed with the suggestion of the Committee for repeal of the Act.

3.62 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The High Denomination Bank Notes (Demonetisation) Act, 1978</b>	In section 10,— (i) in sub-section (1), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted; (ii) in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted; (iii) in sub-section (3), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted.	<b><u>Repealed</u></b> <b>(Recommendation No. 63)</b>

**21. Amendments proposed to The Air (Prevention and Control of Pollution) Act, 1981**

**(Sl. No. 21 of the Schedule)**

3.63 The Ministry submitted, inter alia, as under:-

“हमारे चार एक्ट्स हैं, जिनमें 16 पीनल प्रोविजन्स में से 9 में डिक्रिमिनाइजेशन का प्रस्ताव रखा था। माननीय समिति ने 6 सुझाव दिए थे और हमने 6 सुझावों को एक्सेप्ट कर लिया है।”

3.64 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.65 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Air and Control of Pollution) Act, 1981</b></p>	<p>xxx xxx xxx</p> <p>(B) After section 21, the following section shall be inserted, namely:—</p> <p>"21A. Power to issue guidelines.—</p> <p>(1) Notwithstanding anything contained in section 21, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent.</p>	<p>xxx xxx xxx</p> <p>(B) After section 21, the following section shall be inserted, namely: -</p> <p>"21A. Power to issue guidelines. -</p> <p>(1) Notwithstanding anything contained in <b><i>this Act</i></b>, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent.</p> <p><b>(Recommendation No. 64)</b></p>

	<p>(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (1).".</p> <p>(C) For sections 37 to 41, the following sections shall be substituted, namely:—</p> <p>'37. Failure to comply with provisions of section 22 or directions issued under section 31A.-(1) Whoever contravenes or does not comply with the provisions of section 22 or directions issued under section 31A, shall, in respect of each such contravention or non-compliance, be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p> <p>38. Penalties for certain acts.—(1) Whoever—</p> <p>(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;</p> <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;</p>	<p>(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (1).".</p> <p>(C) For sections 37 to 41, the following sections shall be substituted, namely: -</p> <p>'37. Failure to comply with provisions of section 22 or directions issued under section 31A.- (1) Whoever contravenes or does not comply with the provisions of sections 22 or directions issued under section 31A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees <b>for</b> every day during which such contravention continues.</p> <p style="text-align: center;"><b>(Recommendation No. 65)</b></p> <p>38. Penalties for certain acts. – (1) Whoever-</p> <p>(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;</p> <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;</p>
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	<p>(c) damages any works or property belonging to the Board;</p> <p>(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;</p> <p>(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23;</p> <p>(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p> <p>38A. Penalty for contravention by Government Department.—</p> <p>(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty</p>	<p>(c) damages any works or property belonging to the Board;</p> <p>(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;</p> <p>(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23;</p> <p>(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees <b><i>for</i></b> every day during which such contravention continues.</p> <p style="text-align: center;"><b>(Recommendation No. 66)</b></p> <p>38A. Penalty for contravention by Government Department.- (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to</p>
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	<p>equal to one month of his basic salary:          Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to pay the penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p>39. Penalties for contravention of certain provisions of this Act.—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for</p>	<p>penalty equal to one month of his basic salary:          Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p>39. Penalties for contravention of certain provisions of this Act. - If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to penalty which shall not be</p>
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	<p>in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees every day during which such contravention continues</p> <p>39A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under sections 37, 38 and 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit in accordance with the provisions of sections 37, 38 or 39, as the case may be:</p>	<p>less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.</p> <p>39A. Adjudicating officer. - (1) The Central Government, for the purposes of determining the penalties under sections 37, 38, <b>38A</b> and <b>section</b> 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit <b>under</b> the provisions of sections 37, 38, <b>38A</b> or 39, as the case may be:</p>
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	<p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>(3) The amount of penalty imposed under the provisions of sections 37, 38 and 39, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p>39B. Appeal.—(1) Any person aggrieved by the order passed by the adjudicating officer under sections 37, 38 or 39, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the</p>	<p>Provided that no such penalty shall be imposed without giving the person concerned a <b><u>reasonable</u></b> opportunity of being heard.</p> <p>(3) The amount of penalty imposed under the provisions of sections 37, 38, <b><u>38A</u></b> and 39, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p style="text-align: center;"><b>(Recommendation No. 67)</b></p> <p>39B. Appeal. - (1) <b><u>Whoever</u></b> aggrieved by the order passed by the adjudicating officer under sections 37, 38, <b><u>38A</u></b> or 39, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.</p>
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	adjudicating officer. 39C. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38 or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).  XXX XXX XXX	39C. Penalty amount to be credited to Environmental Protection Fund. - Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38, <b>38A</b> or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).  <b>(Recommendation No. 68)</b>  XXX XXX XXX
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## 22. Amendments proposed to The National Bank for Agriculture and Rural Development Act, 1981

### (Sl. No. 22 of the Schedule)

3.66 The Department submitted, inter alia, as under:-

“बस दो-तीन सेक्शंस ही हैं। वे भी रिपेटिटिव ही हैं। एक के बारे में मैं बता ही चुका हूँ। अगला अगर हम देखें, तो वह subject to Sub-section 3 का है, जो कि अभी लॉ मिनिस्ट्री ने ओपाइन किया है कि it is superfluous. It is a similar change in the case of BICGC....बाकी सब एक्सेप्टेड है। आपके सभी सुझाव एक्सेप्टेड हैं। We have accepted everything..... we will remove it. On the issue of principal civil court, we will seek the advice of the Ministry of Law.”

3.67 In view of the submissions made by the Department, the Committee after deliberating on the amendments proposed in the Bill to the National Bank for Agriculture and Rural Development Act, 1981 agreed to the amendment proposed to the Act in the Bill, as introduced with minor changes in the proviso to sub-section (4) and sub-section (6) of Section 56, as mentioned below:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The National Bank for Agriculture and	In section 56, for sub-section (2),	In section 56, for sub-section (2),

<p>Rural Development Act, 1981</p>	<p>the following sub-sections shall be substituted, namely:—</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(4) Any penalty imposed by the National Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no such direction shall be made to the court by the National Bank or by any officer authorised by the National Bank in this behalf.</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(6) No complaint shall be filed against any person in any court in respect of any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p style="text-align: center;">xxx xxx xxx</p>	<p>the following sub-sections shall be substituted, namely:-</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(4) Any penalty imposed by the National Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no such direction shall be made <b><u>except on an application made</u></b> to the court by the National Bank or by any officer authorised by the National Bank in this behalf.</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(6) No complaint shall be filed against any person in any court <b><u>relating to</u></b> any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p style="text-align: center;">xxx xxx xxx</p> <p style="text-align: right;"><b>(Recommendation No. 69)</b></p>
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## 23. Amendments proposed to The Spices Board Act, 1986

### (Sl. No. 23 of the Schedule)

3.68 The Department submitted, inter alia, as under:-

“The manner of imposing a penalty under sub-section (1) in the manner of an appeal under sub-section (2) of Section 24(b).

In the Spices Board Act, 1986, the suggestion was for adjudication of penalties. That is the one we have brought in as a new section.....

section 30a, subsection 1 – for the purpose of adjudicating the penalties under section 26, 27, 29, the purpose of adjudicating the penalties under sections 26, 27, 29, and 30, the Secretary, Spices Board shall appoint an officer not below the rank of Director in Spices Board or any other officer authorised by the Central Government as the case may be, to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned an opportunity of being heard for the purpose of imposing any penalty.

sub-section (2): "Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Secretary, Spices Board, within a period of 60 days from the date of receipt of such order, in such form and order as may be prescribed.....**लास्ट सब-सेक्शन 4 हटा देंगे।**

In section 27, in the long line, for the words “imprisonment which may extend to six months, or with fine which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, we had proposed the words “penalty which may extend to fifty thousand rupees and for subsequent contravention...”. We will have to change the word ‘offence’ with contravention.

The Committee guided that we should try to bring in some consistency across the Board. Section 38, 39, and 40 are being omitted. We are bringing back section 41(1) with the guidance of the Committee received in the last meeting. We are bringing back section 41 except for “punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both”. The words “liable to pay penalty which may extend to fifty thousand rupees” shall be substituted. With these changes, we propose to retain the section.....We are retaining sections 41 and 42 with changes.”

3.69 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.70 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p>The Spices Board Act, 1986</p>	<p>(A) In section 27, in the long line, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the words "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(B) Section 28 shall be omitted.</p> <p>(C) In section 29, for the words "imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the words "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p>	<p><b><u>(A) In section 26, for the words "punishable with fine which may extend to five hundred rupees", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent failure, penalty which may extend to one lakh rupees" shall be substituted.</u></b></p> <p><b>(Recommendation No. 70)</b></p> <p>(B) In section 27, in the long line, for the words "<b><u>punishable with</u></b> imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both", the words "<b><u>liable to</u></b> penalty which may extend to fifty thousand rupees and for subsequent <b><u>contravention,</u></b> penalty which may extend to one lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 71)</b></p> <p>(C) Section 28 shall be omitted.</p> <p>(D) In section 29, for the words, "<b><u>punishable with</u></b> imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the words "<b><u>liable to</u></b> penalty which may extend to fifty thousand rupees and for subsequent <b><u>contravention,</u></b> penalty which may extend to one lakh rupees" shall be substituted.</p>

(D) In section 30, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention", the words "penalty which may extend to fifty thousand rupees and for subsequent offence, penalty which may extend to one lakh rupees" shall be substituted.

**(Recommendation No. 72)**

**(E)** In section 30, for the words, "**punishable with** imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention", the words "**liable to** penalty which may extend to fifty thousand rupees and for subsequent **contravention,** penalty which may extend to one lakh rupees" shall be substituted.

**(Recommendation No. 73)**

**(F) After section 30, the following section shall be inserted, namely:-**

**"30A. Adjudication of penalties.**  
**- (1) For the purposes of adjudging the penalties under sections 26, 27, 29 and 30, the Secretary to the Board shall appoint an officer not below the rank of Director in the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and to impose penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard.**

**(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Secretary to the Board, within a period of sixty days from the date of receipt of such**

		<p><b><u>order in such form and manner as may be prescribed.</u></b></p> <p><b><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Secretary to the Board that he had sufficient cause for not preferring the appeal within that period.</u></b></p> <p><b><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></b></p> <p><b><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></b></p> <p><b><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”.</u></b></p> <p><b><u>(G) In section 38, in sub-section (2), after clause (m), the following clauses shall be inserted, namely:-</u></b></p> <p><b><u>“(ma) the manner of holding inquiry and imposing penalty under sub-section (1) of section 30A;</u></b></p> <p><b><u>(mb) the form and manner of preferring appeal under sub-section (2) of section 30A.”.</u></b></p> <p><b><u>(Recommendation No. 74)</u></b></p>
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3.71 Amendment moved by Adv. Dean Kuriakose, MP in absentia was not accepted by the Committee as there was no justification.

## 24. Amendments proposed to The Environment (Protection) Act, 1986

### (Sl. No. 24 of the Schedule)

3.72 In view of the submissions made by the Ministry, the Committee decided that the above said amendment may be incorporated in the Bill. Other amendments proposed in the Bill to the Act were agreed to by the Committee.

3.73 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Environment (Protection) Act, 1986	<p style="text-align: center;">xxx xxx xxx</p> <p>(C) After section 14, the following sections shall be inserted, namely:—</p> <p>"14A. Penalty for contravention of section 7 or section 8.—(1) If any person, contravenes provisions of section 7 or section 8 or the rules made thereunder, he shall be liable to pay the penalty in respect of each such contravention or non-compliance, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of fifty thousand rupees for every day during which such contravention continues.</p> <p>14B. Penalty for contravention of sections 9, 10 and 11.—(1) If any person contravenes or does not comply with the provisions</p>	<p style="text-align: center;">xxx xxx xxx</p> <p>(C) After section 14, the following sections shall be inserted, namely:—</p> <p>"14A. Penalty for contravention of section 7 or section 8. - (1) If any person, contravenes provisions of section 7 or section 8 or the rules made thereunder, he shall be liable to penalty in respect of each such contravention, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of fifty thousand rupees for every day during which such contravention continues.</p> <p>14B. Penalty for contravention of sections 9, 10 and 11. - (1) If any person contravenes or does not comply with the provisions of</p>



	<p>of section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to pay penalty in respect of each such contravention or non-compliance which shall not be less than ten thousand rupees but which may extend to five lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such contravention continues."</p> <p>(D) For sections 15 to 17, the following shall be substituted, namely:— '15. Penalty for contravention of provisions of Act, rules, orders and directions.—(1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such contravention continues.</p>	<p>section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to five lakh rupees.</p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues."</p> <p>(D) For sections 15 to 17, the following shall be substituted, namely: - '15. Penalty for contravention of provisions of Act, rules, orders and directions. - (1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention which shall not be less than <b>ten</b> thousand rupees but which may extend to fifteen lakh rupees.</p> <p style="text-align: center;"><b>(Recommendation No. 75)</b></p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.</p>
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	<p>15A. Penalty for contravention by companies.—(1) Where any company contravenes any of the provisions of this Act, the company shall be liable to pay the penalty for each such contravention which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any company continues contravention or non-compliance under sub-section (1), the company shall be liable to pay an additional penalty of one lakh rupees for every day during which such contravention continues.</p> <p>15B. Penalty for contravention by Government Department.— (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary: Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to pay the penalty equal to one month of his basic salary: Provided that he shall not be liable for the contravention, if</p>	<p>15A. Penalty for contravention by companies. - (1) Where any company contravenes any of the provisions of this Act, the company shall be liable to penalty for each such contravention which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any company continues contravention under sub-section (1), the company shall be liable to additional penalty of one lakh rupees for every day during which such contravention continues.</p> <p>15B. Penalty for contravention by Government Department. – (1) Where contravention of any of the provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary: Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary: Provided that he shall not be liable for the contravention, if he</p>
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	<p>he proves that he exercised all due diligence to avoid such contravention.</p> <p style="text-align: center;">xxx xxx xxx</p> <p>15C(4) The adjudicating officer, while adjudicating the quantum of penalty under sub-section (3), shall have due regard to the following, namely:—</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(f) any such other factor, as may be prescribed.</p> <p style="text-align: center;">xxxxx</p> <p>15D. Appeal.—( 1) Any person aggrieved by the order, passed by the adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p style="text-align: center;">xxx xxx xxx</p> <p style="text-align: center;">CHAPTER IIIA FUND, ACCOUNTS AND AUDIT</p> <p>16(3) The Fund shall be applied for—</p> <p>(a) the promotion of awareness, education and research for the protection of environment;</p> <p>(b) the expenses for achieving the objects and purposes of the Air (Prevention and Control of Pollution) Act</p>	<p>proves that he exercised all due diligence to avoid such contravention.</p> <p style="text-align: center;">xxx xxx xxx</p> <p>15C(4) The adjudicating officer, while adjudicating the quantum of penalty under sub-section (3), shall have due regard to the following, namely: -</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(f) such other factor, as may be prescribed.</p> <p style="text-align: center;">xxxxx</p> <p>15D. Appeal. - (1) <b><u>Whoever</u></b> aggrieved by the order, passed by the adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p> <p style="text-align: center;"><b>(Recommendation No. 76)</b></p> <p style="text-align: center;">xxx xxx xxx</p> <p><b><u>(E) After Chapter III, the following Chapter shall be inserted, namely: -</u></b></p> <p style="text-align: center;">“CHAPTER IIIA FUND, ACCOUNTS AND AUDIT</p> <p>16(3) The Fund shall be applied for –</p> <p>(a) the promotion of awareness, education and research for the protection of environment;</p> <p>(b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of</p>
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	<p>1981 (14 of 1981), and this Act; xxx xxx xxx</p> <p>16B. Annual Report.- The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities defined under this Act in such form, as may be prescribed, for each financial year during the previous financial year and forward a copy thereof, within four months from the last date of the previous financial year, to the Central Government which shall cause the annual report and the audit report given by the Comptroller and Auditor-General of India to be laid before each House of Parliament.”.</p> <p>xxx xxx xxx</p>	<p>Pollution) Act 1981(14 of 1981) and <b><u>under</u></b> this Act; xxx xxx xxx</p> <p>16B. Annual Report.- The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities defined under this Act in such form, as may be prescribed, for each financial year during the previous financial year, <b><u>and shall be laid before each House of Parliament along with audit report</u></b> given by the Comptroller and Auditor-General of India.”.</p> <p><b>(Recommendation No. 77)</b> xxx xxx xxx</p>
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## 25. Amendments proposed to The National Housing Bank Act, 1987

### (SI. No. 25 of the Schedule)

3.74 The Committee observed that during briefing by the Department of Financial Services, Ministry of Finance on the proposed amendments, a modification was suggested by the Committee in the proposed new section 33C for examination by the Department.

3.75 The Department submitted, inter alia, as under:-

“there is only one sub-Section in which the hon. Committee had suggested insertion which is Section 33(c) in which the Committee had suggested that the auditors should also be given and a reasonable opportunity of being heard.....So, we have amended the Section. Now, we are saying: “Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under Section 33, the Reserve Bank may, after giving a reasonable opportunity of being heard to the auditor, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time.” So, that we have changed”

3.76 In view of the submissions made by the Department, the Committee decided that amendment proposed by the Committee in new section 33C may be incorporated in the Bill. The Committee agreed to the other amendments proposed to the Act by the Bill.

3.77 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The National Housing Bank Act, 1987</b></p>	<p>(A) After section 33B, the following section shall be inserted, namely:—            "33C. Power to take action against auditors.—Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the Reserve Bank may, if satisfied, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time."</p> <p style="text-align: center;">xxx xxx xxx</p>	<p>(A) After section 33B, the following section shall be inserted, namely:—            "33C. Power to take action against auditors.—Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the Reserve Bank may, <b><u>after giving a reasonable opportunity of being heard</u></b>, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time."</p> <p style="text-align: center;"><b>(Recommendation No. 78)</b></p> <p style="text-align: center;">xxx xxx xxx</p>

## 26. Amendments proposed to The Motor Vehicles Act, 1988

### (Sl. No. 26 of the Schedule)

3.78 The Ministry submitted *inter alia* as under:-

“जिसमें आपने कुछ सुझाव दिए थे। उन सारे सुझावों को मिनिस्ट्री ऑफ रोड ट्रांसपोर्ट एंड हाइवेज़ ने मान लिये हैं। अगर आप अनुमति दें, तो मैं उनकी रीडिंग भी कर सकता हूँ।”

3.79 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.80 Accordingly, the provisions, as amended, by the Joint Committee have been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Motor Vehicles Act, 1988	<p>(A) In section 192A, in sub-section (1), —</p> <p>(i) for the words “and a fine of ten thousand rupees”, the words “or a fine of ten thousand rupees, or with both” shall be substituted;</p> <p>(ii) the proviso shall be omitted. xxxxxx</p> <p>(B) In section 200,—</p> <p>(i) for the marginal heading, the following marginal heading shall be substituted, namely:— "Compounding of offences.";</p> <p>(ii) for sub-section (1), the following sub-section shall be substituted, namely:— "(1) Any offence whether committed before or after the commencement of this Act, punishable under section 177, section 177A, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, sub-section (3)</p>	<p>(A) In section 192A, in sub-section (1), —</p> <p>(i) for the words “a fine of ten thousand rupees”, the words “a fine of ten thousand rupees, or with both” shall be substituted;</p> <p>(ii) the proviso shall be omitted. xxxxxx</p> <p><b><u>(B) In section 200, for sub-section (1), the following sub-section shall be substituted, namely: —</u></b></p> <p>“(1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 177A, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, <b><u>clause (c) of the Explanation to</u></b> section 184, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, sub-section (3) of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the</p>

	<p>of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf."</p> <p>(C) In section 215, in sub-section (3), the following proviso shall be inserted, namely:—</p> <p>"Provided that the Central Government may, by notification in the Official Gazette, constitute District Road Safety Committee for such district in such State, where the State Government has not constituted the Committee, consisting of a Chairman and such other members as it considers necessary, and on such terms and conditions as it may determine."</p>	<p>prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf."</p> <p>(C) In section 215, in sub-section (3), the following proviso shall be inserted, namely:-</p> <p><b><u>"Provided that <i>where a State Government has not constituted the District Road Safety Committee, the Central Government may, by notification in the Official Gazette, constitute a Committee for such District, consisting of a Chairman and such other members as it considers necessary and on such terms and conditions as it may determine.</i>"</u></b></p> <p><b>(Recommendation No. 79)</b></p>
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## 27. Amendments proposed to The Railways Act, 1989

### (SI. No. 27 of the Schedule)

3.81 The Bill seeks to substitute sub-section (2) of Section 144 as below:

"(2) No person shall be permitted to beg in any railway carriage or upon any part of the railway."

3.82 In view of submission by the Ministry, the Committee agreed to the amendment proposed in the Bill.

## 28. Amendments proposed to The Public Liability Insurance Act, 1991

### (Sl. No. 28 of the Schedule)

3.83 In view of the submissions made by the Ministry during Clause by Clause consideration, the Committee decided that the amendments proposed to the Act by the Bill, as introduced, may be accepted. However, the Committee agreed to amend the proviso to sub-section (2) of the proposed new section 15A so as to insert the word “reasonable” therein to bring the provision in conformity with the principle of natural justice.

3.84 Accordingly, the provision, as amended, by the Joint Committee, has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Public Liability Insurance Act, 1991</b></p>	<p style="text-align: center;">xxx xxx xxx</p> <p>(C) In section 4,— xxxxxx</p> <p style="text-align: center;">xxxxx</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of the Jan Vishwas (Amendment of Provisions) Act, 2022, shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from the commencement of that Act.”;</p> <p style="text-align: center;">xxxxx</p> <p>(E) In section 7, after sub-section (8), the following sub-section shall be inserted, namely:—</p> <p>“(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage,</p>	<p style="text-align: center;">xxx xxx xxx</p> <p>(C) In section 4, - Xxxxxx</p> <p style="text-align: center;">xxxxx</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of the <i>Jan Vishwas</i> (Amendment of Provisions) Act, 202<u>3</u>, shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from commencement of that Act.”;</p> <p style="text-align: center;">xxxxx</p> <p>(E) In section 7, after sub-section (8), the following sub-section shall be inserted, namely:—</p> <p>“(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection,</p>



	<p>transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund for restoration of the damage so caused in the manner as may be prescribed."</p> <p style="text-align: center;">xxxxx</p> <p>(G) For section 14, the following section shall be substituted, namely:—</p> <p>"14. Penalty for contravention.—</p> <p>(1) Where any person contravenes any of the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be liable to pay the penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.</p> <p>(2) Where contravention under sub-section (1) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues."</p> <p>For section 15, the following sections shall be substituted,</p>	<p>destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund <b><u>from the Environmental Relief Fund</u></b> for restoration of the damage so caused in the manner as may be prescribed."</p> <p style="text-align: center;"><b>(Recommendation No. 80)</b></p> <p style="text-align: center;">xxxxx</p> <p>(G) For sections 14 and 15, the following sections shall be substituted, namely: —</p> <p>"14. Penalty for contravention. —</p> <p>(1) Where any person contravenes any of the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be liable to penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.</p> <p style="text-align: center;">xxxxx</p> <p>(2) Where any person continues non-compliance under sub-section (1), he shall be liable to additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.</p> <p>(3) Where any owner does not</p>
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	<p>namely:—</p> <p>"15. Penalty for non-compliance of directions.—(1) Where any person does not comply with any directions issued under section 12, he shall be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>Where any person continues non-compliance under subsection (1), he shall be liable to pay an additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.</p> <p>Where any owner does not comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under subsections (1), (2) or (3) of section 11, he shall be liable to pay penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>Where any person continues non-compliance under subsection (3), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such non-compliance continues.</p> <p>15A. Adjudicating Officer.— (1) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint the District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an</p>	<p>comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under subsections (1), (2) or (3) of section 11, he shall be liable to penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(4) Where any person continues non-compliance under subsection (3), he shall be liable to additional penalty of ten thousand rupees for every day during which such non-compliance continues.</p> <p>15A. Adjudicating Officer.- (1) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the</p>
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	<p>officer not below the rank of Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry in the manner, as may be prescribed and to impose the penalty:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit in accordance with the provisions of sections 14 and 15:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>xxx xxx xxx</p> <p>15B. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under sections 14 or 15, may prefer an appeal to the National Green Tribunal established under section 3 of</p>	<p>rank of Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry in the manner, as may be prescribed and to impose the penalty:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit <u>under</u> the provisions of sections 14 and 15:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.</p> <p><b>(Recommendation No. 81)</b></p> <p>xxx xxx xxx</p> <p>15B. Appeal.—(1) <u>Whoever</u> aggrieved by the order, passed by the adjudicating officer under section <u>15A</u>, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green</p>
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	<p>the National Green Tribunal Act, 2010 (19 of 2010).</p> <p style="text-align: center;">xxx xxx xxx</p> <p>(J) For section 17, the following sections shall be substituted, namely:—</p> <p>'17. Penalty for contravention by Government Department.—</p> <p>(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:</p> <p style="padding-left: 40px;">Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of any officer, other than the Head of the Department, he shall be liable to pay the penalty equal to one month of his basic salary:</p> <p style="padding-left: 40px;">Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p style="text-align: center;"><b>xxxxxxx</b></p>	<p>Tribunal Act, 2010 (19 of 2010).</p> <p style="text-align: center;"><b>(Recommendation No. 82)</b> xxx xxx xxx</p> <p>(J) For section 17, the following sections shall be substituted, namely: —</p> <p>'17. Penalty for contravention by Government Department. —</p> <p>(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary:</p> <p style="padding-left: 40px;">Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, he shall be liable to penalty equal to one month of his basic salary:</p> <p style="padding-left: 40px;">Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p style="text-align: center;"><b>xxxxxxx</b></p>
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**29. Amendments proposed to The Cable Television Networks (Regulation) Act, 1995**

**(Sl. No. 29 of the Schedule)**

3.85 The Committee noted that during the briefing by the Ministry of Information and Broadcasting on the proposed amendments, certain modifications were suggested by the Committee in Section 16(1)(2)(3) and Section 22(2)(db) of the Cable Television Networks (Regulation) Act, 1995.

3.86 The Ministry submitted, inter alia, as under:-

“इसमें कमेटी की रिक्मेंडेशन थी, सैक्शन 16 के सबसैक्शन (1)(2)(3) में थी।.....  
‘पनिशेबल’ की जगह ‘लाएबल’ हो गया।”

3.87 The Official further stated that all the suggestions made by the Committee have been accepted.

3.88 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.89 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Cable Television Networks (Regulation) Act, 1995</b></p>	<p>(A) For sections 16 to 18, the following section shall be substituted, namely:—</p> <p>"16. Penalty for contravention of provisions of this Act.—(1) Whoever contravenes any of the provisions of this Act shall be punishable,—</p> <p>(a) for the first offence, with advisory, or censure, or</p>	<p>(A) For <u>CHAPTER IV</u>, the following <u>CHAPTER</u> shall be substituted, namely:-</p> <p><b><u>“CHAPTER IV</u></b> <b><u>PENALTIES</u></b></p> <p>16. Penalty for contravention of provisions of this Act. — (1) Whoever contravenes any of the provisions of this Act shall be <u>liable</u>,-</p> <p>(a) for the first <u>contravention</u>, with advisory, or censure, or</p>

	<p>warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent offence, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both;</p> <p>(c) for any violation thereafter, by cancellation of registration granted, for such period, by the designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (1):</p> <p>Provided that no such penalty shall be imposed without giving a reasonable opportunity of being heard.</p> <p>(3) Any person aggrieved by any penalty imposed by order under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p>	<p>warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent <b><u>contravention within a period of three years</u></b>, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or <b><u>with</u></b> both,</p> <p>by <b><u>such</u></b> designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (1):</p> <p><b><u>Provided that in cases of more than three contraventions over a period of three years, the designated officer, in addition to penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted:</u></b></p> <p>Provided <b><u>further</u></b> that no <b><u>order by the designated officer under this sub-section</u></b> shall be <b><u>made</u></b> without giving a reasonable opportunity of being heard.</p> <p>(3) <b><u>Whoever</u></b> aggrieved by <b><u>the order made</u></b> under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p>
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	<p>Provided that no such appeal shall be admissible after thirty days of imposition of penalty:</p> <p>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."</p> <p style="text-align: center;">XXX XXX XXX</p>	<p>Provided that no such appeal shall be admissible after <b><u>the expiry of</u></b> thirty days <b><u>from the date of receipt of such order:</u></b></p> <p>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."</p> <p style="text-align: center;"><b>(Recommendation No. 83)</b></p> <p style="text-align: center;">XXX XXX XXX</p>
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### 30. Amendments proposed to The Trademarks Act, 1999

#### (Sl. No. 30 of the Schedule)

3.90 The Department submitted, inter alia, as under during Clause by Clause consideration of amendments:

“सर, सेक्शन 107 में यह था कि जिसका ट्रेड मार्क रजिस्टर्ड न हो और इसको गलत रजिस्टर्ड किया हुआ शो करे, तो हमने इसमें पेनल्टी लगाई थी। We had said again ‘not less than Rs. 25,000 may extend to Rs. 1 lakh.’

इसमें कमेटी की रेकमेंडेशन थी, the Committee said that Rs. 1 lakh is too less a limit for the upper cap. So, we have revised it. Now, we have said: ‘If any person contravenes any of the provisions of Sub-Section 1, he shall pay, by way of penalty, a sum equal to one-half per cent of the total sales or turnover as the case may be in business or gross receipts in the profession as computed in the audited accounts of such person or a sum equal to Rs. 5 lakh, whichever is less.....or he shall be liable to a penalty of not less than Rs. 25,000 which may extent to Rs. 5 lakh.”

3.91 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.92 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
The Trade Marks Act, 1999	<p style="text-align: center;">xxxxxx</p> <p>(B) In section 107, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to a penalty of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p style="text-align: center;">xxxxxx</p> <p>(D) after section 112, the following section shall be inserted, namely:—</p> <p>"112A. Adjudication of penalties.—</p> <p>(1) The Registrar may, by an order, impose penalty on a person for any contravention or default, the manner and conditions of recovery of penalty under the provisions of this Act shall be such as may be prescribed.</p> <p>(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p>	<p style="text-align: center;">Xxxxxx</p> <p><u>(B) In section 107, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "<b>liable to penalty of a sum equal to one half per cent of the total sales or turnover, as the case may be, in business or of the gross receipts in profession, as computed in the audited accounts of such person, or a sum equal to five lakhs rupees, whichever is less</b>".</u></p> <p style="text-align: right;">(Recommendation No. 84)</p> <p style="text-align: center;">xxxxxx</p> <p>(D) after section 112, the following sections shall be inserted, namely:—</p> <p><u>"112A. Adjudication of penalties.— The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and impose penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</u></p> <p><u>112B. Appeal.— (1) Whoever aggrieved by an order of the adjudicating officer under section 112A may prefer an appeal to the appellate authority, who shall be an</u></p>



(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of receipt of the order, he shall be punishable with a fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."

**officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.**

**(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed,**

**(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.**

**(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.**

**(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.**

**(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 112A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."** [Reference para 3.56B]

(Recommendation No. 85)

	<p>(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p>"(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to pay a penalty of ten thousand rupees:</p> <p>Provided that the penalty under this section shall be levied by such authority as authorised under the Customs Act, 1962 (52 of 1962) for this purpose."</p> <p>(F) In section 157, in sub-section (2), after clause (xxxiii), the following clause shall be inserted, namely:—</p> <p>"(xxxiiia) the manner and conditions of recovery of penalty under sub-section (1) of section 112A;"</p>	<p>(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:-</p> <p>"(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to pay a penalty of ten thousand rupees:</p> <p>Provided that the penalty under this section shall be levied <b><i>and recovered</i></b> by such authority under the Customs Act, 1962 (52 of 1962) for this purpose."</p> <p><b><i><u>(F) In section 157, in sub-section (2), after clause (xxxiii), the following clauses shall be inserted, namely:-</u></i></b></p> <p><b><i><u>"(xxxiiia) the manner of imposing penalty under section 112A;</u></i></b></p> <p><b><i><u>(xxxiiib) the form and manner of preferring appeal under sub-section (2) of section 112B; "</u></i></b></p> <p><b>(Recommendation No. 86)</b></p>
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**31. Amendments proposed to The Geographical Indications of Goods (Registration and Protection) Act, 1999**

**(Sl. No. 31 of the Schedule)**

3.93 The Department submitted inter alia as under during Clause by Clause consideration of amendments:

“चारों एक्ट्स में सेम चीज है। हमने चारों में सेम फिलॉसफी लगा दी है। इसमें जो सेक्शन 42 था, उसमें कमेटी की रेक्मेंडेशन थी।..... आगे अपीलेंट अथॉरिटी है। उसके बाद, कॉपी राइट एक्ट में ऐसा कोई सजेशन नहीं था, हम सेक्शन को ऑमित ही कर रहे थे।“

3.94 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.95 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Geographical Indications of Goods (Registration and Protection) Act, 1999</b></p>	<p>(A) After section 37, the following section shall be inserted, namely:—</p> <p>"37A. Adjudication of penalties.—(1) The Registrar may, by an order, impose penalty, on a person for any contravention or default under the provisions of this Act, the manner and conditions of recovery of penalty, shall be such as may be prescribed.</p> <p>(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p>(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of receipt of the order, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees, or with both."</p>	<p>(A) After section 37, the following section shall be inserted, namely:—</p> <p><b><u>"37A. Adjudication of penalties.— The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and impose penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</u></b></p> <p><b><u>37B. Appeal.— (1) Whoever aggrieved by an order of the adjudicating officer under section 37A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.</u></b></p> <p><b><u>(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed,</u></b></p> <p><b><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for</u></b></p>

	<p>(B) In section 42, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to a penalty, of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p>XXXXXXXX</p>	<p><b><u>not preferring the appeal within that period.</u></b></p> <p><b><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></b></p> <p><b><u>(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.</u></b></p> <p><b><u>(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 37A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</u> [Reference para 3.56B]</b></p> <p><b>(Recommendation No. 87)</b></p> <p>(B) In section 42, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "<b><u>liable to penalty of a sum equal to one half per cent of the total sales or turnover, as the case may be, in business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less</u></b>" shall be substituted.</p> <p><b>(Recommendation No. 88)</b></p> <p>XXXXXXXX</p>
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	<p>(D) In section 87, in sub-section (2), after clause (o), the following clause shall be inserted, namely:— “(oa) the manner and conditions of recovery of penalty under sub-section (1) of section 37A;”.</p>	<p>(D) In section 87, in sub-section (2), after clause (o), the following clauses shall be inserted, namely:— <b><u>“(oa) the manner of holding inquiry and imposing penalty under section 37A;</u></b>  <b><u>(ob) the form and manner of preferring appeal under sub-section (2) of section 37B;</u></b>”.</p> <p style="text-align: right;"><b>(Recommendation No. 89)</b></p>
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## 32. Amendments proposed to The Information Technology Act, 2000

### (SI. No. 32 of the Schedule)

3.96 The Ministry submitted, inter alia, as under during Clause by Clause consideration of amendments:

“इसमें वहां काफी डिटेल्स में डिस्कशन हुई है। हमारा जो नया डीपीडीपी बिल है, उससे भी हम इसको एलाइन कर रहे हैं। वह जल्दी ही आने वाला है, कंसल्टेशन पूरा हो गया है। यह क्लॉज भी अगर हम देखें तो – it is ‘save as otherwise provided’ – यह एक सेविंग क्लॉज है। जैसा माननीय समिति ने भी कहा था कि इसे उससे एलाइन कर दिजिये, क्योंकि वह डीपीडीपी बिल भी हम बहुत जल्दी लेकर आने वाले हैं, हमने उससे एलाइन किया है। .....सेक्शन 72ए भी सेम है। There was a suggestion that the word punishment should be replaced with penalty if there is no criminal punishment. We have accepted that..... जैसा माननीय समिति ने बताया था, वैसे ही हमने बदल दिया है।”

3.97 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.98 Accordingly, the provision, as amended by the Joint Committee, has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Information Technology Act, 2000</b></p>	<p>(A) In section 2, in sub-section (1), in clause (e), for the long line, the following shall be substituted, namely:—</p> <p>"the State Government, and in any other case—</p> <p>(I) relating to relevant provision, or a computer resource, which is controlled by the respective Ministry or Department of the Central Government, such Ministry or Department; or</p> <p>(II) not covered under sub-clause (I), the Central Government;".</p>	<p><b>Amendment omitted.</b></p>
	<p>(B) In section 33, in sub-section (2), for the words "punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both", the words "liable to pay penalty which may extend to five lakh rupees" shall be substituted.</p> <p>(C) In section 44,—</p> <p>(i) in clause (a), for the words "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted;</p> <p>(ii) in clause (b), for the words "five thousand", the words "fifty thousand" shall be substituted;</p> <p>(iii) in clause (c), for the</p>	<p><b>(A)</b> In section 33, in sub-section (2), for the words, "punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.</p> <p><b>(B)</b> In section 44,—</p> <p>(i) in clause (a), for the words, "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted;</p> <p>(ii) in clause (b), for the words, "five thousand", the words "fifty thousand", shall be substituted;</p> <p>(iii) in clause (c), for the words,</p>

	<p>words "ten thousand", the words "one lakh" shall be substituted.</p> <p>(D) In section 45, for the words "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees", the following shall be substituted, namely:—</p> <p>"penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—</p> <p>(a) ten lakh rupees, by an intermediary, company or body corporate; or</p> <p>(b) one lakh rupees, by any other person."</p> <p>(E) In section 46, in sub-section (1), for the words "under this Chapter", the words "under this Act" shall be substituted.</p> <p>(F) Section 66A shall be omitted.</p> <p>(G) In section 67C, in sub-section (2), for the words "punished with an imprisonment for a term which may extend to three years and also be liable to</p>	<p>"ten thousand", the words "one lakh" shall be substituted.</p> <p>(C) In section 45, —</p> <p><b><u>(i) for the words "rules or regulations", the words "rules, regulations, directions or orders" shall be substituted;</u></b></p> <p><b><u>(ii) for the words, "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees", the following shall be substituted, namely:-</u></b></p> <p>"penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding-</p> <p>ten lakh rupees, by an intermediary, company or body corporate; or</p> <p>one lakh rupees, by any other person."</p> <p>(D) In section 46, -</p> <p><b><u>(i) in sub-section (1), for the words "under this Chapter", the words "under this Act" shall be substituted;</u></b></p> <p><b><u>(ii) in sub-section (1A), the words "injury or" at both the places where they occur shall be omitted.</u></b></p> <p>(E) Section 66A shall be omitted.</p> <p>(F) In section 67C, in sub-section (2), for the words, "punished with an imprisonment for a term which may extend to three years and also be liable to fine", the words</p>
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	<p>fine", the words "liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p> <p>(H) In section 68, in sub-section (2), for the words "on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both", the words "to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p> <p>(I) In section 69B, in sub-section (4), for the words "three years and shall also be liable to fine", the words "one year or shall be liable to fine which may extend to one crore rupees, or with both" shall be substituted.</p> <p>(J) In section 70B, in sub-section (7), for the words "one lakh", the words "one crore" shall be substituted.</p> <p>(K) In section 72, for the words "punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.</p> <p>(L) In section 72A, for the words "punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both", the words "liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p>	<p>"liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p> <p>(G) In section 68, in sub-section (2), for the words, "on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both", the words "to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p> <p>(H) In section 69B, in sub-section (4), for the words, "three years and shall also be liable to fine", the words "one year or shall be liable to fine which may extend to one crore rupees, or with both" shall be substituted.</p> <p>(J) In section 70B, in sub-section (7), for the words, "one lakh", the words "one crore" shall be substituted.</p> <p>(J) In section 72, for the words, "punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.</p> <p>(K) In section 72A,-</p> <p><b><u>(i) in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted;</u></b></p> <p>(ii) for the words, "punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both", the words</p>
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		<p>“liable to penalty which may extend to twenty-five lakh rupees” shall be substituted.</p> <p style="text-align: center;"><b>(Recommendation No. 90)</b></p>
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**33. Amendments proposed to The Metro Railways (Operation and Maintenance) Act, 2002**

**(Sl. No. 33 of the Schedule)**

3.99 The Ministry submitted, inter alia, as under:-

“हमारे मेट्रो के ऑपरेशन एंड मेंटेनेंस एक्ट के चैप्टर 11 में जो ऑफेन्सेस एंड पेनाल्टी है, उसमें डिक्रिमिनलाइजेशन किया है और उसको जनविश्वास बिल में लाया गया है। इसमें आठ प्रोविजन्स हैं। पहला सेक्शन-6 है, जिसमें हमने मेट्रो कंपनी को पावर दी है कि वह पेनाल्टी को लेवी कर सकते हैं, जो पहले प्रावधान नहीं है। बाकी प्रावधान में जहां पर फाइन था, उसको हमने पेनाल्टी किया है। उसका प्रावधान पहले इस एक्ट में नहीं था। इसमें सेक्शन 6(2)जे इंसर्ट किया है, जिसमें मेट्रो रेल एंड मिनिस्ट्रेशन को यह पावर दी है।.....इसमें कोई सजेशन नहीं था। यहसेक्शन 6(2)जेहै।.....जो दूसरा था, वह 59 (2) में था। पहले हमने बोला था कि इनटॉक्सिकेशन न करके आएगा और अगर मेट्रो ऑपरेशन में सेफ्टी अफेक्ट होती हो तो हमने पहले सजा के प्रावधान को खत्म करने के लिए प्रपोज किया था। इसमें जब चर्चा हुई थी तो उस दौरान यह बताया गया कि मेट्रो की सेफ्टी अफेक्ट नहीं होनी चाहिए। उसमें हमने दो साल सजा का प्रावधान रखा है।.....यह दो साल का है। अगर मेट्रो ऑफिसियल Intoxicated condition में रहेगा तो उसको 10,000 रुपये की पेनाल्टी देनी होगी, जो कि पहले 250 रुपये का फाइन था। अगर वह इनटॉक्सिकेशन स्टेज में रहता है, जिससे पैसेंजर सेफ्टी अफेक्ट होती है तो उसमें दो साल के सजा का प्रावधान किया है।.....इसको हमने अक्सेप्ट कर लिया है।.....पुराने में भी दो साल का प्रावधान था, इसलिए उसको रिटेन कर लिया है।.....इसमें हमने बस चेंजेज किया है, इनटॉक्सिकेशन के बारे में सजेशन आया था कि अगर वह Intoxicated condition में पाया जाता है तो पहले जो 250 रुपये का फाइन था, उसे 10,000 रुपये के पेनाल्टी का प्रोविजन कर दिया।”

3.100 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.101 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Metro Railways (Operation and Maintenance) Act, 2002</b></p>	<p>(A) In section 6, in sub-section (2),—            (a) in clause (h), the word "and" occurring at the end shall be omitted;            (b) after clause (i), the following clause shall be inserted, namely:—            "(j) levy and collect penalties under this Act."</p> <p>(B) In section 59, for sub-section (2), the following sub-section shall be substituted, namely:—            "(2) If any metro railway official or authorised person is in a state of intoxication while on duty, he shall be punishable with penalty which may extend to ten thousand rupees."</p> <p>(C) In section 63, for the words "imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "penalty which may extend to five thousand rupees" shall be substituted.</p>	<p>(A) In section 6, in sub-section (2), after clause (g), the following clause shall be inserted, namely:-            "<b>(ga)</b> levy and collect penalties under this Act."</p> <p><b>(B)</b> In section 59, <u>in</u> sub-section (2),-  <b>(i) for the words "punishable with fine which may extend to two hundred and fifty rupees", the words "liable to penalty which may extend to ten thousand rupees" shall be substituted;</b>  <b>(ii) for the words "five hundred rupees", the words "ten thousand rupees" shall be substituted.</b></p> <p style="text-align: center;"><b>(Recommendation No. 91)</b></p> <p>(C) In section 63, for the words, <b><u>"after being warned by any metro railway official to desist, he shall be punishable with</u></b> imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both", the words <b><u>"he shall be liable to</u></b> penalty which may extend to five thousand rupees" shall be substituted.</p>

	<p>(D) In section 65, in the long line, for the words "five years, or with fine which may extend to six thousand rupees, or with both", the words "one year, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted.</p> <p>(E) In section 69, for sub-section (4), the following sub-section shall be substituted, namely:—</p> <p>"(4) If any passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro rail official authorised by the metro rail administration in this behalf may apply to the Metropolitan Magistrate or, as the case may be, Judicial Magistrate of the First Class, for the recovery of the sum payable as if it were a fine."</p> <p>(F) For section 70, the following section shall be substituted, namely:—</p> <p>"70. Needlessly interfering with means of communication in a train.—If any passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro railway administration in a metro railway for communication between passengers and metro railway official in charge of the metro railway or misuses alarm bell or emergency stop push or emergency trip system or emergency call point of the</p>	<p>(D) In section 65, in the long line, for the words "five years, or with fine which may extend to six thousand rupees, or with both", the words "<b><u>two years</u></b>, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted.</p> <p>(E) In section 69, for sub-section (4), the following sub-section shall be substituted, namely:-</p> <p>"(4) If any passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro <b><u>railway</u></b> official authorised by the metro <b><u>railway</u></b> administration in this behalf may apply to any Metropolitan Magistrate or, as the case may be, Judicial Magistrate of the First Class, for the recovery of the sum payable as if it were a fine."</p> <p>(F) For section 70, the following section shall be substituted, namely:-</p> <p>"70. Needlessly interfering with means of communication in a train.- If any passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro railway administration in a metro railway for communication between passengers and metro railway official in charge of the metro railway or misuses alarm bell or emergency stop push or emergency trip system or</p>
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	<p>metro railway, he shall be punishable with penalty which may extend to ten thousand rupees."</p> <p>(G) Section 80 shall be omitted.</p> <p>(H) In section 82, in sub-section (1), for the words and figures "sections 59, 61, 65 to 79", the words and figures "sections 61, 65 to 68, 71 to 79" shall be substituted.</p>	<p>emergency call point of the metro railway, he shall be <b><u>liable to</u></b> penalty which may extend to ten thousand rupees."</p> <p>(G) Section 80 shall be omitted.</p> <p>(H) In section 82, in sub-section (1), for the words and figures "sections 65 to 79", the words and figures "sections 65 to 68, 71 to 79" shall be substituted.</p> <p style="text-align: right;"><b>(Recommendation No. 92)</b></p>
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### 34. Amendments proposed to The Prevention of Money-laundering Act, 2002

#### (Sl. No. 34 of the Schedule)

3.102 The Committee observed that during briefing by the Department of Revenue, the Department stated that:-

“हमारे में consequential amendments हैं, जो तीन विभागों के चार एक्ट्स हैं। डीपीआईआईटी का ट्रेडमार्क्स एक्ट है। यह सीरियल नंबर 30 पर संशोधन हो रहा है। फिर सीरियल नंबर 32 में इन फॉर्मेशन टेक्नोलॉजी एक्ट, 2000 में संशोधन हो रहा है। वह डिलीट हो रहे हैं, डीक्रिमिनलाइज हो रहे हैं। सर, प्रमुखतः ये चार सेक्शन्स हैं। तीसरा सेक्शन एनवायरनमेंट का डीक्रिमिनलाइज हो रहा है, वह सीरियल नंबर 24 पर है और चौथा सीरियल नंबर 21 पर है। ये चार सेक्शन्स डीक्रिमिनलाइज हो रहे हैं। हमारे consequential amendments हैं, क्योंकि वे डीक्रिमिनलाइज हो जाएंगे तो प्रिवेंशनऑफ मनीलॉन्ड्रिंग एक्ट से भी हटाने पड़ेंगे। क्योंकि ऑफेंस ही नहीं रहेगा। Predicate offence ही नहीं रहेगा। हमारा काम मनीलॉन्ड्रिंग एक्ट में, जैसा आपको मालूम है, तभी प्रारम्भ होता है जब कोई क्राइम होता है। जो proceeds of crime है, वह मनीलॉन्ड्रिंग की श्रेणी में आते हैं।“

3.103 In view of submission of the Department, the Committee agreed to the amendments proposed to the Act in the Bill, as introduced with minor changes. However, the Committee felt the need to substitute the word “Description” appearing at both the places in the headings of the tables in the Schedule with the words **“Description of Offences”** and **“Description of Offence”**, respectively.

### 35. Amendments proposed to The Food Safety and Standards Act, 2006

#### (SI. No. 35 of the Schedule)

3.104 The Department submitted, *inter alia*, as under:-

“इसमें आपका सुझाव था कि इसको किया जाए : “with imprisonment for a term which may extend to three months and also with fine which may extend to three lakh rupees.....यह एक लाख से बढ़ाकर तीन लाख कर दिया था। यह उस तरह का अनसेफ फूड है, जो अनसेफ तो है, लेकिन उससे मुझे इंजरी नहीं हो रही है।”

3.105 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.106 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Food Safety and Standards Act, 2006</b></p>	<p>(A) In section 59, in clause (i), for the words "imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees", the words "fine which may extend to three lakh rupees" shall be substituted.</p> <p>(B) In section 61, for the words "imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees", the words "fine which may extend to ten lakh rupees" shall be substituted.</p>	<p>(A) In section 59, in clause (i), for the words "imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees", the words "<b><u>three months and also with</u></b> fine which may extend to three lakh rupees" shall be substituted.</p> <p>(B) In section 61, :-</p> <p>(i) <b><u>in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted;</u></b></p> <p>(ii) for the words "<b><u>punishable with</u></b> imprisonment for a term which may extend to three months and also with fine which</p>

	<p>(C) In section 63, for the words "imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees", the words "fine which may extend to five lakh rupees" shall be substituted.</p>	<p>may extend to two lakh rupees", the words "<b><u>liable to penalty</u></b> which may extend to ten lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 93)</b></p> <p>(C) In section 63,-</p> <p>(i) <b><u>in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted;</u></b></p> <p>(ii) for the words "<b><u>punishable with</u></b> imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees", the words "<b><u>liable to penalty</u></b> which may extend to <b><u>ten</u></b> lakh rupees" shall be substituted.</p> <p><b>(Recommendation No. 94)</b></p>
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## 36. Amendments proposed to The Government Securities Act, 2006

### (Sl. No. 36 of the Schedule)

3.107 The Department Submitted that the Reserve Bank of India has confirmed that there was no instance of invocation of imprisonment clause under Section 30(1) of the Government Securities Act, 2006 or of imposing any fine under the said Section. As there had been no occasion for RBI to impose fine on any individual or entity dealing with the Government Securities Act, 2006 and the fact that institutions like banks, insurance companies, mutual funds, etc. mostly deal in large amount of Government securities, it was felt that imprisonment related clause may be removed and fine related provision only be continued as any contravening individual/institution will be liable for punishment with fine imposed by the Court on a complaint made by the RBI.

3.108 The Committee observed that sub-section (3) of Section 30 covers all types of contraventions and that:

“Instead of fine, the word ‘penalty’ will be there. It is because in the opening portion of sub-section 30, it is said “Contravention and penalties”. The thing is that penalty is to be decided by the RBI and fine is to be decided by the Court. We do not want that matter should go before the Court. We want that it should be before the RBI to decide the penalty. Our intent and object is very clear. Only for this purpose, if we are compelling the aggrieved person to go before the Court for fine by filing a complaint under sub-section (2), no purpose will be served.”

3.108A The Department submitted that this provision was kept because if somebody gives a wrong document or statement to obtain the title of the security, then the ownership cannot be decided by the Regulator. In such a case, there may be a police case and court adjudication. The Committee opined that at the preliminary stage, it can even be decided by the RBI and if any person is aggrieved of that they can file the appropriate petition before the appropriate court of law. The Committee considered that there are many other enactments where *mens rea* is there and the administrative authority is deciding the issue.

3.108B Accordingly, the provisions, as amended by the Joint Committee have been shown below in Tabular Form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Government Securities Act, 2006</b>	In section 30, in sub-section (1), for the words "with imprisonment for a term which may extend to six months, or with fine, or with both", the words "with fine" shall be substituted.	<p>In section 30,-</p> <p><u>(i) in sub-section (1), for the words, "he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both", the words "the Bank may impose a penalty not exceeding five lakh rupees or twice the amount involved in such contravention, where the amount is quantifiable, whichever is higher, and where such contravention is a continuing one, with a further penalty, which may extend to five thousand rupees for every day after first day during which the contravention continues" shall be substituted;</u></p> <p><u>(ii) sub-section (2) shall be omitted.</u></p> <p style="text-align: right;">(Recommendation No. 95)</p>

### 37. Amendments proposed to The Cantonments Act, 2006

#### (SI. No. 37 of the Schedule)

3.109 The Department submitted inter alia as under during the Clause by Clause consideration of amendments:

“जब पहली बैठक 9 तारीख को हुई थी तो उस समय हम लोगों ने 10 सेक्शन्स में अमेंडमेंट प्रपोज किये थे, जिसमें 24 ऑफेंसेज कवर हो रहे थे। माननीय समित ने पाँच सेक्शन्स का जो हमारा अमेंडमेंट था, उस पर एग्री किया था। उसमें 19 ऑफेंसेज कवर हो रहे थे और पाँच सेक्शन्स के लिए री-एग्जामिन करने के लिए कहा था। अगर आपकी अनुमति हो तो मैं सेक्शन बाई सेक्शन एक-एक कर के बता देती हूँ।”

3.110 In view of the submissions made by the Department, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.



3.111 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<p><b>The Cantonments Act, 2006</b></p>	<p>(A) Section 156 shall be omitted.</p> <p>(B) In section 185, for subsection (1), the following subsection shall be substituted, namely:—</p> <p>"(1) No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed."</p> <p>(C) In section 285, for the word "five thousand rupees, or with imprisonment for a term which may extend to six months, or with both", the words "seven thousand and five hundred rupees" shall be substituted.</p> <p>(D) In section 286, in the long line, for the words "two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees", the words "three thousand rupees, and, in the case of a subsequent offence with fine</p>	<p>(A) Section 156 shall be omitted.</p> <p>(B) In section 185, for subsection (1), the following subsection shall be substituted, namely:-</p> <p>"(1) No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed."</p> <p style="text-align: center;"><b><u>Amendment Omitted.</u></b></p> <p>(C) <b><u>Section 286 shall be omitted.</u></b></p> <p style="text-align: center;"><b>(Recommendation No. 96)</b></p>

	<p>which may extend to five thousand rupees" shall be substituted.</p> <p>(E) For section 287, the following section shall be substituted, namely:—  "287. Seizure and confiscation of things for offences under sections 285 and 286.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 or section 286 has been committed and any vessels or coverings in which the liquor or drug is contained.</p> <p>(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.</p> <p>(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).</p> <p>(4) Subject to the provisions of Chapter XXXIV of the Code of</p>	<p>(D) For section 287, the following section shall be substituted, namely:-  "287. <b><u>Arrest of persons,</u></b> seizure and confiscation of things for offences under section 285.- <b><u>(1)</u></b> Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, <b><u>arrest any person who commits an offence under section 285,</u></b> and <b><u>may</u></b> seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 has been committed and any vessels or coverings in which the liquor or drug is contained.</p> <p>(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.</p> <p>(3) The court convicting a person of an offence under section 285 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).</p> <p>(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of</p>
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	<p>Criminal Procedure, 1973 (2 of 1974), anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken."</p> <p>(F) In section 289, in sub-section (5), for the words "punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months", the words "punishable, in the case of a first offence, with a fine which may extend to five thousand rupees and, in the case of a subsequent offence, with a fine which may extend to ten thousand rupees" shall be substituted.</p> <p>(G) In section 300, in sub-section (1), for the words "punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year", the words "punishable with fine which may extend to six thousand rupees" shall be substituted.</p> <p>(H) For section 314, the following section shall be substituted, namely:—  "314. Arrest without warrant.— Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of the provision of clause (a) of section 304:  Provided that in the case of a breach of such provisions, no person shall be arrested who consents to give his name and</p>	<p>1974) anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken."</p> <p><b><u>(E) In section 289, <i>sub-section (5) shall be omitted.</i></u></b></p> <p><b>(Recommendation No. 97)</b></p> <p><b><u>Amendment Omitted</u></b></p> <p><b><u>(F) In section 314, <i>in the proviso, in clause (a), the words, letter and figures "in the case of breach of any such provisions as is specified in Part B of Schedule IV," shall be omitted.</i></u></b></p> <p><b>(Recommendation No. 98)</b></p>
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		<p><u>cantonment after notice of expulsion for failure to attend hospital or dispensary.</u></p> <p><u>296</u>      <u>Discharging fire-arms, etc., so as to cause danger.</u></p> <p><u>300</u>      <u>Loitering or importuning for sexual immorality.</u></p> <p><u>304(a)</u>      <u>Remaining in, or returning to, a cantonment after notice of expulsion.”</u></p> <p>(Recommendation No. 99)</p>
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**38. Amendments proposed to The Payment and Settlement Systems Act, 2007**

**(SI. No. 38 of the Schedule)**

3.112 The Department submitted inter alia as under:-

“.....there is Section 30 of the Payment and Settlement Systems Act. It is on page 22. In this, the marginal heading was given wrongly. It read: “Power of Reserve Bank to impose fines.” So, that marginal heading we have changed.....”

3.113 In view of the submissions made by the Department, the Committee agreed to the amendments proposed to the Act by the Bill, as introduced. The Committee also desired that marginal heading to Section 30 may also be modified.

3.114 Accordingly, the provision, as amended, has been shown below in Tabular form:

<b>Title</b>	<b>Amendments proposed to the Act in the Bill as introduced in Lok Sabha</b>	<b>Format after incorporating amendments adopted by the Committee</b>
<b>The Payment and Settlement Systems Act, 2007</b>	xxx xxx xxx	xxx xxx xxx

	<p>(B) In section 30, in sub-section (1),—</p> <p>(i) after the word, brackets and figure "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted;</p> <p>(ii) for the words "five lakh", the words "ten lakh" shall be substituted.</p>	<p><b><u>(B)</u></b> In section 30,—</p> <p><b><u>(a) in the marginal heading, for the word, "fines", the word "penalties" shall be substituted;</u></b></p> <p><b><u>(b)</u></b> in sub-section (1)-</p> <p>(i) after the word, brackets and figure, "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted;</p> <p>(ii) for the words "five lakh", the words "ten lakh" shall be substituted.</p> <p><b>(Recommendation No. 100)</b></p>
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### 39. Amendments proposed to The Collection of Statistics Act, 2008

#### (Sl. No. 39 of the Schedule)

3.115 On Sections 16, 17, 18, 19, 20, 21 and 22, the Ministry submitted, inter alia, as under:-

"They have been omitted to facilitate ease of doing business and reduce the compliance burden."

3.116 In view of the submissions made by the Ministry, the Committee decided that amendments proposed by the Committee may be incorporated in the Bill.

3.117 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Collection of Statistics Act, 2008</b>	(A) In section 15, for sub-section (1), the following sub-section shall be substituted, namely:—	<b><u>(A) In section 9, for the word "prosecution" at both the places where it occurs, the word "penalty" shall be</u></b>

	<p>"(1) Whoever, acts in contravention of or fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees."</p> <p>(B) Sections 16 to 22 shall be omitted.</p>	<p><u>substituted.</u></p> <p>(Recommendation No. 100)</p> <p><b><u>(A) For CHAPTER IV, the following CHAPTER shall be substituted, namely:-</u></b></p> <p style="text-align: center;"><b><u>“CHAPTER IV</u></b></p> <p style="text-align: center;"><b><u>PENALTIES AND ADJUDICATION</u></b></p> <p><b><u>15. Penalty for neglect or refusal to supply particulars and other contraventions.- (1)</u></b></p> <p>Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act <b><u>or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act,</u></b> shall be <b><u>liable to penalty</u></b> which may extend to one thousand rupees, <b><u>and</u></b> in the case of a company, with a <b><u>penalty</u></b> which may extend to <b><u>one lakh</u></b> rupees.</p> <p><b><u>(2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any</u></b></p>
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rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues.

15A. Adjudicating officer.- (1) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry in the manner, as may be prescribed and to impose penalty:

Provided that the appropriate Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty:

Provided that no such penalty shall be imposed without giving the parties concerned a reasonable



opportunity of being heard.

15B. Appeal.- (1) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed.

(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(4) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.

15C. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue."

(B) In section 33, in sub-section (2), after clause (da), the following clauses shall be inserted, namely:-

"(db) the manner of imposing penalty under sub-section (1) of section 15A;

		<p><b><u>(dc) the form and manner of preferring appeal under sub-section (1) of section 15B;”.</u></b></p> <p><b>(Recommendation No. 101)</b></p>
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#### 40. Amendments proposed to The Legal Metrology Act, 2009

##### (Sl. No. 40 of the Schedule)

3.118 The Department submitted inter alia as under during the Clause by Clause consideration of amendments:

“हम लोगों का पिछली बार जो प्रस्ताव था, उसमें सेक्शन-25 में हम लोगों ने उसको फाइव टाइम्स करके 1 लाख 25 हजार रुपये किया था। कमेटी का सजेशन था कि उसको राउंड अप करके एक लाख रुपये कर दिया जाए तो उसको हमने एक्सेप्ट कर लिया है।.....बस इतना ही था। बाकी सब पिछली बार एक्सेप्ट कर लिया गया था। जैसे सेक्शन 27 था। इसी प्रकार से सेक्शन 28, 29, 31 और 34 है।”

3.119 In view of the submissions made by the Department, the Committee agreed to the amendments proposed to the Act by the Bill, as introduced, subject to modification in penalties, as recommended by them.

3.120 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Legal Metrology Act, 2009</b>	(A) In section 25, for the words "twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine", the words "one lakh twenty-five thousand rupees and for the second offence with fine which may extend to two lakh fifty thousand rupees and	(A) In section 25, for the words "twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine", the words "one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and

	for the third and subsequent offence, with fine which may extend to five lakh rupees" shall be substituted.  xxx xxx xxx	subsequent offence, with fine which may extend to five lakh rupees" shall be substituted.  <b>(Recommendation No.102)</b> xxx xxx xxx
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#### 41. Amendments proposed to The Factoring Regulation Act, 2011

##### (Sl. No. 41 of the Schedule)

3.121 While agreeing to the amendments proposed to the Act by the Bill, as introduced, the Committee suggested that in Section 22, the word "offence" be replaced by word "failure".

3.122 Accordingly, the provision, as amended, by the Joint Committee has been shown below in Tabular form:

Title	Amendments proposed to the Act in the Bill as introduced in Lok Sabha	Format after incorporating amendments adopted by the Committee
<b>The Factoring Regulation Act, 2011</b>	xxx xxx xxx 22. Penalties for non-compliance of direction by Reserve Bank.— (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.  xxx xxx xxx	xxx xxx xxx 22. Penalties for non-compliance of direction by Reserve Bank.- (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing <b><i>failure</i></b> , with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.  <b>(Recommendation No. 103)</b> xxx xxx xxx

**42. Amendments proposed to The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**

**(Sl. No. 42 of the Schedule)**

3.123 The Ministry submitted that the provisions in Section 41 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 is in alignment with the DPDP Bill provisions and that there is no conflict with the provisions of the DPDP Bill. In view of the submissions made by the Ministry, the Committee after deliberating on the amendment proposed in the Bill to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 decided to accept the amendments proposed by the Ministry at Sr. No. 42 of the Schedule of the Bill.

**3.124 Drafting corrections/improvement:**

The Committee during the course of deliberations noted certain drafting errors in a number of Clauses/Sections where drafting correction/language improvement was required for the purpose of clarity. Accordingly, the following drafting corrections /improvements in the Jan Vishwas (Amendment of Provisions) Bill, 2022, as introduced, are suggested by the Committee:

<b>Sl. No.</b>	<b>Serial No of the Schedule and Name of the Act</b>	<b>Drafting corrections/improvement</b>
1.	Sl. No. 11 (The Cinematograph Act, 1952)	(i) <b>Page 11, Line 19</b> Omit "a" before the word "penalty"  (ii) <b>Page 11, Line 45</b> Omit "a" before the word "penalty"
2.	Sl. No. 19 (The Marine Products Export Development Authority Act, 1972)	(i) <b>Page 20, Lines 23-24</b> Omit "the" before the word "discharge" in the marginal heading to proposed Section 24  (ii) <b>Page 20, Line 45</b> Omit "pay" before the word "penalty"

		<p>(iii) <b>Page 21, Line 01</b> Omit 'pay a' before the word "penalty"</p>
3.	Sl. No. 21 (The Air (Prevention and Control of Pollution) Act, 1981)	<p>(i) <b>Page 22, Line 20</b> Omit "or non-compliance" after the word "contravention"</p> <p>(ii) <b>Page 22, Line 21</b> Omit "pay" before the word "penalty"</p> <p>(iii) <b>Page 22, Line 25</b> Omit "or non-compliance" after the word "contravention"</p> <p>(iv) <b>Page 22, Line 26</b> Omit "pay an" after the words "liable to"</p> <p>(v) <b>Page 23, Line 14</b> Omit "pay" after the words "liable to"</p> <p>(vi) <b>Page 23, Line 18</b> Omit "or non-compliance" after the word "contravention"</p> <p>(vii) <b>Page 23, Line 19</b> Omit "pay an" after the words "liable to"</p> <p>(viii) <b>Page 23, Line 29</b> Omit "pay the" before the word "penalty"</p> <p>(ix) <b>Page 23, Line 41</b> Omit "pay the" before the word "penalty"</p> <p>(x) <b>Page 24, Line 02</b> Omit "pay the" before the word "penalty"</p> <p>(xi) <b>Page 24, Line 06</b> Omit "pay an" before the word "additional"</p> <p>(xii) <b>Page 24, Line 32</b> For "in accordance with", substitute "under"</p> <p>(xiii) <b>Page 24, Line 36</b> Omit "an" before the word "opportunity"</p> <p>(xiv) <b>Page 24, Lines 36-37</b> Omit "in the matter" after the word "heard"</p>
4.	Sl. No. 22 (The National Bank for	<p><b>Page 27, Line 16</b> Omit "pay a" before the word "penalty"</p>

	Agriculture and Rural Development Act, 1981)	
5.	Sl. No. 24 (The Environment Protection) Act, 1986)	<p>(i) <b>Page 29, Line 30</b> Omit "pay the" before the word "penalty"</p> <p>(ii) <b>Page 29, Lines 31-32</b> Omit "or non-compliance" after the word "contravention"</p> <p>(iii) <b>Page 29, Line 37,</b> Omit "pay an' before the word "penalty"</p> <p>(iv) <b>Page 29, Line 47</b> Omit "pay" before the word "penalty"</p> <p>(v) <b>Page 29, Line 48</b> Omit "or non-compliance" after the word "contravention"</p> <p>(vi) <b>Page 30, Line 02</b> Omit "or non-compliance" after the word "contravention"</p> <p>(vii) <b>Page 30, Line 03</b> Omit "pay an" before the word "additional"</p> <p>(viii) <b>Page 30, Line 16</b> Omit "pay the" before the word "penalty"</p> <p>(ix) <b>Page 30, Lines 17-18</b> Omit "or non-compliance" after the word "contravention"</p> <p>(x) <b>Page 30, Line 22</b> Omit "or non-compliance" after the word "contravention"</p> <p>(xi) <b>Page 30, Line 23</b> Omit "pay an" after the words "liable to"</p> <p>(xii) <b>Page 30, Line 30</b> Omit "pay the" after the words "liable to"</p> <p>(xiii) <b>Page 30, Line 35</b> Omit "or non-compliance" after the word "contravention"</p> <p>(xiv) <b>Page 30, Line 37</b> Omit "pay an" before the word " additional"</p>

		<p>(xv) <b>Page 30, Line 46</b> Omit "pay the" before the word "penalty"</p> <p>(xvi) <b>Page 31, Line 07</b> Omit "pay the" before the word "penalty"</p> <p>(xvii) <b>Page 32, Line 20</b> Omit "any" before the word "such"</p> <p>(xviii) <b>Page 34, after Line 10</b> Insert " (E) After Chapter III, the following Chapter shall be inserted, namely: - "</p>
6.	Sl. No. 26 (The Motor Vehicles Act, 1988)	<p>(i) <b>Page No 39, Lines 05-08</b> Omit ' (i) for the marginal heading, the following marginal heading shall be substituted, namely:- "Compounding of offences" '</p> <p>(ii) <b>Page 39, Lines 21-22</b> Omit ' to the extent of use of handheld communication devices" after the words 'section 184'</p>
7.	Sl. No. 28 (The Public Liability Insurance Act, 1991)	<p>(i) <b>Page 43, Line 01</b> Omit "pay the" before the word "penalty"</p> <p>(ii) <b>Page 43, Line 17</b> Omit "pay a" before the word "penalty"</p> <p>(iii) <b>Page 43, Line 23</b> Omit "pay an" before the word "additional"</p> <p>(iv) <b>Page 43, Line 33</b> Omit "pay" before the word "penalty"</p> <p>(v) <b>Page 43, Line 39</b> Omit "pay an" before the word "additional"</p> <p>(vi) <b>Page 44, Lines 19-20</b> For ""in accordance with", substitute "under"</p> <p>(vii) <b>Page 44, Line 23</b> Omit "an" before the word "opportunity"</p> <p>(viii) <b>Page 44, Line 24</b> Omit "in the matter" after the word "heard"</p>

		<p>(ix) <b>Page 44, Line 27</b> For "sections 14 or 15", substitute "section 15A"</p> <p>(x) <b>Page 45, Line 09</b> Omit "pay the" before the word "penalty"</p> <p>(xi) <b>Page 45, Line 21</b> Omit "pay the" before the word "penalty"</p>
8.	Sl. No. 30 (The Trade Marks Act, 1999)	<p><b>Page 48, Line 38</b> Omit "pay a" before the word "penalty"</p>
9.	Sl. No.32 (The Information Technology Act, 2000)	<p>(i) <b>Page 50, Line 08</b> Omit "pay" before the word "penalty"</p> <p>(ii) <b>Page 50, Line 42</b> Omit "pay" before the word "penalty"</p> <p>(iii) <b>Page 50, Line 48</b> Omit "pay" before the word "penalty"</p> <p>(iv) <b>Page 51, Line 19</b> Omit "pay" before the word "penalty"</p>
10.	Sl. No. 33 (The Metro Railways (Operation and Maintenance) Act, 2002)	<p><b>Page 51, Lines 22-23</b> Omit ' (a) in clause (h), the word "and" occurring at the end shall be omitted '</p>
11.	Sl. No. 34 (The Prevention of Money-laundering Act, 2002)	<p>(i) <b>Page 52, Line 41</b> For "Description", substitute "Description of offences"</p> <p>(ii) <b>Page 53, Line 08</b> For "Description", substitute "Description of offence"</p>

**(Recommendation No. 104)**



## CONSIDERATION OF CLAUSE 1 TO 4, ENACTING FORMULA AND LONG TITLE

During consideration of Clause Nos. 1 to 4, Enacting Formula and Long Title of the Bill, the Committee noted that the calendar year and the year of republic require amendment as the Jan Vishwas (Amendment of Provisions) Bill, 2022 was introduced in the year 2022. Also Clause 4 require amendment due to recommendation regarding proposed repeal of the High Denomination Bank Notes (Demonetisation) Act, 1978, by the Committee. Clauses 2 and 3 were adopted by the Committee without any change. However, Clauses 1, 4, Enacting Formula and Long Title, as amended by the Joint Committee, have been reproduced in Tabular form as below:

Clause No.	Clause as in the Bill, as introduced	Clause as modified by the Committee
	THE <i>JAN VISHWAS</i> (AMENDMENT OF PROVISIONS) BILL, 2022	THE <i>JAN VISHWAS</i> (AMENDMENT OF PROVISIONS) BILL, <u>2023</u>
	A BILL	A BILL
	<i>to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business</i>	<i>to amend certain enactments for decriminalising and rationalising offences to further enhance trust-based governance for ease of living and doing business.</i>
	BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—	BE it enacted by Parliament in the Seventy- <u>fourth</u> Year of the Republic of India as follows:
1.  Short title and commencement	<p>1. (1) This Act may be called the <i>Jan Vishwas</i> (Amendment of Provisions) Act, 2022.</p> <p>2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the</p>	<p>1. (1) This Act may be called the <i>Jan Vishwas</i> (Amendment of Provisions) Act, <u>2023</u>.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule.</p>

	Schedule to this Act.	
<p>Clause 4.</p> <p>Savings</p>	<p>4. The amendment by this Act of any enactment shall not affect any other enactment in which the amended enactment has been applied, incorporated or referred to;</p> <p>and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;</p> <p>nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended;</p> <p>nor shall the amendment by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.</p>	<p>4. The amendment <b><u>or repeal</u></b> by this Act of any enactment shall not affect any other enactment in which the amended <b><u>or repealed</u></b> enactment has been applied, incorporated or referred to;</p> <p>and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;</p> <p>nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended <b><u>or repealed</u></b>;</p> <p>nor shall the amendment <b><u>or repeal</u></b> by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.</p>

The Joint Committee, therefore, recommend that the Bill, as amended, after inclusion of suggestions/recommendations made by the Committee be passed and the General Recommendations may be examined and implemented, if legally feasible, in due course.

**(Recommendation No.105)**

**NEW DELHI  
13 MARCH, 2023  
22 PHALGUNA, 1944 (SAKA)**

**P.P. CHAUDHARY  
CHAIRPERSON,  
JOINT COMMITTEE ON  
THE JAN VISHWAS  
(AMENDMENT OF PROVISIONS) BILL, 2022**

**LOK SABHA**

**Thursday, December 22, 2022 / Pausha 1, 1944 (Saka)**

**MOTION IN LOK SABHA FOR REFERENCE OF THE BILL TO THE JOINT  
COMMITTEE**

**SHRI PIYUSH GOYAL** moved the following Motion:

"That the Bill to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business be referred to a Joint Committee of the Houses consisting of the following 21 Members from this House:-

1. Shri P.P. Chaudhary
2. Dr. Sanjay Jaiswal
3. Shri Uday Pratap Singh
4. Shri Sanjay Seth
5. Smt. Queen Oja
6. Shri Khagen Murmu
7. Smt. Poonamben Hematbhai Maadam
8. Smt. Poonam Pramod Mahajan
9. Smt. Aparajita Sarangi
10. Shri Arvind Dharmapuri
11. Shri Rajendra Agrawal
12. Shri Rattan Lal Kataria
13. Shri Gaurav Gogoi
14. Adv. Dean Kuriakose
15. Shri A. Raja
16. Prof. Sougata Ray

17. Dr. Venkata Satyavathi Beesetti
18. Shri Gajanan Chandrakant Kirtikar
19. Shri Rajiv Ranjan Alias Lalan Singh
20. Shri Pinaki Misra
21. Shri Girish Chandra

and 10 Members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of second part of the Budget Session, 2023;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of the Members to be appointed by Rajya Sabha to the Joint Committee."

The motion regarding reference was adopted."

**RAJYA SABHA**

**Friday, December 23, 2022/Pausha 2, 1944 (Saka)**

**MOTION FOR NOMINATION TO THE JOINT COMMITTEE ON THE JAN VISHWAS  
(AMENDMENT OF PROVISIONS) BILL, 2022**

**THE LEADER OF THE HOUSE (SHRI PIYUSH GOYAL)** moved the following Motion:

"That this House concurs in the recommendation of the Lok Sabha that this House do join in the Joint Committee of the Houses on the *Jan Vishwas* (Amendment of Provisions) Bill, 2022 and resolves that the following Members of the Rajya Sabha be nominated to serve on the said Joint Committee:-

1. Shri Ghanshyam Tiwari
2. Shri G.V.L. Narasimha Rao
3. Shri Mahesh Jethmalani
4. Dr. Radha Mohan Das Agrawal
5. Shri Vivek K. Tankha
6. Shri Sukhendu Sekhar Ray
7. Dr. Kanimozhi NVN Somu
8. Shri Narain Dass Gupta
9. Shri Sujeet Kumar
10. Shri Masthan Rao Beeda."

(The motion was adopted)

[ Message was reported in Lok Sabha Bulletin Part II dated December 26, 2022 ]

**Details of the sittings of the Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022**

<b>SI No.</b>	<b>Sitting No.</b>	<b>Date &amp; Day</b>	<b>Agenda</b>
1.	1st.	09 January, 2023 (Monday)	Briefing by the representatives of the Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) on the overall Bill and the Objectives and Purpose of the said Bill. The Representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
2.	2nd.	16 January, 2023 (Monday)	Briefing/Oral Evidence of the representatives of the (i) Ministry of Electronics and Information Technology w.r.t. Sl. Nos. 32 and 42 of the Schedule to the Bill; (ii) Ministry of Agriculture & Farmers Welfare (Department of Agriculture & Farmers Welfare) w.r.t. Sl. No. 5 of the Schedule to the Bill and (ii) Ministry of Consumer Affairs Food and Public Distribution (Department of Food and Public Distribution) w.r.t. Sl. Nos. 16 and 17 of the Schedule to the Bill on the Jan Vishwas (Amendment of Provisions) Bill, 2022. The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
3.	3rd.	17 January, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of the (i) Ministry of Environment, Forest and Climate Change w.r.t Sl. Nos. 4, 21, 24 and 28 of the Schedule to the Bill; and (ii) Ministry of Housing & Urban Affairs w.r.t. Sl. No. 33 of the Schedule to

			the Jan Vishwas (Amendment of Provisions) Bill, 2022. The representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting
4.	4th.	31 January, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of the Ministry of Commerce and Industry - (i) Department for Promotion of Industry & Internal Trade and (ii) Department of Commerce w.r.t. the Acts pertaining to them being amended by the Ministries. The Representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
5.	5th.	06 February, 2023 (Monday)	Briefing/Oral Evidence of the representatives of the Ministry of Finance- (i) Department of Financial Services (ii) Department of Economic Affairs and (iii) Department of Revenue on amendments proposed in the Bill related to them. The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
6.	6th.	07 February, 2023 (Tuesday)	Briefing/Oral Evidence of the representatives of (i) the Ministry of Health & Family Welfare, Department of Health & Family Welfare (ii) the Ministry of Railways and (iii) the Ministry of Road Transport & Highways. The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.



7.	7th.	09 February, 2023 (Thursday)	Briefing/Oral Evidence of the representatives of (i) the Ministry of Information & Broadcasting (ii) the Ministry of Statistics & Programme Implementation (iii) Department of Posts (Ministry of Communications), (iv) Department of Consumer Affairs, (Ministry of Consumer Affairs, Food & Public Distribution), (v) Department of Defence, (Ministry of Defence), and (vi) the Ministry of Ports, Shipping & Waterways. The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.
8.	8th.	16 February, 2023 (Thursday)	<p>Clause by Clause consideration of the Jan Vishwas (Amendment of Provisions) Bill, 2022. The representatives of the following Ministries/Departments deposed before the Committee for their respective Acts:</p> <ul style="list-style-type: none"> <li>i. Department for Promotion of Industry and Internal Trade (Ministry of Commerce and Industry)</li> <li>ii. Department of Commerce (Ministry of Commerce and Industry)</li> <li>iii. Department of Consumer Affairs (Ministry of Consumer Affairs, Food and Public Distribution)</li> <li>iv. Department of Economic Affairs (Ministry of Finance)</li> <li>v. Department of Financial Services (Ministry of Finance)</li> <li>vi. Ministry of Railway</li> <li>vii. Department of Food &amp; Public Distribution (Ministry of Consumer Affairs, Food &amp; Public Distribution)</li> </ul>

			<p>viii. Department of Health &amp; Family Welfare (Ministry of Health &amp; Family Welfare)</p> <p>ix. Department of Posts (Ministry of Communications)</p> <p>The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative Department and Department of Legal Affairs) also remained present in the meeting.</p>
9.	9th.	17 February, 2023 (Friday)	<p>Clause by Clause consideration of the Jan Vishwas (Amendment of Provisions) Bill, 2022. The representatives of the following Ministries/Departments deposed before the Committee for their respective Acts:</p> <ul style="list-style-type: none"> <li>i. Department of Agriculture, &amp; Farmers Welfare (Ministry of Agriculture &amp; Farmers Welfare)</li> <li>ii. Ministry of Information &amp; Broadcasting</li> <li>iii. Ministry of Ports, Shipping &amp; Waterways</li> <li>iv. Department of Revenue (Ministry of Finance)</li> <li>v. Ministry of Electronics and Information Technology</li> <li>vi. Ministry of Environment, Forest and Climate Change</li> <li>vii. Ministry of Housing and Urban Affairs</li> <li>viii. Ministry of Road Transport &amp; Highways</li> <li>ix. Ministry of Statistics and Program Implementation</li> <li>x. Department of Defence (Ministry of Defence)</li> </ul> <p>The Representatives of the Ministries of Commerce and Industry and Law and Justice (Legislative</p>

			Department and Department of Legal Affairs) also remained present in the meeting.
10	10th.	13 March 2023	Consideration and Adoption of the Draft Report of the Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022

**LIST OF OFFICIAL WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE  
COMMITTEE**

<b>Sl. No.</b>	<b>Name of Ministries/Departments</b>	<b>Date of Oral Evidence</b>
1.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	09.01.2023
2.	Legislative Department of the Ministry of Law and Justice	09.01.2023
3.	Department of Legal Affairs of the Ministry of Law and Justice	09.01.2023
4.	Ministry of Electronics and Information Technology	16.01.2023
5.	Department of Agriculture & Farmers Welfare of the Ministry of Agriculture & Farmers Welfare	16.01.2023
6.	Department of Food & Public Distribution of the Ministry of Consumer Affairs, Food & Public Distribution	16.1.2023
7.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	16.01.2023
8.	Legislative Department of the Ministry of Law and Justice	16.01.2023
9.	Department of Legal Affairs of the Ministry of Law and Justice	16.01.2023
10.	Ministry of Environment, Forest and Climate Change	17.01.2023
11.	Ministry of Housing & Urban Affairs	17.01.2023
12.	Department for Promotion of Industry and	17.01.2023

	Internal Trade of the Ministry of Commerce & Industry	
13.	Legislative Department of the Ministry of Law and Justice	17.01.2023
14.	Department of Legal Affairs of the Ministry of Law and Justice	17.01.2023
15.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	31.01.2023
16.	Department of Commerce of the Ministry of Commerce & Industry	31.01.2023
17.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	31.01.2023
18.	Legislative Department of the Ministry of Law and Justice	31.01.2023
19.	Department of Legal Affairs of the Ministry of Law and Justice	31.01.2023
20.	Department of Financial Services of the Ministry of Finance	06.02.2023
21.	Department of Economic Affairs of the Ministry of Finance	06.02.2023
22.	Department of Revenue of the Ministry of Finance	06.02.2023
23.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	06.02.2023
24.	Legislative Department of the Ministry of Law and Justice	06.02.2023
25.	Department of Legal Affairs of the Ministry of Law and Justice	06.02.2023
26.	Department of Health & family Welfare of the Ministry of Health & family Welfare	07.02.2023

27.	Ministry of Railways	07.02.2023
28.	Ministry of Road Transport & Highways	07.02.2023
29.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	07.02.2023
30.	Legislative Department of the Ministry of Law and Justice	07.02.2023
31.	Department of Legal Affairs of the Ministry of Law and Justice	07.02.2023
32.	Ministry of Information & Broadcasting	09.02.2023
33.	Ministry of Statistics & Programme Implementation	09.02.2023
34.	Department of Posts of the Ministry of Communications	09.02.2023
35.	Department of Consumer Affairs of the Ministry of Consumer Affairs, Food and Public Distribution	09.02.2023
36.	Department of Defence of the Ministry of Defence	09.02.2023
37.	Ministry of Ports, Shipping & Waterways	09.02.2023
38.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	09.02.2023
39.	Legislative Department of the Ministry of Law and Justice	09.02.2023
40.	Department of Legal Affairs of the Ministry of Law and Justice	09.02.2023
41.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	16.02.2023
42.	Department of Commerce of the Ministry of Commerce & Industry	16.02.2023

43.	Department of Consumer Affairs of the Ministry of Consumer Affairs, Food and Public Distribution	16.02.2023
44.	Department of Economic Affairs of the Ministry of Finance	16.02.2023
45.	Department of Financial Services of the Ministry of Finance	16.02.2023
46.	Ministry of Railways	16.02.2023
47.	Department of Food & Public Distribution of the Ministry of Consumer Affairs, Food & Public Distribution	16.02.2023
48.	Department of Health & Family Welfare of the Ministry of Health & Family Welfare	16.02.2023
49.	Department of Posts of the Ministry of Communications	16.02.2023
50.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	16.02.2023
51.	Legislative Department of the Ministry of Law and Justice	16.02.2023
52.	Department of Legal Affairs of the Ministry of Law and Justice	16.02.2023
53.	Department of Agriculture & farmers Welfare of the Ministry of Agriculture & Farmers Welfare	17.02.2023
54.	Ministry of Information & Broadcasting	17.02.2023
55.	Ministry of Ports, Shipping & Waterways	17.02.2023
56.	Department of Revenue of the Ministry of Finance	17.02.2023
57.	Ministry of Electronics and Information Technology	17.02.2023
58.	Ministry of Environment, Forest and Climate Change	17.02.2023

59.	Ministry of Housing & Urban Affairs	17.02.2023
60.	Ministry of Road Transport & Highways	17.02.2023
61.	Ministry of Statistics & Programme Implementation	17.02.2023
62.	Department of Defence of the Ministry of Defence	17.02.2023
63.	Department for Promotion of Industry and Internal Trade of the Ministry of Commerce & Industry	17.02.2023
64.	Legislative Department of the Ministry of Law and Justice	17.02.2023
65.	Department of Legal Affairs of the Ministry of Law and Justice	17.02.2023



## SUKHENDU SEKHAR RAY

Member of Parliament, Rajya Sabha  
Vice-Chairman-in-panel, Rajya Sabha  
Member, Public Accounts Committee  
Member, Standing Committee on Personnel,  
Public Grievances, Law & Justice  
Member, Consultative Committee on Finance



Chief Whip, All India Trinamool Congress  
in Rajya Sabha

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To  
Shri P.P.Chourihury,  
Hon'ble Chairman,  
Joint Committee on the Jan Vishwas (Amendment of Provision) Bill 2022  
Lok Sabha Secretariat,  
New Delhi-110001

13<sup>th</sup> March 2023

Sir,

I do hereby submit my **Note of Dissent** on the Jan Vishwas (Amendment of Provisions) Bill 2022, on the following reasons and grounds: -

1. Before I deal with amendments of provisions effected in the Forty-Two Acts under this bill, I would refer to Article 348 of the Constitution of India, which inter-alia stipulates that authoritative texts of all bills to be introduced or amendments thereto to be moved in either house of Parliament shall be in the English Language. However, the long title of the bill does not contain such constitutional mandate as it would appear that two Hindi words "JAN VISHWAS" have been incorporated therein.
2. The bill seeks to amend 142 provisions across 42 Acts with the twin objectives of ease of doing business and ease of living for the Citizens. However, on perusal of the proposed amendments it appears that decriminalisation of various offences shall encourage resorting to illegal acts in most of the cases in detriment to ease of living for the citizens. Therefore, the first objective shall frustrate the second objective of the bill in many ways.
3. With reference to Paragraph 1.3 of Chapter One of the Draft Report on the said bill, two examples are given in regard to provisions of imprisonment upto three years under the Cinematograph Act 1952 and Agricultural Produce (Grading and marketing) Act 1937. The bill proposes to replace the provisions of 3 years imprisonment with monetary penalty. As a resultant effect, any film distributor or exhibitor may resort to exhibition of Adult Films for all irrespective of age. Similarly the provision for three years imprisonment for an offence of counterfeiting a grade designation mark under section 5 of The Agricultural Produce (Grading and Marketing ) Act 1937 has been replaced with penalty only.

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## SUKHENDU SEKHAR RAY

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4. The original Act provides for Grading and Marketing relating to 177 Agricultural Products. Hence once the deterrent punishment of imprisonment of three years is done away with, counterfeiting of Grade designation mark shall be on the rise for marketing of degraded and inferior quality of Agricultural products effecting public health and ease of living for citizens.
5. As per Paragraph 1.8 of the draft report, all together 148 provisions for imprisonment have been proposed to be removed, which is a dangerous trend of legislation endangering safety and security of the Citizens, Public Health and Public Interest.
6. As per paragraph 2.4 of the draft report out of total 4,24,02, 907 pending cases, 3,15,00,000 are in relation to criminal proceedings(National Judicial Data Grid as on 23/2/2023). It has also been mentioned therein that as per NCRB prison statistics as on 31<sup>st</sup> December 2021 total number of 5,54,034 convicts were confined in different prisons in India against the capacity of 4,25,609 and that "decriminalizing of minor offences will certainly reduce the burden on Judiciary and prisons....." Such arguments and or justifications for decriminalization of offences under the proposed 42 act do not hold good for the following reasons: -
  - A. With the growth of population and rapid development of technology, number and nature of crime have increased manifold.
  - B. Inspite of several observations of Hon'ble Supreme Court, there does not exist any Bail Act in India and the Courts are to depend mainly on the Case Records and other materials produced before the courts.
  - C. In many of the cases, even accused persons granted bail by the court are languishing in Prisons for years together as they could not furnish Bail Bonds due to pecuniary difficulties or otherwise. The further argument/justification given in the Paragraph under reference, such as, "As contrary to punishing wrongful conduct criminalization of minor acts of omission or commission often becomes a tool for the Executive project a strong image. As many of the Acts belong to British era where the State mistrusts its Citizens. It is no longer the case in the country." This is an anti - thesis to criminal jurisprudence and rule of law. It also puts a general stigma on the executive. As such I do not subscribe to the narratives of the paragraphs under reference.

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CONTD...3

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7. In this context I would mention Section 124A of The Indian Penal Code (which is a 163-year-old British Era Code) is still being followed in letter and spirit for punishing offenders including perceived offenders on the charge of Sedition.
8. In this context, I would mention that Supreme Court of India in its Judgement dated 10<sup>th</sup> July 2013 in the matter of Lily Thomas vs Union of India and others inter alia ruled that any member of Parliament, Member of the Legislative Assembly or Member of a Legislative Council who is convicted of crime and given a minimum of two years imprisonment, loses membership of the House with immediate effect.

Section 499 of Indian Penal Code has dealt with Defamation and Section 500 prescribes for punishment for Defamation with simple imprisonment for a term which may extend to 2 years, or with fine, or with both. Therefore, even a Parliamentarian or a Legislator of the country may not only served with order of 2 years imprisonment or with fine or with both and shall lose his/her membership of the House with immediate effect, once convicted. Therefore, even there is a provision for 2 years of imprisonment and fine for the Law makers and stripping off their membership whereas in the present bill 148 number of provisions containing imprisonment and fine have been proposed to be removed.

9. It appears that this bill is to amend certain enactments for decriminalizing and rationalizing minor offences, etc. However, 'Minor Offences' have not been defined either in the Indian Penal Code or Criminal procedure Code. Therefore, the intent of the legislature was not to distinguish any offence as minor or major offence based on the term of imprisonment or otherwise. But one of the major grounds upon which the Bill stands for is that imprisonment on minor offences should be done away with.

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CONTD.....4

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## SUKHENDU SEKHAR RAY

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10. It is stated that views from States and Union Territories were obtained while preparing the bill. However, I am not aware of any such views forwarded by States or Union Territories and as such I feel in absence of considered views of the states/ UT's, this bill is incomplete inasmuch as the proposed amendments shall have serious impact in enforcing Rule of Law.

11. Without prejudice to whatever stated herein above, I suggest that in all aforesaid 42 Acts wherein provisions for 2 years of imprisonment and above are existing, those should be retained and the provisions for imprisonment less than 2 years may be replaced with fine.

Finally, I would urge upon you to kindly incorporate this Note of Dissent of mine as part of the Draft Report to be submitted before the parliament.

With Warmest,

Yours Sincerely,

SUKHENDU SEKHAR RAY  
MEMBER

Joint Committee on the Jan Vishwas (Amendment of Provision) Bill 2022

18/3/2023

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## DEAN KURIAKOSE

Member of Parliament  
(Lok Sabha)  
Idukki, Kerala

Member:

- Standing Committee on Labour
- Consultative Committee on Rural Development



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New Delhi - 110 011  
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1058/DEL/2023

14<sup>th</sup> March, 2023

**Sub: Dissent note to Jan Vishwas Bill, 2022**

Respected Sir/Madam,

I hope this letter finds you well. I am writing this to express my dissent with the final draft report published by the committee. I have moved the following amendments to the Bill.

1. In The Drugs and Cosmetics Act, 1940 -

Instead of (A), the following shall be substituted - "In section 30, in sub-section (2), for the words "imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "imprisonment which may extend to two years, or with fine which shall not be less than five lakh rupees" shall be substituted."

also, (B) should be discarded.

2. In The Rubber Act, 1940 -

Instead of (A), the following shall be substituted - "(A) In section 11, in sub-section (3), for the words "imprisonment for a term which may extend to one year, or with fine, or with both.", the words "imprisonment for a term which may extend to one year, or with penalty which may extend to one lakh rupees and cancellation of licence issued under section 14, or with both." shall be substituted"

also, (B) should be discarded.

also, instead of (C), the following shall be substituted - "(C) In section 26, in sub-section (1), in the long line, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "punishable with imprisonment for a term which may extend to one year, or liable to

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## DEAN KURIAKOSE

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pay penalty which may extend to fifty thousand rupees" shall be substituted"

3. In The Spices Board Act, 1986 -

Instead of (A), the following shall be substituted - "(A) In section 27, in the long line, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the words " imprisonment which may extend to six months, or with fine which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted"

also, (B) should be discarded.

also, instead of (C), the following shall be substituted - "(C) In section 29, for the words "imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the words " imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted"

also, instead of (D), the following shall be substituted - "(D) In section 30, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention", the words " imprisonment which may extend to six months, or with fine which may extend to fifty thousand rupees and for subsequent offence, penalty which may extend to one lakh rupees" shall be substituted."

4. In The Tea Act, 1953 - instead of "Section 38 to 42 shall be omitted", substitute "Section 38 to 40 shall be omitted".
5. Omit Serial No. 1 - amendments to The Press and Registration of Books Act, 1867 to be discarded.

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## DEAN KURIAKOSE

Member of Parliament  
(Lok Sabha)  
Idukki, Kerala



90, South Avenue  
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Mob.: 9447877368

### Member:

- Standing Committee on Labour
- Consultative Committee on Rural Development

6. Omit Serial No.2 - amendments to The Indian Post Office Act, 1898 to be discarded.
7. Omit Serial No.9 - amendments to The Pharmacy Act, 1948 to be discarded.
8. Omit Serial No.11 - amendments to The Cinematograph Act, 1952 to be discarded.
9. Omit Serial No.17 - amendments to The Food Corporations Act, 1964 to be discarded.
10. Omit Serial No.20 - amendments to The High Denomination Bank Notes (Demonetisation) Act, 1978 to be discarded.
11. Omit Serial No.11 - amendments to The Air (Prevention and Control of Pollution) Act, 1981 to be discarded.
12. Omit Serial No.24 - amendments to The Environment (Protection) Act, 1986 to be discarded.
13. Omit Serial No.29 - amendments to The Cable Television Networks (Regulation) Act, 1995 to be discarded.
14. Omit Serial No.35 - amendments to The Food Safety and Standards Act, 2006 to be discarded.
15. Omit Serial No.39 - amendments to The Collection of Statistics Act, 2008 to be discarded.

With respect to the following acts, I submit the following objections. Please record them as part of the dissent note.

### The Press and Registration of Books Act, 1867

The provision to suspend or cancel a certificate of registration is missing from the original act. Addition of such a provision actually imposes more cost to those who are running a publication. This will effectively act as a tool in the hands of the government of the day to control press and publications. Some of the reasons listed for suspending the certificate of registration makes no sense. For example, why should the government have the right to suspend the license if the newspaper is not able to publish less than half the issues? These pertain to more control rather than government making it easier to run newspapers. I also object to the extent in which the Press Registrar (who's appointed by the government) is empowered to suspend and cancel certificate of registration. Also, giving the press registrar the power to impose penalties is against the spirit of separation of powers. It is better left to the Magistrate to decide upon the punishments as prescribed by the law. Giving judicial powers to an administrative professional will only lead to more executive control and violation of justice. Citing all these, I strongly oppose the section 12 and section 13 as proposed in the amendment.

Amendment of 8C is used to confer extra judicial powers to the Press Registrar on par with the Magistrate. This again, is a case in which the doctrine of separation of powers is violated. I object to this.

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## DEAN KURIAKOSE

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**Member:**

- Standing Committee on Labour
- Consultative Committee on Rural Development

Omitting Sections 15A to 17 is commendable, for it reduces the burden on the press and publications. No objection to these amendments.

No objection to substitution of section 19K, and omission of section 19L.

### The Cinematograph Act, 1952

The punishment prescribed under Section 7(1)(a) is imprisonment up to three years, but comparable offences under Section 7(1)(d) or Section 7(1)(e) attracts only fines. There seem to be no rational application of mind here. Also, under Section 7(1)(d), an officer is authorized to levy a fine. I fail to understand how giving judicial powers to an officer leads to better administration of justice. There is scope for misuse here, for these powers could be misused by the executive to harass people. Instead of decriminalization, empowering an official to levy fines will lead to more harassment of people. I strongly object to these provisions.

### The Cable Television Networks (Regulation) Act, 1995

In substituting sections 16 and 18, penalties have been reduced. However, omitting section 17 will lead to not being able to convict people working for a company in case of a company committing an offence. Hence, section 17 shouldn't be omitted. This could lead to companies committing offences and getting away with a mere fine. Since this act pertains to Cable Television Networks, there is a case in which their reporting or programs could not be properly regulated in the absence of being able to prosecute people associated with the companies that run these networks. Also, the penalties in question are being levied by a designated officer. This again amounts to giving judicial powers to the executive. The secretary is being made the appellate authority also doesn't sit well because the entire process is now limited to the executive. The ease of doing business shouldn't be made an excuse to give excessive powers to the executive. This will lead to further harassment of independent Cable Television Networks.

### The Collection of Statistics Act, 2008

Omission of section 16 to 22 amounts to offences listed such that collection of statistics on economic, demographic, social, scientific and environmental matters by government is not hampered. If these offences are removed, there should be a means to ensure that proper data collection is done on behalf of the government. No such means are mentioned by the government. Ease of doing business shouldn't be an excuse to ease of committing offences. Also, ease of doing business cannot be a reason enough to degrade the quality of data collected by the government. I object to the said amendments.

### The Indian Post Office Act, 1898

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## DEAN KURIAKOSE

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### Member:

- Standing Committee on Labour
- Consultative Committee on Rural Development

The Offences mentioned in Chapter X pertains to offences that could be committed while discharging the duties inside a post office. During that, they handle the property of public that is entrusted with the postal department. They cannot be dismissed as minor offences. Also, that they could be prosecuted under other laws are no justification to not prosecute the employees of Postal department under this act. If such dilutions are made to the penal provisions, it will lead to the staff not taking their work seriously. I strongly object to these amendments.

I also request to add a note that I observe that excessive powers are given to government appointed officers (permanent executive) to decide quantum of fines, levy penalties etc. This is found across the acts on which I have moved amendments. This is against the spirit of separation of powers enshrined in the constitution and also embodied as a directive in the Article 50 of the constitution.

Moreover, the amendments to The Spices Board Act, The Tea Act, The Rubber Act, 1947 etc. seeks to eliminate the penal provisions embedded in those acts. I feel that these will erode the effectiveness of implementation of provisions included in those acts. These are also in contravention to the interests of those who are protected by those acts. Please record these objections to the bill and move the amendments mentioned above.

Warm Regards,



Adv. Dean Kuriakose

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**Dr. KANIMOZHI NVN SOMU**

M.B.B.S., M.S.

**MEMBER OF PARLIAMENT (RAJYA SABHA)**

**MEMBER :**

- Standing Committee on Education, Women, Children, Youth & Sports
- Consultative Committee for the Ministry of Power and New & Renewable Energy
- Joint Committee on Jan Vishwas



सत्यमेव जयते

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To  
The Director, R. Ram Prasad.

Subj. Minutes of Descent.

Sir,

In continuation of the JPC (JAN VISWA) meeting held on 13-05-2023, I hereby submit the following descent.

Enclosed.

Yours Respect.

M. S. Kanimozhi  
(Dr No : 142)

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### 1. The Agricultural Produce (Grading and Marking) Act, 1937

Punishment of imprisonment is required and it act as deterrent for persons not doing mistakes. Imposing of fines alone would give them free hand to repeat the mistakes until they are caught and do not have any impact. Levying just Fines not exceeding five lakhs will never have any impact and may increase bribery and corruption.

### 2. The Drugs and Cosmetics Act, 1940

This is a very serious mistake cannot be taken lightly as it will have cascading effects on people especially women. Punishment of two years imprisonment will alone act as deterrent for persons not committing mistakes. Imposing of fines would give them an indirect sanction to repeat the mistakes until they are caught and do not have any impact. Levying just Fines not exceeding five lakhs will never have any impact and may increase bribery and corruption.

### 3. The Pharmacy Act, 1948

This is again a very serious mistake results in grievous issues hence cannot be taken lightly. Punishable with imprisonment will alone act as deterrent for persons not committing such grievous mistakes. Imposing of fines would give them an indirect sanction to repeat the mistakes until they are caught. Levying just Fines will never have any real impact and may increase bribery and corruption.

#### 4. The Cinematograph Act, 1952

The film industry is already flooded with problems and issues due to the technological advancements and the introduction of new medium of exhibition like web series, OTT platforms etc. Any relaxation in this act will make them habitual to commit mistakes. Punishable by imprisonment will be the only way to control such mistakes committed by film industry otherwise the whole society will be affected particularly the youth and student community will be badly affected and diverted from studies. A strict censorship of harmful contents whether it is involving violence or crime or obscene or sexual exploitation is a must. Otherwise the future generation will be spoiled with rubbish contents. Hence any relaxation in this act will be detrimental to the well being of the society as a whole.

#### 5. The Copyright Act, 1957

This will affect the morale of the people with honesty and just. Omitting the entire section 68 of Copy Right Act, 1957 would not be justifiable. This kind of relaxation would lead to proliferation of plagiarism which is already found in abundance. Hence this change is unwarranted and untenable.

#### 6. The Merchant Shipping Act, 1958

The penalty prescribed for the contravention of any provision of this Act must be there to avoid any serious mistakes.

7. The Deposit Insurance and Credit Guarantee Corporation Act, 1961

The penalty and punishment prescribed for the contravention of any provision of this Act must be there to avoid any serious mistakes. Otherwise it will certainly increase the cheating and corruption.

8. Warehousing Corporations Act, 1962

Section 38 of the Warehousing Corporations Act, 1962

(1) Whoever, without the consent in writing of a Warehousing Corporation, uses the name of that Corporation in any prospectus or advertisement shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No court shall take cognizance of any offence under subsection (1) otherwise than on a complaint in writing by an officer authorised in this behalf by the Warehousing Corporation concerned.

Omitting the Section 38 is not justified and will increase cheating and forgery of documents. Hence section 38 should be retained.

9. The Food Corporations Act, 1964

Section 41 in The Food Corporations Act, 1964 (1) Whoever, without the consent in writing of a Food Corporation, uses its name in any prospectus or advertisement, shall be punishable with imprisonment for a term which may extend to six months,

or with fine which may extend to one thousand rupees, or with both.

Omitting the Section 41 is not justified and will increase cheating and forgery of documents. Hence section 41 should be retained.

10. The Marine Products Export Development Authority Act, 1972

Changes to concerned section access to account books and dealing with penalties and punishments are unwarranted. Punishment with imprisonment is necessary to control misuse of this law.

11. The Air (Prevention and Control of Pollution) Act, 1981

Changes in sections dealing with penalties and punishments are uncalled for.

12. The National Bank for Agriculture and Rural Development Act, 1981

The access to account books and related documents by the Officials is necessary. Any changes made in this law which curbs such inspection rights is detrimental to the the very purpose of such acts.

13. The Environment (Protection) Act, 1986

The access to account books and related documents by the Officials is necessary. Any change made in this law which

curbs such inspection rights is detrimental to the very purpose of such acts.

#### 14. The National Housing Bank Act 1987

Section 21 of the original Act envisages the National Housing Bank to have access to records.- Sub section (1) The National Housing Bank shall have free access to all such records of any [institution] which seeks to avail of any credit facilities from the National Housing Bank and to all such records of any person who seeks to avail of any credit facilities from such [institution], the perusal of which may appear to the National Housing Bank to be necessary in connection with the providing of finance or other assistance to such [institution] or the refinancing of any loan or advance made to such person by that [institution].

The access to account books and related documents by the Officials is necessary. Any change made in this law which curbs such inspection rights is detrimental to the very purpose of such acts.

#### 15. The Information Technology Act, 2000

Section 67 of the Information Technology Act, 2000 ('IT Act') has extended this law's reach to the digital medium. It imposes criminal liability on transmission or publication of any material that is obscene and appeals to the prurient interests of the populace. There is already a growing concern with regards to the criminal acts which falls under this Act.

Removing the punishment of imprisonment is again a very serious mistake results in grievous issues hence cannot be

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taken lightly. Punishable with imprisonment will alone act as deterrent for persons not committing such grievous mistakes.

Therefore I would like to dissent up on the decisions taken by the committee in changing or relaxing certain important provisions of the laws enacted by the Parliament. Hence I oppose the DRAFT REPORT OF THE JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022 and certain changes brought by the Joint Committee in this regard.



**JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

**MINUTES OF THE FIRST SITTING OF THE COMMITTEE**

The Committee sat on Monday, the 9<sup>th</sup> January, 2023 from 1100 hrs. to 1245 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri P.P. Chaudhary – Chairperson**

**MEMBERS**

**LOK SABHA**

2. Dr. Sanjay Jaiswal
3. Shri Uday Pratap Singh
4. Shri Sanjay Seth
5. Smt. Poonam Pramod Mahajan
6. Shri Rajendra Agrawal
7. Shri Rattan Lal Kataria
8. Shri Gaurav Gogoi
9. Prof. Sougata Ray
10. Shri Pinaki Misra
11. Shri Girish Chandra

**RAJYA SABHA**

12. Shri Ghanshyam Tiwari
13. Dr. Radha Mohan Das Agarwal
14. Shri Sukhendu Sekhar Ray
15. Dr. Kanimozhi NVN Somu
16. Shri Narain Dass Gupta

## SECRETARIAT

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Raju Srivastava - Director
3. Smt. Maya Menon - Under Secretary

## WITNESSES

Sl No.	Ministry/Department	Representatives
1.	Ministry of Commerce & Industry (DPIIT)	<ol style="list-style-type: none"><li>i. Shri Anurag Jain - Secretary</li><li>ii. Ms. Manmeet K. Nanda - Joint Secretary</li><li>iii. Ms. Supriya Devasthali - Director</li></ol>
2.	Ministry of Law & Justice (Department of Legal Affairs)	<ol style="list-style-type: none"><li>i. Dr. Niten Chandra – Secretary</li><li>ii. Ms. Sunita Anand – Joint Secretary &amp; Legal Advisor</li></ol>
3.	Ministry of Law & Justice (Legislative Department)	<ol style="list-style-type: none"><li>iii. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel</li><li>iv. Shri Vinay Kumar Mishra – Deputy Legislative Counsel</li></ol>

At the outset, the Chairperson welcomed Members and the Officials/Representatives of the Ministries to the Sitting convened to have a briefing about the proposed amendments pertaining to the Acts enforced by their Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

2. The Chairperson then asked the Representatives of Department for Promotion of Industry and Trade, Ministry of Commerce and Industry to provide a briefing about the reasons for the proposed amendments in the schedule to the Bill.

3. The Representatives of the Ministry explained the reasons for the proposed changes in the Bill as follows:

- i. Ease of living and ease of doing business in line with the Government mandate;
- ii. Decrease the burden on businesses and inspire confidence amongst the investors;

- iii. Focus on economic growth, public interest and national security should remain paramount;
- iv. Mens rea (malafide/criminal intent) plays an important role in imposition of criminal liability – therefore, it is critical to evaluate nature of non-compliance i.e. fraud as compared to negligence or inadvertent omission; and
- v. The habitual nature of non-compliance.

4. The Representatives of DPIIT explained the rationale for bringing this Bill, and stated that the Government wanted to encourage trust-based governance and improve ease of doing business. Towards this end, all Legislations were being reviewed from time to time and already certain actions like Labour Codes, Reforms in Mining Sector, etc. were carried out. In this exercise, the entire State Governments were taken on board for consultations, as also the Departments/Ministries of the Central Government. They were basically told to review on four counts (i) whether a Particular Provision is required at all or not (ii) can it be simplified (iii) can it be done online (iv) decriminalize the minor offences. Some of the Acts dates to pre-Independence period where small offences attracted imprisonment. These were to be changed to penalty/fine. Based on these factors, the Jan Vishwas (Amendment of Provisions) Bill, 2022 has been prepared.

5. The Committee sought to know the difference between fine and penalty. The officials of Legislative Department clarified that fine is imposed by a judicial Court and penalty by an administrative/quasi judicial authority. There is a need for an adjudication and appellate mechanism in this structure.

6. Then the Representatives of the Department for Promotion of Industry and Internal Trade made a power point presentation giving details about the different Acts and the Sections being amended by different Ministries/Departments in the Jan Vishwas (Amendment of Provisions) Bill, 2022 and brief overview of the same. Members sought some clarifications and the Officials provided replies to them.

7. The Committee then decided to have briefing/Evidence of the Representatives of the concerned administrative Departments/Ministries of the 42 Acts being administered by them.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE SECOND SITTING OF THE COMMITTEE**

The second sitting of the Joint Committee was held on Monday, the 16<sup>th</sup> January, 2023 from 1500 hrs. to 1745 hrs. in Committee Room No 01, Extension to Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P. P. Chaudhary - Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Rajendra Agrawal
3. Shri Girish Chandra
4. Shri Gaurav Gogoi
5. Dr. Sanjay Jaiswal
6. Shri Rattan Lal Kataria
7. Prof. Sougata Ray
8. Shri Rajiv Ranjan Singh, Alias Lalan Singh

#### **RAJYA SABHA**

9. Shri Ghanshyam Tiwari
10. Shri Sukhendu Sekhar Ray
11. Shri G.V.L. Narasimha Rao
12. Shri Mahesh Jethmalani
13. Shri Narain Dass Gupta

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Rahul Singh - Deputy Secretary
3. Smt. Maya Menon - Under Secretary

## WITNESSES

Sl. No.	MINISTRY/DEPARTMENT	REPRESENTATIVES
1.	The Ministry of Commerce & Industry (Department of Promotion of Industry and Internal Trade)	i. Ms. Manmeet K. Nanda, Joint Secretary ii. Ms. Supriya Devasthali, Director
2.	The Ministry Of Electronics and Information Technology	i. Shri Alkesh Kumar Sharma, Secretary ii. Shri Amit Agrawal, Additional Secretary iii. Dr. Saurabh Garg, CEO, UIDAI
3.	The Ministry of Agriculture & Farmers Welfare (Department of Agriculture & Farmers Welfare)	i. Shri Manoj Ahuja, Secretary ii. Shri Abhilaksh Likhi, Additional Secretary iii. Dr. Vijaya Lakshmi Nadendla, Joint Secretary
4.	The Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution)	i. Shri Sanjeev Chopra, Secretary ii. Shri Ashok K. K. Meena, CMD (FCI) iii. Shri Subodh Kumar Singh, Additional Secretary (Policy & FCI)
5.	The Ministry of Law & Justice	i. Shri K. R. Saji Kumar, Joint Secretary & Legislative Counsel, Legislative Department ii. Ms. Sunita Anand, Joint Secretary & Legal Advisor, Department of Legal Affairs

2. At the outset, the Chairperson welcomed the Members and the Officials/Representatives of the Ministries to the second sitting of the Joint Committee convened about the proposed amendments pertaining to the Acts enforced by their Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022. He asked the Representatives of the respective Ministries/Departments to brief the Committee

on the relevant enactments administered by their department proposed to be amended, about the reasons to bring the said amendments, foreseeable impact of the same and whether proposed amendments shall have any retrospective effect on litigations pending before the courts, if any.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Electronics and Information Technology to inform the Committee regarding proposed amendments by their department in (i) The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and (ii) The Information Technology Act, 2000.

4. The representatives of the Ministry of Electronics & Information Technology then submitted that the Section 33, 44, 45, 67C, 68, 69B, 70B, 72, 72A of the Information Technology Act, 2000 are being amended to reduce imprisonment or increase fines. The officials also submitted that the imprisonment/fine imposed by Section 41 of the Act mentioned at SI No. 42 of the Schedule to the Bill is being replaced with increased penalty for which the Committee sought detailed clarifications on the reasons of the proposed amendment. The Committee also asked the officials to reexamine and give detailed justification for the proposed amendments and accordingly furnish the written reply to the queries raised by the Hon'ble Members.

***(The Officials of Meity withdrew and then the Representatives of the Department of Agriculture & Farmers Welfare were called before the Committee)***

5. The Chairperson then asked the Representatives of the Department of Agriculture & Farmers Welfare to provide briefing about the amendments proposed in the Agricultural Produce (Grading and Marking Act), 1937 mentioned at SI No 05 of the Schedule of the Bill. The Officials of the Ministry submitted that the imprisonment clauses that exist in four sections, namely 4, 5, 5A and 5B of the Act is being decriminalised by imposing increased penalty. Members asked certain clarifications on the amendments proposed and Officials of the Ministry clarified.

***(The Officials of Department of Agriculture & Farmers Welfare then withdrew and the Representatives of the Department of Food & Public Distribution deposed before the Committee)***

5. Thereafter, the Chairperson invited the representatives of the Department of Food & Public Distribution of the Ministry of Consumer Affairs, Food & Public Distribution to brief on the reasons for the proposed amendments in the Food Corporations Act, 1964 and the Warehousing Corporation Act, 1962 mentioned at Sl. No. 16 & 17 of the Schedule to the Bill.

6. The representatives from the Ministries thereafter briefed the Committee on the the proposed amendment for deletion of Section-41 from the Food Corporations Act, 1964 and Section-38 from the Warehousing Corporation Act, 1962 alongwith justification.

7. The Chairperson thanked the Members of the Committee and the Officials of the Ministries for appearing before them and explaining the rationale behind in the amendments proposed in the Bill related to their Ministries.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE THIRD SITTING OF THE COMMITTEE**

The third sitting of the Joint Committee was held on Tuesday, the 17<sup>th</sup> January, 2023 from 1100 hrs. to 1410 hrs. in Committee Room No 01, Extension to Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P. P. Chaudhary - Chairperson**

### **LOK SABHA**

2. Shri Rajendra Agrawal
3. Shri Girish Chandra
4. Shri Rattan Lal Kataria
5. Shri Rajiv Ranjan Singh, Alias Lalan Singh
6. Shri Pinaki Misra
7. Shri Sanjay Seth
8. Shri Uday Pratap Singh

### **RAJYA SABHA**

9. Shri Ghanshyam Tiwari
10. Shri Sukhendu Sekhar Ray
11. Shri G.V.L. Narasimha Rao
12. Shri Mahesh Jethmalani
13. Shri Narain Dass Gupta
14. Shri Vivek K Tankha

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Rahul Singh - Deputy Secretary



**WITNESSES**

Sl No.	Ministry/Department	Representatives
1.	The Ministry of Commerce & Industry (Department of Promotion of Industry and Internal Trade)	i. Ms. Manmeet K. Nanda, Joint Secretary ii. Ms. Supriya Devasthali, Director
2.	The Ministry of Environment, Forest and Climate Change	i. Ms. Leena Nandan, Secretary ii. Shri Chandra Prakash Goyal, Director General of Forests and Special Secretary
3.	The Ministry of Housing & Urban Affairs	i. Shri Manoj Joshi, Secretary ii. Shri Jaideep, OSD (UT) and ex officio Joint Secretary
4.	The Ministry of Law & Justice	i. Shri K. R. Saji Kumar, Joint Secretary & Legislative Counsel, Legislative Department ii. Ms. Sunita Anand, Joint Secretary & Legal Advisor, Department of Legal Affairs

2. At the outset, the Chairperson welcomed the Members and the Officials/Representatives of the Ministries to the third sitting of the Joint Committee convened about the proposed amendments pertaining to the Acts enforced by their Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

3. Thereafter, the Chairperson invited the Representatives of the Ministry of Environment, Forest & Climate Change to brief the Committee on the relevant enactments administered by their Ministry. The representatives of the Ministry explained the proposed amendments under the Acts - The Indian Forest Act, 1927(SI no 04 of the Schedule); The Air (Prevention and Control of Pollution) Act of 1981 (SI No 21 of the Schedule); The Environment (Protection) Act, 1986 (SI No 24 of the Schedule) and The Public Liability

Insurance Act, 1991 (S No 28 of the Schedule) through a power point presentation before the Committee.

4. The officials of the Ministry of Environment, Forest & Climate Change submitted that 09 penal provisions under the Acts proposed to be amended are to be partially decriminalised. The officials submitted that broad contours for continuing offences have been made in the form of penalty, additional penalty and then criminal provision. The Committee observed that the fine of Rupees Five Hundred imposed under the Sections 26 & 33 of the Indian Forest Act may be replaced with penalty and adjudicating mechanism may be set up. In the Air (Prevention and Control of Pollution) Act, 1981, violations pertaining Sections 22, 31A, 37, 38 and 39 are being proposed to be dealt with through imposition of financial penalties replacing prosecution in the court of law.

5. The Committee then were briefed on the Environment Protection Act 1986 wherein penal provision mentioned under the Act is proposed to be completely decriminalized by substituting it with penalty and additional penalty. Members asked certain clarifications on the amendments proposed by the Ministry and reasons for the same and Officials of the Ministries clarified. With respect to The Public Liability Insurance Act 2002, the officials informed that the provisions for substantial penalty are proposed be introduced for contravention and non-compliance of the provisions in place of imprisonment along with the insertion of provisions for utilization of Environment Relief Fund for restoration of public property and environmental damage by utilization and provided justifications for the said provisions to the Committee whereto the queries were raised on the amount of penalty being prescribed.

***(The Officials of MoEFCC withdrew and then the Representatives of the Ministry of Housing & Urban Affairs deposed before the Committee)***

6. Thereafter, the Chairperson invited the representatives of the Ministry of Housing and Urban Affairs to inform the Committee regarding proposed amendments by their department in the Metro Railways(Operation and Maintenance) Act, 2002 mentioned at SI No 33 of the Schedule to the Bill.

7. The representatives of the Ministry of Housing & Urban Affairs then submitted that the imprisonment and fine provisions under Sections 59(2), 63, 69(4) and 70 are proposed

to be converted to penalty; imprisonment and fine under Section 80 is proposed to be omitted and imprisonment tenure in Section 65 is proposed to be reduced. The Committee observed that imprisonment provisions under the Section 59(2) of the Act may be retained as the provisions deal with safety of the lives of the passengers. Members asked certain clarifications on the amendments proposed by the Ministry and reasons for the same and Officials of the Ministry clarified. The Chairperson also asked the officials to see consequential effects of the provisions being amended and accordingly adjustments to the proposed amendment may be made and furnished to the Committee.

9. The Chairperson thanked the Members of the Committee and the Officials of the Ministries for appearing before them and explaining the rationale behind in the amendments proposed in the Bill related to their Ministries.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE FOURTH SITTING OF THE COMMITTEE**

The fourth sitting of the Joint Committee was held on Tuesday, the 31<sup>st</sup> January, 2023 from 1500 hrs. to 1715 hrs. in Committee Room No 02, Extension to Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P. P. Chaudhary** - **Chairperson**

### **LOK SABHA**

2. Shri A. Raja
3. Shri Rajendra Agarwal
4. Dr. Venkata Satyavathi Beesetti
5. Shri Girish Chandra
6. Shri Gaurav Gogoi
7. Shri Rattan Lal Kataria
8. Adv. Dean Kuriakose
9. Smt. Poonamben Hematbhai Maadam
10. Shri Sougata Ray
11. Shri Sanjay Seth
12. Shri Uday Pratap Singh

### **RAJYA SABHA**

13. Shri Ghanshyam Tiwari
14. Shri Mahesh Jethmalani
15. Shri Narain Dass Gupta
16. Dr. Radha Mohan Das Agarwal
17. Dr. Kanimozhi NVN Somu
18. Shri Sujeet Kumar

## SECRETARIAT

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary

## WITNESSES

SI No.	Ministry/Department	Representatives
1.	The Ministry of Commerce & Industry (Department of Promotion of Industry and Internal Trade)	iii. Shri Anurag Jain, Secretary iv. Shri Rajeev Singh Thakur, Additional Secretary v. Ms. Shruti Singh, Joint Secretary vi. Ms. Manmeet K. Nanda, Joint Secretary vii. Ms. Supriya Devasthali, Director
2.	The Ministry of Commerce (Department of Commerce)	i. Shri Sunil Barthwal, Secretary ii. Shri Sridhar Baku Addanki, Executive Director, Tobacco Board iii. Dr. K. G. Jagadeesha, CEO & Secretary, Coffee Board iv. Dr. M Angamuthu, Chairman, APEDA v. Dr. K N Raghavan, Executive Director, Rubber Board vi. Shri D. Sathiyam, Secretary, Spices Board
3.	The Ministry of Law & Justice	i. Shri K. R. Saji Kumar, Joint Secretary & Legislative Counsel, Legislative Department ii. Ms. Sunita Anand, Joint Secretary & Legal Advisor, Department of Legal Affairs

2. At the outset, the Chairperson welcomed the Members of the Joint Committee on Jan Vishwas (Amendment of Provisions) Bill 2022 and the representatives of Ministry of Commerce and Industry and Ministry of Law and Justice.

3. The Chairperson made opening remarks about the Jan Vishwas (Amendment of Provisions) Bill 2022 and sought to know the changes being made by the Department for Promotion of Industry & Internal Trade and Department of Commerce in the Bill. The Chairperson also drew the attention of the officials to Directions 55 of Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The Ministry officials from DPIIT made a Power Point Presentation on the followings Acts and explained the existing provisions alongwith proposed amendments and also reasons for amendments.

- (i) Copyright Act, 1957 (Section 68 dealing with making false statement for deceiving or influencing any authority or office is being omitted);
- (ii) Patents Act, 1970 (Sections 120, 122 (sub-section (1) and (2)), 123 and 159 are being amended; Section 121 proposed to be omitted; New Section 124 AL regarding adjudication of penalty is proposed to be inserted;
- (iii) Trade Marks Act, 1999 – Sections 107, 140 and 157 are proposed to be amended; Sections 106, 108 and 109 are proposed to be omitted and a new Section 112 A is proposed to be inserted.
- (iv) Geographical Indications of Goods (Registration and Protection) Act, 1999 – 2 Sections (Sections 42 & 87) are proposed to be amended; Section 43 & 44 are proposed to be omitted; and a new Section 37 A is proposed to be inserted.
- (v) In the Boilers Act, 1923 – Amendment of section 22 seeks to insert a new clause (iv) in Section 22 by omitting similar provision (clause (d)) in Section 24; Section 23 is being substituted by a new Section 23 dealing with penalties for illegal use of boiler; and in Section 24 dealing with other penalties, clauses (a), (b) and (d) are proposed to be removed by inserting clause (a) & (b) in proposed new Section 23.
- (vi) In the Industries (Development & Regulation) Act, 1951, section 24 (1), which has provision for imprisonment and fine, is being replaced with enhanced fine; Section 24 A dealing with penalty for false statement is being omitted.

5. The officials of Department of Commerce then made a presentation regarding the Rubber Act, 1947, the Tea Act 1953, the MPEDA Act, 1972 and the Spices Board Act, 1986.  
Now

- (i) In the Rubber Act 1947 Section 11, 13 and 26 are proposed to be amended which dealt with punishment for contravention of provisions under the Act.
- (ii) Under the Tea Act, 1953, the Sections 38, 39, 40, 41 & 42 are proposed to be amended by omitting them which will facilitate ease of doing business and provide fair benefits to all stakeholders.
- (iii) Under the MPEDA Act, 1972, Sections 20 (3), 23, 24 and 25 are proposed to be amended to replace imprisonment and fine with penalty. The proposed amendment will reduce regulatory compliance burden on marine exporters and prevent fear of undue harassment among stakeholders.
- (iv) The Spices Board Act 1986 prescribed criminal penalties for offences under the Act vide Section 27, 28, 29 and 30. Amendments have been proposed and Section 27, 29 and 30 to substitute punishment of imprisonment with civil penalty. Section 28 has been proposed for deletion to facilitate deregulation and trade.

Members sought clarifications on some of the provisions on some of the Acts and the concerned Ministry officials clarified them.

6. At the end, the Chairperson thanked all the Members and officials who participated in the discussions. The Committee authorized the Chairperson to finalise a Study Visit in connection with the examination of Bill to consult the various stakeholders at a suitable date.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE FIFTH SITTING OF THE COMMITTEE**

The Committee sat on Monday, the 6<sup>th</sup> February, 2023 from 1500 hrs to 1720 hrs in Committee Room 'C', Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P.P. Chaudhary – Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Uday Pratap Singh
3. Shri Sanjay Seth
4. Smt. Poonamben Hematbhai Maadam
5. Smt. Poonam Pramod Mahajan
6. Smt. Aparajita Sarangi
7. Shri Rajendra Agrawal
8. Shri Rattan Lal Kataria

#### **RAJYA SABHA**

9. Shri Ghanshyam Tiwari
10. Shri G.V.L. Narasimha Rao
11. Shri Mahesh Jethmalani
12. Dr. Radha Mohan Das Agarwal
13. Shri Vivek K. Tankha
14. Shri Narain Dass Gupta
15. Shri Sujeet Kumar

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary



## WITNESSES

<b>Sl No</b>	<b>Ministry/Department</b>	<b>Representatives</b>
1.	Ministry of Finance (Department of Financial Services)	i. Shri Suchindra Misra – Additional Secretary ii. Shri Pankaj Sharma – Joint Secretary
2.	Ministry of Finance (Department of Economic Affairs)	i. Shri Rajeev Saksena – Joint Secretary ii. Ms. Aparna Bhatia – Advisor
3.	Ministry of Finance (Department of Revenue)	i. Shri Ritvik Pandey – Joint Secretary ii. Shri Amit Gunvant Bhole – Deputy Secretary
4.	Ministry of Commerce & Industry (Department for Promotion of Industry & Internal Trade )	i. Ms. Manmeet K. Nanda - Joint Secretary ii. Ms. Supriya Devasthali - Director
5.	Ministry of Law & Justice	i. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel, Legislative Department ii. Dr. Amit Tyagi – Deputy Legal Advisor, Department of Legal Affairs

2. At the outset, the Chairperson welcomed the Members and Officials/Representatives of the Ministries to the Sitting convened to have briefing about the proposed amendments pertaining to the Acts enforced by respective Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022. The Chairperson also informed about the Confidentiality Clause of the proceedings and need to keep away from the Press until the Report is presented to Houses.

3. Before the Officials started their briefing, the Members of the Committee expressed their displeasure over the absence of Secretaries of all the three Departments who were scheduled to appear before the Committee. The Members of the Committee expressed their views that the final decision before the Committee need to be committed by the highest ranking officials of the Ministries namely, the Secretary of the concerned department. The

Chairperson, while informing that the Secretaries had sought leave of absence a day prior to the sitting, gave a direction to the Officials present of the concerned Ministries and DPIIT to convey the unhappiness of the Committee to them and ensure that they appear before the Committee in the future.

4. The Officials of Department of Financial Services made a power point presentation regarding the following 5 Acts administered by them and the amendments proposed in the Bill for decriminalization.

- i. The Deposit Insurance and Credit Guarantee Corporation Act, 1961,
- ii. The Payment and Settlement Systems Act, 2007,
- iii. The Factoring Regulation Act, 2011,
- iv. The National Housing Bank Act, 1987 and,
- v. The National Bank for Agriculture and Rural Development Act, 1981.

In the DICGC Act, 1961, Section 47(2) is proposed to be amended to replace the existing provisions for imposition of fine with penalty. Similarly, the consequential insertions proposed to provide for the manner of levying and recovery of penalty.

5. In the Payment and Settlement System Act, 2007, Sections 26(3) and 26(6) are proposed to be amended for minor procedural failure by replacing provision of imposition of fine with penalty. It is also proposed to amend Section 30 as consequential amendment providing for the manner of levying penalty by RBI.

6. The Officials then briefed about the Factoring Regulation Act, 2011 wherein Section 21 is proposed to be amended by replacing the provision of imposition of fine with penalty by RBI. Also, consequential insertions are being proposed in Section 22 to provide for manner of levying and recovering of penalty by RBI.

7. Under the National Housing Bank Act, 1987, sub-section (2), (2B), (3) and (4) of Section 49 are proposed to be omitted from that section by suitably inserting those in Section 52, thereby, replacing the provision of imposition of fine with penalty by NHB and RBI. Section 33(c) is also proposed to be inserted to debar or remove the Auditor in case of failure to comply with any direction given by NHB and RBI.

8. The officials then explained the rationale behind amending Section 56(2) of the Act where under it is proposed to replace imposition of fine with imposition of penalty by

NABARD. There are also consequential insertions proposed in Section 56 to provide for manner of levying and recovery of penalty by NABARD.

***(The Officials of DoFS withdrew and then the Representatives of the Department of Economic Affairs (DoEA) deposed before the Committee)***

9. The Officials of Department of Economic Affairs briefed the Committee about the proposed omission of Section 27 in the Public Debt Act, 1944. One of the reasons provided was no instance of invocation of Section 27 of Public Debt Act, 1944 so far.

10. Then the Committee were informed about the amendments proposed in Section 10 of the High Denomination Banknotes (Demonetization) Act, 1978. This Act provide to eliminate possible use of the legal tender character of notes of Rs. 1000, Rs. 5000 and Rs. 10000 denominations issued by RBI for financing transactions which are harmful to national economy. The Committee sought to know whether this amendment is really needed or the entire Act can be repealed.

11. The Committee were then briefed about the proposed amendments in Section 30(1) of the Government Securities Act, 2006 which propose to provide for replacing the existing imprisonment and/or fine with fine only.

***(The Officials of DoEA withdrew and then the Representatives of the Department of Revenue were called before the Committee)***

12. The Committee were then briefed by officials of Department of Revenue regarding the proposed amendments in the Prevention of Money Laundering Act, 2002. It was informed that these changes are consequential to decriminalization of certain offences in respective enactments and since these offences are being decriminalized, they may be deleted from the Schedule to the PMLA, 2002. The Committee made a general observation that based on the suggestions made by Members, the modifications suggested in the proposed amendments may be examined by the respective Departments and a statement be prepared about their acceptance or otherwise with reasons for consideration of the Committee during clause by clause consideration of the Bill.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE SIXTH SITTING OF THE COMMITTEE**

The Committee sat on Tuesday, the 7<sup>th</sup> February, 2023 from 1500 hrs. to 1715 hrs in Committee Room No.1, Extension to Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P.P. Chaudhary – Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Dr. Sanjay Jaiswal
3. Shri Sanjay Seth
4. Smt. Poonam Pramod Mahajan
5. Smt. Aparajita Sarangi
6. Shri Rajendra Agrawal
7. Shri Rattan Lal Kataria
8. Adv. Dean Kuriakose
9. Dr. Venkata Satyavathi Beesetti
10. Shri Girish Chandra

#### **RAJYA SABHA**

11. Shri Mahesh Jethmalani
12. Shri Vivek K. Tankha
13. Shri Narain Dass Gupta
14. Shri Sujeet Kumar

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary

## WITNESSES

<b>Sl No</b>	<b>Ministry/Department</b>	<b>Representatives</b>
1.	Ministry of Health and Family Welfare (Department of Health & Family Welfare)	iii. Shri Rajesh Bhushan – Secretary iv. Shri G. Kamala Rao – CEO, FSSAI v. Dr. V.G. Somani – DCGI vi. Shri Sachin Mittal – Joint Secretary vii. Shri Rajiv Wadhawan – Advisor
2.	Ministry of Railways	i. Ms. Jaya Varma Sinha - Member (Operation & Business Development) & ex-officio Secretary ii. Shri Jyoti Kumar Satija- DIG (Projects) iii. Shri Ratnesh Kumar Jha - Executive Director (Public Grievances) iv. Shri Vipul Singhal - Director (Passenger Marketing)
3.	Ministry of Road, Transport & Highways	i. Smt. Alka Upadhyaya – Secretary ii. Shri Mahmood Ahmed – Additional Secretary iii. Dr. Piyush Jain – Director, MVL iv. Shri Shaaswat Jindal - Legal Consultant
4.	Ministry of Commerce & Industry (DPIIT)	i. Ms. Manmeet K. Nanda - Joint Secretary ii. Ms. Supriya Devasthali - Director
5.	Ministry of Law & Justice	i. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel, (Legislative Department) ii. Dr. Amit Tyagi – Deputy Legal Advisor (Department of Legal Affairs)

2. At the outset, the Chairperson welcomed Members and the Officials/Representatives of the Ministries to the Sitting convened to have briefing about the proposed amendments pertaining to the Acts enforced by their Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

3. The Chairperson asked the Representatives of Department of Health and Family Welfare to brief about the reasons for the proposed amendments in the (i) The Drugs and

Cosmetics Act, 1940 (SI No. 6 in the Schedule), (ii) The Food Safety and Standards Act, 2006 ( SI No. 35 in the Schedule) and (iii) The Pharmacy Act, 1948 ( SI No. 9 in the Schedule) . The Officials of the Ministry made a power-point presentation giving reasons behind the amendments in the Acts proposed in the Bill. The Committee observed that in the Food Safety and Standards Act, 2006, the proposed amendments to Sections 59(i), 61 and 63 provide for removal of imprisonment clause and increase of fine and suggested that since the said Sections deal with unsafe food, false information and carrying out a business without licence and can harm larger public, the provision for imprisonment may be retained; the term of 'imprisonment' may be reduced to three months in Sections 59 (i) and 63.

4. Similarly, in the Pharmacy Act, 1948, the proposed amendments in Section 26 A(3), Section 41(1) and Section 42(2) provide for removal of imprisonment clauses and increase in fine and also compounding of the fine. The Committee noted that these Sections deal with willfully obstructing an Inspector in the exercise of powers under the Pharmacy Act, 1948, penalty for false claim as registered and dispensing by unregistered persons, and therefore, these are all serious issues which can impact a larger public and suggested that the imprisonment clauses may be retained upto three months instead of six months so as to ensure effective deterrent in place.

***(The Officials of MoHFW withdrew and then the Representatives of the Ministry of Railways were called before the Committee)***

5. The Committee then were briefed by the Officials of the Ministry of Railways about the proposed amendment in Section 144(2) of the Railway Act, 1989 mentioned at S. No. 27 in the Schedule to the Bill. The proposed amendment relates to begging in any railway carriage or any part of the Railway for which at present the punishment is of imprisonment or fines. It is now being proposed to do away with this punishment provision. The Committee agreed with the reasoning provided by the Officials of Ministry of Railways but observed that there are penalties for offences like presence in platform without valid platform ticket, unauthorized travelling in train, indecent behavior due to inebriated state, etc. which attract imprisonment and court interventions and cases drag for several years, which need to be decriminalized. Therefore, the Committee observed that the Ministry should revisit other penal provisions in the Railways Act, 1989 and decriminalize as many provisions for offences of minor nature as has been done by other Ministries, which have examined many

of the provisions and brought amendments to make and facilitate ease of living and ease of doing business.

***(The Officials of Ministry of Railways withdrew and then the Representatives of the Ministry of Road, Transport and Highway deposed before the Committee)***

6. The Committee were then briefed by the Officials of Ministry of Road, Transport and Highways on the proposed amendments in the Motor Vehicle Act, 1988 as mentioned at S. No. 26 in the Schedule to the Bill. The proposed amendments pertain to decriminalization of minor offences and relate to Section 192(a), Section 200(1) and Section 215. It was elaborated that Section 192 (a), relating to using vehicle without permit which attracts imprisonment of one year, has been proposed to be modified to imprisonment 'and/or' fine as it is treated to be an anomaly and not a major offence. The Section 200(1) refers to composition of certain offences and Section 177(a), 192B(3) and Section 201 have been included under this Section for compounding of offences. These Offences are very minor in nature and hence will be dealt with administrative authority. The Third amendment relates to Section 215 which provides for constitution of District Road Safety Committee and where the State Governments have not constituted these Committees, then the Central Government shall constitute these Committees on prescribed terms and conditions and shall consist of a Chairperson and such other Members of the Central Government as considered necessary. The Committee pointed out that the amendment proposed in the Bill has only one provision and the power point presentation of the Ministry provides for two provisions and suggested that the Ministry should do necessary action to rectify the anomaly.

7. The Committee made a general observation that all the Ministries should examine the suggestions made by the Committee and come out with their considered responses during the clause by clause examination of the Bill.

8. The Chairperson thanked the Members of the Committee and the Officials of the Ministries for appearing before them and explaining the rationale behind in the amendments proposed in the Bill related to their Ministries.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE**

The Committee sat on Thursday, the 9<sup>th</sup> February, 2023 from 1500 hrs. to 1915 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P.P. Chaudhary – Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Uday Pratap Singh
3. Shri Sanjay Seth
4. Shri Khagen Murmu
5. Smt. Poonam Pramod Mahajan
6. Smt. Aparajita Sarangi
7. Shri Rajendra Agrawal
8. Adv. Dean Kuriakose
9. Dr. Venkata Satyavathi Beesetti

#### **RAJYA SABHA**

10. Shri Ghanshyam Tiwari
11. Shri Mahesh Jethmalani
12. Shri Narain Dass Gupta

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary



## WITNESSES

<b>SI No</b>	<b>Ministry/Department</b>	<b>Representatives</b>
1.	Ministry of Information & Broadcasting	<ul style="list-style-type: none"><li>i. Sh. Apurva Chandra – Secretary</li><li>ii. Ms. Neerja Sekhar – Addl. Secretary</li><li>iii. Sh. Vikram Sahay – Joint Secretary</li><li>iv. Sh. Sanjiv Shankar – Joint Secretary</li><li>v. Sh. Prithul Kumar – Joint Secretary</li></ul>
2.	Ministry of Statistics and Programme Implementation	<ul style="list-style-type: none"><li>i. Dr. G.P. Samanta – Secretary (S&amp;PI) &amp; Chief Statistician of India</li><li>ii. Dr. Bivas Chaudhuri – Addl. Director General</li><li>iii. Sh. Ghan Shayam – Addl. Director General</li><li>iv. Sh. Tanweer Qamar Mohammad – Joint Secretary</li><li>v. Sh. Parveen Shukla – Dy. Director General</li><li>vi. Shri C.K. Jha – Dy. Director General</li></ul>
3.	Ministry of Communications (Department of Posts)	<ul style="list-style-type: none"><li>i. Shri Vineet Pandey – Secretary</li><li>ii. Shri Jagannath Srinivasan – DDG (PO)</li><li>iii. Ms. Aparajita Mridha – ASP</li></ul>
4.	Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs)	<ul style="list-style-type: none"><li>i. Shri Rohit Kumar Singh – Secretary</li><li>ii. Ms. Nidhi Khare – Addl. Secretary</li><li>iii. Shri Anupam Mishra – Joint Secretary</li></ul>
5.	Ministry of Defence (Department of Defence)	<ul style="list-style-type: none"><li>i. Smt. Nivedita Shukla Verma – Spl. Secretary</li><li>ii. Shri Rakesh Mittal – Joint Secretary</li><li>iii. Smt. Sharmishta Maitra – Director</li><li>iv. Shri Ajay Kumar Sharma – DGDE</li><li>v. Smt. Sonam Yangdol – Addl. DG</li></ul>

- (Cantts)
- vi. Shri Daman Singh – DDG (Cantts)
6. Ministry of Ports, Shipping & Waterways
- i. Shri Sudhansh Pant – Secretary
- ii. Shri Rajesh Kumar Sinha – Addl. Secy (PS&W)
- iii. Shri Sanjay Bariar – ADG (DG Shipping)
- iv. Shri Mandeep Singh Randhava – Director
7. Ministry of Commerce & Industry (DPIIT)
- i. Ms. Manmeet K. Nanda - Joint Secretary
- ii. Ms. Supriya Devasthali - Director
8. Ministry of Law & Justice
- i. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel, Legislative Department
- ii. Dr. Amit Tyagi – Deputy Legal Advisor, Department of Legal Affairs

2. At the outset, the Chairperson welcomed Members and the Officials/Representatives of the Ministries to the Sitting convened to have briefing about the proposed amendments pertaining to the Acts enforced by their Departments in the Schedule of the Jan Vishwas (Amendment of Provisions) Bill, 2022. A general comment was made by the Committee for all the Ministries to examine the suggestions made as per the deliberations of the Committee thereto to Amendments proposed under the respective Acts being administered by the respective Ministries/Departments and submit a statement of their responses during the clause by clause consideration of the Bill.

3. The Chairperson asked the Representatives of Ministry of Information and Broadcasting to provide a briefing about the reasons for the proposed amendments in the (i) The Press and Registration of Books Act, 1867, (ii) The Cinematography Act, 1952 and (iii) the Cable Television Networks (Regulation) Act, 1995 mentioned at Sl. Nos. 01, 11 & 29 of the schedule to the Bill.

4. The Representatives of the Ministry explained the proposed changes in the Press and Registration of Books, Act, 1867 wherein Section 12, 13, 14, 15A, 16, 16A, 16B, 17 and 19L are being amended and there are consequential changes in 8C(1), 8C(2) and 19K. Then the Cinematography Act, 1952 was taken up and the proposed amendments in Section 7(1)(a)(i), 7(1)(a)(ii), 7(1)(a)(iia), 7(1)(b), 7(1)(c) and provisions in Section 7(1) alongwith new provisions in sub-section (4) in Section 7, sub-section (2) of Section 8 and Section 14. Then the Representatives of the Ministry explained the amendments proposed in Section 16(1), Section 16(2), Section 16(3), Section 17 and Section 18 and insertion of new provisions in Section 22(2) of the Cable Television Networks (Regulation) Act, 1995. Members asked certain clarifications on the amendments proposed by the Ministry and reasons for the same and Officials of the Ministries clarified.

5. The Chairperson then asked the Representatives of Ministry of Statistics & Programme Implementation to provide a briefing about the reasons for the proposed amendments in The Collection of Statistics Act, 2008, mentioned at Sl. No. 39 of the Schedule to the Bill. The Officials of the Ministry submitted that Sections 16, 17, 18, 19, 20, 21 and 22 are proposed to be omitted. Section 15 (1) and Section 15(2) are being amended to increase the fine.

6. The Chairperson then asked the Representatives of the Department of Posts of the Ministry of Communication to provide a briefing about the reasons for the proposed amendments in The Indian Post Office Act, 1898 mentioned at Sl. No. 02 of the Schedule to the Bill. The Officials of the Ministry submitted that Section 49 to 72 (23 Sections) are proposed to be omitted in the Bill due to being outdated and are not relevant any more and other extant rules, laws and provisions can be applied to serve the same purpose.

***(The Officials withdrew and then the next set of Representatives of the Ministries/Departments namely Department of Consumer Affairs, Department of Defence and Ministry of Shipping, Ports and Waterways were called before the Committee)***

7. The Chairperson then asked the Representatives of Department of Consumer Affairs to provide a briefing about the reasons for the proposed amendments in the Legal Metrology Act, 2009, mentioned at Sl. No. 40 of the Schedule to the Bill. The Representatives of the Department submitted that Section 25 to 47 of LM Act, 2009 provides for various penalties

by way of levy of fine in case of first offence and either imprisonment or fine or both in case of second and subsequent offence. The amendment of eight Sections namely Section 25, 27, 28, 29, 31, 34, 35 and 48 has been proposed in the Bill to decriminalize certain minor offences.

8. The Chairperson then asked the Representatives of Department of Defence to provide a briefing about the reasons for the proposed amendments in the Cantonments Act, 2006, mentioned at Sl. No. 37 of the Schedule to the Bill. The Representatives of the ministry informed that Section 156, 185, 285, 286, 287, 289, 300, 314, 331, 332 and Schedule IV are proposed for amendments. The Officials made a power point presentation explaining the existing and proposed amendments alongwith justification. Regarding Section 156, 285, 286, 287(1), 289(5), 301, the Committee sought a more detailed response for the justification on the amendments. The Committee advised the Officials to examine the applicability of other Acts in this Section and take a final decision when they appear before the Committee when it takes up Clause by Clause consideration of the Bill.

9. The Chairperson then asked the Representatives of Ministry of Ports, Shipping & Waterways to provide a briefing about the reasons for the proposed amendments in the Merchant Shipping Act, 1958, mentioned at Sl. No. 14 of the Schedule to the Bill. The Representatives of the Ministry informed the Committee that under Section 436(2) of the Merchant Shipping Act, 1958, there is an entire table which provides for penalties and fines for offences committed under this Act. In the proposed amendments, the guiding principle is to decriminalize minor offences and reduce the punishment from imprisonment and/or fine or both to penalty. A new provision for compounding of contravention and imposition of penalty by executive authority is being proposed. Members sought clarifications and officials gave replies to the same.

10. The Chairperson thanked the Members of the Committee and the Officials of the Ministries for appearing before them and explaining the rationale behind in the amendments proposed in the Bill related to their Ministries.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE**

The eighth sitting of the Joint Committee was held on Thursday, the 16<sup>th</sup> February, 2023 from 1100 hrs. to 1430 hrs. in Committee Room No G074, Parliament Library Building, New Delhi.

### **PRESENT**

**Shri P. P. Chaudhary - Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Girish Chandra
3. Dr. Sanjay Jaiswal
4. Shri Rattan Lal Kataria
5. Smt. Poonam Pramod Mahajan
6. Shri Pinaki Misra
7. Shri Khagen Murmu

#### **RAJYA SABHA**

8. Shri Ghanshyam Tiwari
9. Shri Vivek K Tankha
10. Shri Narain Dass Gupta
11. Dr. Radha Mohan Das Agrawal

### **SECRETARIAT**

1. Shri H Ram Prakash - Director
2. Shri Rahul Singh - Deputy Secretary
3. Smt. Maya Menon - Under Secretary

## WITNESSES

SI No	Ministry/Department	Representatives
1	Ministry Of Commerce & Industry (Department For Promotion Of Industry & Internal Trade)	<ul style="list-style-type: none"> <li>i. Shri Anurag Jain, Secretary</li> <li>ii. Shri R. S. Thakur, Additional Secretary</li> <li>iii. Ms. Shruti Singh, Joint Secretary</li> <li>iv. Ms. Manmeet Nanda, Joint Secretary</li> <li>v. Ms. Supriya Devasthali, Director</li> </ul>
2	Ministry Of Commerce & Industry (Deptt. Of Commerce)	<ul style="list-style-type: none"> <li>i. Shri Rajesh Agrawal, Addl. Secretary</li> <li>ii. Dr. K.N. Raghavan, Executive Director, Rubber Board</li> <li>iii. Shri D. Sathiyam, Secretary, Spices Board</li> <li>iv. Shri K.S. Pradeep, Secretary, MPEDA</li> <li>v. Shri Saurav Pahari, Deputy Chairman, Tea Board</li> <li>vi. Shri Neeraj Gaba, Director,</li> <li>vii. Shri Praveen Kumar, Director</li> </ul>
3	Ministry of Consumer Affairs, Food and Public Distribution (Deptt. Of Consumer Affairs)	<ul style="list-style-type: none"> <li>i. Ms. Nidhi Khare, Addl. Secretary</li> <li>ii. Shri Anupam Mishra, Joint Secretary</li> <li>iii. Shri N. Natarajan, Director</li> </ul>
4	Ministry Of Communications (Deptt. Of Posts)	<ul style="list-style-type: none"> <li>i. Shri Vineet Pandey, Secretary</li> <li>ii. Shri Jagannath Srinivasan, DDG(PO)</li> </ul>
5	Ministry Of Finance (Department Of Economic Affairs)	<ul style="list-style-type: none"> <li>i. Shri Ajay Seth, Secretary</li> <li>ii. Shri Ashish Vachhani, Addl.Secretary(Budget)</li> <li>iii. Shri Rajev Saksena, Joint Secretary(Investment)</li> <li>iv. Ms. Aparna Bhatia, Advisor (BP&amp;CT)</li> </ul>
6	Ministry Of Finance (Department Of Financial Services)	<ul style="list-style-type: none"> <li>i. Shri Suchindra Misra, Additional Secretary</li> <li>ii. Shri Pankaj Sharma, Joint Secretary</li> </ul>

		<ul style="list-style-type: none"> <li>iii. Ms. Sushma Kindo, Joint Director</li> <li>iv. Shri Raghav Bhatt, Deputy Director</li> <li>v. Shri Shubhranshu Shekhar, OSD</li> </ul>
7	Ministry Of Railways	<ul style="list-style-type: none"> <li>i. Ms. Jaya Varma Sinha, Member (Operation &amp; Business Development) &amp; ex-Officio Secretary, Railway Board</li> <li>ii. Shri Ratnesh Kumar Jha, Executive Director (Public Grievances), Railway Board</li> <li>iii. Shri Vipul Singhal, Director (Passenger Marketing), Railway Board</li> </ul>
8	Ministry of Food & Public Distribution	<ul style="list-style-type: none"> <li>i. Shri Sanjeev Chopra, Secretary</li> <li>ii. Shri Ashok K.K. Meena, CMD</li> <li>iii. Shri Subodh Kumar Singh, Addl. Secretary</li> <li>iv. Shri Amit Kumar Singh, MD</li> </ul>
9	Ministry Of Health And Family Welfare (Department Of Health & Family Welfare)	<ul style="list-style-type: none"> <li>i. Shri Rajesh Bhushan, Secretary</li> <li>ii. Shri G. Kamala Vardhana Rao, CEO, FSSAI</li> <li>iii. Dr. V.G. Somani, DCGI</li> <li>iv. Shri Sachin Mittal, Joint Secretary</li> <li>v. Shri Rajiv Wadhawan, Advisor</li> </ul>
10	Ministry of Law & Justice	<ul style="list-style-type: none"> <li>i. Ms. Sunita Anand, Joint Secretary &amp; Legal Advisor (Department Of Legal Affairs)</li> <li>ii. Shri. K. R. Saji Kumar, Joint Secretary and Legislative Counsel, (Legislative Department)</li> <li>iii. Shri Vinay Kumar Mishra, Deputy Legislative Counsel, (Legislative Department)</li> </ul>

2. At the outset, the Chairperson welcomed the Members and the Officials/Representatives of the Ministries to the eighth sitting of the Joint Committee

convened for Clause by Clause consideration of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

3. Thereafter, the Chairperson invited the Representatives of the Department for Promotion of Industry and Internal Trade to brief the Committee on the revisions made as per the deliberations held during the sittings of the Committee in the amendments proposed to the Acts mentioned at SI No 03, 13, 31, 10, 18 and 30 in the Schedule to the Bill. The representatives of the Ministry submitted that all the suggestions made by the Committee have been accepted by their Department and accordingly incorporated except for the suggestion made regarding applicability of the amendments to the cases pending before the courts with retrospective effect.

***(The Officials of DPIIT then withdrew and then the Representatives of the Department of Posts were called before the Committee)***

4. The officials of the Department of Posts of the Ministry of Communications submitted that in order to decriminalise, sections 49 to 72 of the Indian Post Office Act, 1898 are proposed to be omitted under the Bill and the Committee have accepted the same. No further amendments have been proposed to the proposed amendments under the Bill.

***(The Officials of Department of Posts (DoP) withdrew and then the Representatives of the Department of Economic Affairs were invited before the Committee)***

5. Thereafter, the representatives of the Department of Economic Affairs informed the Committee that as per the suggestions of the Committee, the amendment to Section 3 (1) of the Government Securities Act 2006, has been accepted to modify the fine with penalties and accordingly make consequential changes. For the High Denomination Banknotes (Demonetization) Act, 1944, the Ministry officials said they had accepted the suggestions of the Committee and that the Act may be repealed. The Committee asked the representative of Ministry of Law & Justice to provide a draft for the same for consideration and adoption of the Bill.

***(The Officials of DEA withdrew and then the Representatives of the Department of Commerce deposited before the Committee)***



6. The representatives of the Department of Commerce then presented their statement on the revisions made as per the suggestions made by the Committee. The officials submitted that mechanism for adjudication & appeal has been included wherever fines/imprisonment has been replaced with penalties. The Officials informed that the Ministry has accepted all the suggestions of the Committee and has made necessary changes in the Act and showed them in their powerpoint presentation. The Committee observed that separate sections for adjudication and appellate mechanism may be made while considering the amendments proposed under the Marine Products Export Development Authority Act, 1972. The Committee raised queries over the revision being made to amendments and the officials accordingly clarified. The officials of Ministry of Law and Justice were asked to provide the revised draft as per the Committee deliberations for consideration and adoption of the Bill. Clause by Clause amendments proposed by Member Adv. Dean Kuriakose in relation to Section 11, sub section (3); Section 13, sub section (3) and Section 26, sub section (1) of the Rubber Act, 1947 and Section 38 to 42 of the Tea Act, 1953 were considered by the Committee and not accepted.

***(The Officials withdrew and then the Representatives of the Ministry of Railways were called before the Committee)***

7. The representatives of the Ministry of Railways were called upon to explain their position on the suggestions made by the Committee. The officials informed the Committee that they are modifying provisions in relation to begging inside Railway carriage or premises and will review other provisions of the Act. The Committee observed that there is more scope for decriminalising the provisions in the Railway Act and asked the Ministry to explore and identify other provisions wherever decriminalization can be carried out.

***(The Officials of Railways withdrew and then the Representatives of Department of Consumer Affairs were called before the Committee)***

8. The officials of the Department of Consumer Affairs submitted to the Committee that in relation to Section 25 of the Legal Metrology Act, 2009, the amount of fine for the first offence, second offence, and for the third and subsequent offence, has been revised as per the suggestions of the Committee to Rupees one lakh, two lakh and upto five lakh

respectively. Rest of the suggestions of the Committee were also accepted by the Ministry and revisions were made accordingly and shown in the powerpoint presentation.

***(The Officials of DoCA withdrew and then the Representatives of the Department of Health & Family Welfare appeared before the Committee)***

9. Thereafter, the Chairperson invited the representatives of the Ministry of Health & Family Welfare to brief the Committee regarding the views of the Ministry on suggestions of the Committee for the Acts mentioned at SI No 6, 9 and 35 of the Schedule to the Bill. The Officials of the Ministry stated that the suggestions of the Committee regarding Section 29 and 30 (2) under the Drugs and Cosmetics Act, 1940; Section 59 (i), 61 and 63 under the Food Safety and Standards Act, 2006; and Section 26 A, 41 and 42 under the Pharmacy Act, 1948 have been accepted and necessary changes made in the provisions were shown to the Committee in their presentation. Clause by clause amendments proposed by Member Adv. Dean Kuriakose for Section 30, sub section (2) and Section 32 B sub section (1) were discussed by the Committee and not accepted.

***(The Officials of MoHFW withdrew and then the Representatives of the Department of Financial Services were called before the Committee)***

10. The representatives of the Department of Financial Services were called upon to explain their position on the suggestions made by the Committee in the proposed amendments in the Bill relating to the Ministry. The officials informed that in the 4 Acts being administered by the respective department, they have accepted all the suggestions of the Committee and revision in accordance have been made and submitted to the Committee. The Committee observed lack of clarity over the issuance of notice in the context of Section 47 (4) of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 and sought clarification with the Legislative Department of the Ministry of Law & Justice. The Committee also asked the ministry officials to revisit the connotation of principal civil court as mentioned in sub-section (3) of Section 56 of the National Bank for Agriculture and Rural Development Act, 1981, so as to bring harmony in interpretation and designation.

***(The Officials of DoFS withdrew and then the Department of Food and Public Distribution were called before the Committee)***

11. The officials of the Department of Food and Public Distribution submitted that amendments proposed as per the suggestions of the Committee to the Amendments proposed to the Acts under the Bill mentioned in SI No 06, 09 and 35 of the Schedule were accepted by the Committee.

12. The Chairperson directed that the amendments agreed to by the Committee may be incorporated in the Bill alongwith consequential amendments, wherever necessary. The Chairperson then thanked the Members of the Committee and the Officials of the Ministries for appearing before them.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE NINTH SITTING OF THE COMMITTEE**

The Committee sat on Friday, the 17<sup>th</sup> February, 2023 from 1100 hrs. to 1345 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P.P. Chaudhary – Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Shri Uday Pratap Singh
3. Shri Khagen Murmu
4. Smt. Poonam Pramod Mahajan
5. Shri Rajendra Agrawal
6. Shri Rattan Lal Kataria
7. Dr. Venkata Satyavathi Beesetti

#### **RAJYA SABHA**

8. Shri Ghanshyam Tiwari
9. Shri Mahesh Jethmalani
10. Dr. Radha Mohan Das Agarwal
11. Shri Vivek K. Tankha
12. Dr. Kanimozhi NVN Somu
13. Shri Narain Dass Gupta

#### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary

## WITNESSES

<b>SI No</b>	<b>Ministry/Department</b>	<b>Representatives</b>
1.	Ministry of Information & Broadcasting	<ul style="list-style-type: none"><li>i. Sh. Apurva Chandra – Secretary</li><li>ii. Ms. Neerja Sekhar – Addl. Secretary</li><li>iii. Sh. Vikram Sahay – Joint Secretary</li><li>iv. Sh. Sanjiv Shankar – Joint Secretary</li></ul>
2.	Ministry of Defence (Department of Defence)	<ul style="list-style-type: none"><li>i. Smt. Nivedita Shukla Verma – Spl. Secretary</li><li>ii. Shri Rakesh Mittal – Joint Secretary</li><li>iii. Smt. Sharmishta Maitra – Director</li><li>iv. Shri Ajay Kumar Sharma – DGDE</li><li>v. Smt. Sonam Yangdol – Addl. DG (Cantts)</li><li>vi. Maj. Gen. R.S. Rawal – ADG (LWE)</li></ul>
3.	Ministry of Ports, Shipping & Waterways	<ul style="list-style-type: none"><li>i. Shri Sudhansh Pant – Secretary</li><li>ii. Shri Rajesh Kumar Sinha – Addl. Secy (PS&amp;W)</li><li>iii. Shri Mandeep Singh Randhava – Director</li></ul>

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| 4. | Ministry of Statistics and Programme Implementation                                     | <ul style="list-style-type: none"> <li>i. Dr. G.P. Samanta – Secretary (S&amp;PI) &amp; Chief Statistician of India</li> <li>ii. Sh. Ghan Shayam – Addl. Director General</li> <li>iii. Sh. Parveen Shukla – Dy. Director General</li> </ul>   |
| 5. | Ministry of Environment, Forest and Climate Change                                      | <ul style="list-style-type: none"> <li>i. Ms. Leena Nandan – Secretary</li> <li>ii. Shri Chandra Prakash Goyal – DGF &amp; SS</li> <li>iii. Shri Bivash Ranjan – ADGF</li> <li>iv. Shri Naresh Pal Gangwar – Addl. Secretary</li> <li>v. Shri R. Raghu Prasad – IG of Forests</li> </ul>       |
| 6. | Ministry of Electronics & Information Technology  | <ul style="list-style-type: none"> <li>i. Shri Alkesh Kumar Sharma – Secretary</li> <li>ii. Shri Amit Agrawal – Addl. Secretary</li> <li>iii. Ms. Vidushi Chaturvedi – DDG</li> <li>iv. Shri Atul Kumar Chaudhary – DDG</li> <li>v. Shri Rakesh Maheshwari – Scientist 'G' &amp; GC</li> </ul> |
| 7. | Ministry of Housing and Urban Affairs   | Shri Jaideep – JS & OSD  |
| 8. | Ministry of Finance (Department of Revenue)   | Shri Sanjay Malhotra - Secretary   |
| 9. | Ministry of Agriculture & Farmers Welfare (Department of Agriculture & Farmers Welfare) | <ul style="list-style-type: none"> <li>i. Shri Manoj Ahuja - Secretary</li> <li>ii. Dr. Vijaya Lakshmi Nadendla - Joint Secretary</li> </ul>   |

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| 10. | Ministry of Road Transport & Highways   | <ul style="list-style-type: none"> <li>i. Shri Mahmood Ahmed – Addl. Secretary</li> <li>ii. Dr. Piyush Jain - Director</li> <li>iii. Shri Shaashwat Jindal – Legal Consultant</li> </ul>   |
| 11. | Ministry of Commerce & Industry (DPIIT) | <ul style="list-style-type: none"> <li>i. Ms. Manmeet K. Nanda - Joint Secretary</li> <li>ii. Ms. Supriya Devasthali - Director</li> </ul>   |
| 12. | Ministry of Law & Justice               | <ul style="list-style-type: none"> <li>i. Ms. Sunita Anand – Joint Secretary and Legal Advisor, Department of Legal Affairs</li> <li>ii. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel, (Legislative Department)</li> </ul> |

2. At the outset, the Chairperson welcomed Members and the Officials/Representatives of the Ministries to the Sitting convened to have Clause by Clause reading of the Jan Vishwas (Amendment of Provisions) Bill, 2022.

3. The Chairperson asked the Representatives of the Ministry of Agriculture and Farmers Welfare to provide their views on the suggestions made by the Committee and informed about its acceptance or otherwise. The Representatives of the Ministry informed that the suggestions given by the Committee with respect to Section 5, 5(D) and 5(E) have been accepted and changes have been made in the provisions. The Committee accepted the Ministry's view and advised the Legislative Department to make appropriate changes in the revised Bill.

***(The Officials of Department of Agriculture and Farmers Welfare withdrew and then the representatives of Department of Revenue(DoR) were called before the Committee)***

4. Then, the Representatives of Department of Revenue submitted their view point regarding the amendments proposed in the Bill to the Committee. The Secretary,

Department of Revenue stated that all the amendments that have been proposed in the Bill relating to the Money Laundering Act are of consequential changes due to many of the provisions in some of the Acts becoming decriminalized. The proceeds of any crime is the starting point for the Money Laundering Act to come into force. Therefore, the Ministry has brought those amendments in the Bill to be consonance with the other amendments in other Acts brought by different Ministries. The Committee acknowledged the view point of the Ministry regarding the Bill.

***(The Officials of DoR withdrew and the officials of Ministry of Ports, Shipping and Waterways (MoPSW) were called before the Committee)***

5. Then, the Secretary of Ministry of Ports, Shipping and Waterways was called to explain the decision of the Ministry towards the suggestions made by the Committee during the briefing held regarding the amendments proposed by the Bill in the Merchant Shipping Act, 1958. The Representatives submitted that the amendments to 108E(a) and 108E(b) under Section 344G are not being pursued as proposed in the Bill and instead the provisions shall be retained in the Act as per the suggestion of the Committee. The rest of the amendments proposed have already been explained and the Committee had accepted the same.

***(The Officials of MoPSW withdrew and the representatives of Ministry of Housing and Urban Affairs (MoHUA) deposed before the Committee)***

6. The Committee then, called upon the Representatives of the Ministry of Housing and Urban Affairs to give the views of the Ministry to the suggestions made by the Committee on the amendments proposed in the Metro Railways (Operation and Maintenance) Act, 2002. The Representatives submitted that the suggestions made in Section 59(2), 63, 65 and the consequential changes in the Act have been accepted and the necessary changes have been made in the provisions. The Committee sought certain clarifications on Section 63 and the Representatives clarified the same.

***(The Officials of MoHUA withdrew and then the officials Ministry of Statistics and Programme Implementation were invited before the Committee)***

7. Then, the Committee invited the Representatives of Ministry of Statistics and Programme Implementation to submit their response to the suggestions made by the



Committee to the amendments proposed in the Collection of Statistics Act, 2008. The Officials of the Ministry submitted that the Committee gave suggestions in Section 15(1) and 15(2). The word 'punishable' was to be substituted with 'liable' and 'fine' with 'penalty'. The amount of penalty may also be enhanced. Similarly, in suggestion to Section 15(2), the Committee suggested to replace the word 'conviction' with 'imposition' and 'punishable' with 'liable'. The Officials informed that the Ministry has accepted all the suggestions and has made necessary changes in the Act submitted to the Committee.

***(The Officials of MoSPI withdrew and the representatives of Ministry of Information and Broadcasting (MoIB) were called before the Committee)***

8. The Committee, then called upon the Representatives of Ministry of Information and Broadcasting to explain their position on the suggestions made by the Committee in the proposed amendments in the Bill. The Representatives of the Ministry informed that in the Cable Television Networks (Regulation) Act, 1995, they have accepted all the suggestions made by the Committee to Section 16, 16(2) and 22(2)(db) and accordingly, the provisions of the Bill after revision were shared with the Committee. The Representatives of the Ministry informed that the Committee had suggested certain changes to Section 15 of the Cinematograph Act, , 1952 to which the Ministry has no objection and accordingly the revised provisions were shared with the Committee.

Then the Representatives explained the acceptance of the suggestions of the Committee made in the Press and Registration of Books Act, 1867 in Section 19(K) and where the words 'punishable with' be substituted with 'liable for' in the Bill and the revised formulation was shown to the Committee. Further, clause by clause amendments in relation to Section 8 C of the Press and Registration of Books Act, 1867 as proposed by Member Adv. Dean Kuriakose was considered by the Committee and not accepted.

***(The Officials of MoIB withdrew and the representatives of Ministry of Defence were called before the Committee)***

9. The Representatives of the Ministry of Defence were invited to explain their view point about the suggestions of the Committee on various amendments to the Cantonments Act, 2006. The Officials informed that the suggestions made by the Committee with respect to Section 156, 285, 286, 287, 289(5) and 332(1) have been examined in consultation with Army HQ and it is proposed to retain the existing provisions and the amendments in the Bill

may not be followed up. The consequential changes to Schedule IV will also get partially modified due to the changed view of the Ministry. The Committee sought certain clarifications from the Officials of the Ministry and the same were provided.

***(The Officials of Ministry of Defence withdrew and then the Ministry of Electronics and Information Technology were invited before the Committee)***

10. Then, the Committee called upon the Representatives of the Ministry of Electronics and Information Technology to explain the Ministry's standpoint on the amendments in the IT Act, 2000 and Aadhaar Act, 2016. The Officials of the Ministry stated that the suggestions of the Committee regarding Section 2(1), 45, 46 and 72A have been accepted and necessary changes made in the provisions were shown to the Committee. However, the suggestion of the Committee regarding Section 72 to retain the imprisonment and fine provision was not accepted by the Ministry wherein they justified that the proposed amendments will be effective deterrent and are in alignment with the draft Digital Personal Data Protection Bill being proposed by the Ministry. The Committee took the Ministry's view point into consideration. Then, the Representatives also suggested that the suggestion made by the Committee to decriminalize the provisions for imprisonment in the amendments proposed in the Aadhaar Act, 2016 are accepted and they will be suitably incorporated in the Digital Personal Data Protection Bill.

***(The Officials of Meity withdrew and the representatives of Ministry of Environment, Forests and Climate Change deposed before the Committee)***

11. The Committee then invited the Representatives of the Ministry of Environment, Forests and Climate Change to give their explanation regarding the suggestions of the Committee. The Officials of the Ministry stated that the suggestions of the Committee regarding the Air Act, 1981 with respect to Section 21 and 39 A have been accepted. Similarly, with respect to Environment Protection Act, 1986, the suggestions towards Section 15 have been accepted by the Ministry. Further, the suggestions of the Committee about the amendments to Indian Forest Act, 1927 with respect to Section 26 and 33 have been accepted. Finally, in the Public Liability Insurance Act, 1991, the suggestion of the Committee to Section 15 has been accepted. The revised formulation after the acceptance of the views of the Committee were shown to the Committee in its presentation.

***(The Officials of MoEFCC withdrew and then the Ministry of Road Transport & Highway were called before the Committee)***

12. The Committee then called upon the Representative of the Ministry of Road Transport & Highways to given their view point on the suggestions made by the Committee to the amendments proposed to the Motor Vehicles Act, 1988 in the Bill. The Representatives of the Ministry stated that the suggestions of the Committee to Section 200 and 215 of the Motor Vehicles Act, 1988 have been accepted by the Ministry and suitable revision in the language in the Bill were shown to the Committee in the power point presentation.

13. The Committee then considered Clauses 1 to 4, Enacting Formula and Long Title of the Bill. The Committee agreed that in the Long Title, the words "minor offences" be replaced with the words "certain offences" and also the year "2022" and year of Republic in Enacting Formula be amended due to change in the year of Republic and Calendar year. The Chairperson directed the Officials of the Legislative Department of the Ministry of Law and Justice to suitably incorporate all the amendments that have been adopted in the Clause by Clause reading of the Bill and provide the Draft revised Bill to the Secretariat by 23 February, 2023.

The Committee then adjourned.

A verbatim record of the proceedings has been kept separately.

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# **JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

## **MINUTES OF THE TENTH SITTING OF THE COMMITTEE**

The Committee sat on Monday, the 13<sup>th</sup> March, 2023 from 1500 hrs. to 1530 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

### **PRESENT**

**Shri P.P. Chaudhary – Chairperson**

### **MEMBERS**

#### **LOK SABHA**

2. Dr. Sanjay Jaiswal
3. Shri Uday Pratap Singh
4. Shri Sanjay Seth
5. Shri Khagen Murmu
6. Shri Rajendra Agrawal
7. Shri Rattan Lal Kataria
8. Shri Girish Chandra

#### **RAJYA SABHA**

9. Shri Ghanshyam Tiwari
10. Shri Mahesh Jethmalani
11. Shri Vivek K. Tankha
12. Shri Sukhendu Sekhar Ray
13. Dr. Kanimozhi NVN Somu
14. Shri Narain Dass Gupta
15. Shri Sujeet Kumar

### **SECRETARIAT**

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri H. Ram Prakash - Director
3. Shri Rahul Singh - Deputy Secretary
4. Smt. Maya Menon - Under Secretary

## WITNESSES

<b>SI No</b>	<b>Ministry/Department</b>	<b>Representatives</b>
1.	Ministry of Commerce & Industry (DPIIT)	i. Ms. Manmeet K. Nanda - Joint Secretary ii. Ms. Supriya Devasthali - Director
2.	Ministry of Law & Justice	i. Shri K.R. Saji Kumar – Joint Secretary and Legislative Counsel, Legislative Department

2. At the outset, Hon'ble Chairperson extended a warm welcome to all the Members to the tenth sitting of the Committee convened for the consideration and adoption of the Draft Report of the Committee. The Committee considered the Draft Report in its entirety and adopted the same. The Chairman also informed that if any Member wants to submit a Dissent note, the same may be submitted by 05.00 pm on March 14, 2023 and the same will be examined according to procedure and will be decided on merits.

3. The Committee also authorized the Chairperson to present the Report in the House and finalize an alternate Member from Lok Sabha to present the Report in the Lok Sabha. The Committee also finalized the names of the Member from Rajya Sabha to lay the Report on the table of Rajya Sabha and the alternate Member to lay the Report. It was also decided that the proceedings of the sittings of the Committee may be placed in the Parliament Library after the Report has been presented to Parliament, for reference of the Members of Parliament.

4. The Committee also appreciated the officials of the Secretariat, Department for Promotion of Industry and Internal Trade and Legislative Department of Ministry of Law and Justice.

The Committee then adjourned.

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ORIGINAL

Authenticated.

M.S. 23

(कै. श्री. राजीवगुप्त/ K. R. SAJ GUPTA)  
संयुक्त सचिव एवं विधायी सचिव  
Joint Secretary & Legislative Counsel  
विधि और न्याय विभाग  
Ministry of Law & Justice  
(विधायी विभाग/ Legislative Dept.)  
नई दिल्ली/ New Delhi

THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022

AS REPORTED BY THE JOINT COMMITTEE

BILL NO. 299 OF 2022

[Words underlined indicate the amendments suggested by the Joint Committee and asterisks indicate omissions]

	THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2023	
	A BILL	
	<i>to amend certain enactments for decriminalising and rationalising (***) offences to further enhance trust-based governance for ease of living and doing business.</i>	
	BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows: —	
Short title and commencement.	1. (1) This Act may be called the <i>Jan Vishwas</i> (Amendment of Provisions) Act, 2023. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule (***)	
Amendment of certain enactments.	2. The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.	
Revision of fines and penalties.	3. The fines and penalties provided under various provisions in the enactments mentioned in the Schedule shall be increased by ten per cent. of the minimum amount of fine or penalty, as the case may be, prescribed therefor, after the expiry of every three years from the date of commencement of this Act.	
Savings.	4. The amendment <u>or repeal</u> by this Act of any enactment shall not affect any other enactment in which the amended <u>or repealed</u> enactment has been applied, incorporated or referred to;	
	and this Act shall not affect the validity, invalidity, effect or	

	consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;	
	nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended <u>or repealed</u> ;	
	nor shall the amendment <u>or repeal</u> by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.	

#### THE SCHEDULE

(See section 2)

Sl. No.	Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)	(5)
1.	1867	25	The Press and Registration of Books Act, 1867	<p>(A) In section 8C,-</p> <p>(i) in sub-section (1), after the words, figure and letter "declaration under section 8B", the words, figures and letter "or an order of the Press Registrar suspending or cancelling the certificate of registration under section 12 or imposing penalties under section 13 or under section 19K" shall be inserted;</p> <p>(ii) in sub-section (2), after the words "records from the Magistrate", the words "or from the Press Registrar, as the case may be," shall be inserted.</p> <p>(B) For sections 12 to 14, the following sections shall be substituted, namely:-</p> <p>"12. Suspension or cancellation of certificate of registration.- (1) The Press Registrar may, by order, suspend the certificate of registration of a newspaper for a period not exceeding one year, if -</p> <p>(a) the publisher has failed to publish the newspaper continuously.</p> <p><i>Explanation.</i> - For the removal of doubts, it is hereby clarified that if a newspaper publishes less than half of its issues, as are required to be published under rule (6) of section 5, such newspaper shall be deemed to have failed to publish continuously; or</p>

			<p>(b) the publisher of a newspaper has given false particulars in the annual statement; or</p> <p>(c) the publisher of a newspaper has failed to furnish the annual statement within two years from the end of the financial year for which the annual statement was to be furnished.</p> <p>(2) The Press Registrar may, by order, cancel the certificate of registration where-</p> <p>(i) a newspaper has ceased publication for a period exceeding twenty-four months;</p> <p>(ii) the publisher of a newspaper fails to furnish the annual statement even after the expiry of the period during which the certificate of registration was suspended under <u>(***)</u> clause (c) of sub-section (1);</p> <p>(iii) the registration was obtained on false representation or on concealment of any material fact;</p> <p>(iv) the title of the newspaper bears the same or similar title already held by any other owner of a newspaper either in the same language anywhere in India or in any other language in the same State or Union territory <u>(***)</u>.</p> <p>(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving <u>(***)</u> a reasonable opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>(4) A copy of order of suspension or cancellation passed under this section shall be made available to the Central Government or the State Government or the Union territory administration, as the case may be, and to the Magistrate.</p> <p>13. Penalty for certain contraventions.- The Press Registrar may impose a penalty-</p> <p>(i) not exceeding ten thousand rupees where the publisher prints or publishes any book or paper otherwise than in conformity with the provisions contained in section 3;</p> <p>(ii) not exceeding ten thousand rupees where the keeper of the press fails to make and subscribe the declaration in conformity with the provisions contained in section 4;</p> <p>(iii) not exceeding twenty thousand rupees where the publisher fails to furnish the annual statement as required under clause (a) of section 19D within one year from the end of the financial year in respect of which the annual statement was required to be furnished;</p> <p>(iv) not exceeding twenty thousand rupees where a person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with the provisions of section 8;</p>
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				<p>(v) not exceeding two thousand rupees for not delivering books or not supplying printer with maps referred to in section 9;</p> <p>(vi) not exceeding two thousand rupees where any printer of a newspaper neglects to deliver copies of the newspaper in compliance with the provisions of sections 11A and 11B.”</p> <p>(C) Sections 15A to 17 shall be omitted.</p> <p>(D) For section 19K, the following section shall be substituted, namely: -  “19K. Penalty for contravention of section 19D or section 19E.- If the publisher of any newspaper –</p> <p>(a) refuses or neglects to comply with the provisions of clause (b) of section 19D or section 19E; <u>or</u></p> <p>(b) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be <u>(***) liable to</u> penalty not exceeding ten thousand rupees.”.</p> <p>(E) Section 19L shall be omitted.</p>
2.	1898	6	The Indian Post Office Act, 1898	Chapter X shall be omitted.
3.	1923	5	The Boilers Act, 1923	<p>(A) In section 22,-</p> <p>(a) in clause (iii), for the word and figures “section 16,” the words and figures, “section 16; or” shall be substituted;</p> <p>(b) after clause (iii), the following clause shall be inserted, namely:-</p> <p>“(iv) to report an accident to a boiler or boiler component when so required under section 18,”;</p> <p>(c) <u>in the long line, for the words “punishable with fine”, the words “liable to penalty” shall be substituted.</u></p> <p>(B) For section 23, the following section shall be substituted, namely:-</p> <p>“23. Penalties for illegal use of boiler.- Any owner of a boiler who—</p> <p>(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby; <u>or</u></p> <p>(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required</p>

			<p>under clause (b) of section 6; or</p> <p>(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (6) of section 7,</p> <p>shall be liable <u>(***) to penalty</u> which may extend to one lakh rupees, and in the case of a continuing <u>(***) contravention or failure</u>, with an additional <u>(***) penalty</u> which may extend to one thousand rupees for every day during which such <u>(***) contravention or failure</u> continues.”.</p> <p>(C) In section 24, clauses (a), (b) and (d) shall be omitted.</p>
			<p>(D) In section 25, in sub-section (1), for the words “punishable with fine”, the words “liable to penalty” shall be substituted.</p>
			<p>(E) After section 26, the following sections shall be inserted, namely:-</p> <p><u>“26A. Adjudication.- (1) The State Government or the Union territory administration, as the case may be, for the purposes of determining the penalties under sections 22, 23, sub-section (1) of section 25 and section 30, may authorise the District Magistrate or the Additional District Magistrate, as the case may be, having jurisdiction, to be the adjudicating officer to hold an inquiry and impose penalty, in the manner as may be prescribed by the State Government or the Central Government, as the case may be.</u></p> <p><u>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 22, 23, sub-section (1) of section 25 and section 30, he may impose penalty:</u></p> <p><u>Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.</u></p> <p><u>26B. Appeal. - (1) Whoever aggrieved by the order, passed by the adjudicating officer under section 26A, may prefer an appeal to an officer not below the rank of Secretary to the State Government or the Union territory administration, as the case may be, to be an appellate authority, specially authorised by that Government or administration in this behalf, within sixty days from the date of receipt of order, in such form and manner as may be prescribed by the State Government or the Central Government, as the case may be.</u></p> <p><u>(2) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(3) The appellate authority may, after giving the parties to the appeal an</u></p>

				<p>opportunity of being heard, pass such order as he may think fit.</p> <p>(4) <u>An appeal under sub-section (1) shall be disposed of within sixty days from the date of filing.</u>"</p>
				<p>(F) <u>In section 27, the words "Presidency Magistrate or a" shall be omitted.</u></p> <p>(G) <u>In section 28A, in sub-section (1A), after clause (c), the following clauses shall be inserted, namely:-</u></p> <p><u>"(ca) the manner of holding inquiry and imposing penalty under sub-section (1) of section 26A;</u></p> <p><u>(cb) the form and manner of preferring appeal under sub-section (1) of section 26B;"</u></p> <p>(H) <u>In section 29, in sub-section (1), after clause (h), the following clauses shall be inserted, namely:-</u></p> <p><u>"(ha) the manner of holding inquiry and imposing penalty under sub-section (1) of section 26A;</u></p> <p><u>(hb) the form and manner of preferring appeal under sub-section (1) of section 26B;"</u></p> <p>(I) <u>In section 30, -</u></p> <p>(i) <u>for the words "punishable, in the case of a first offence, with fine", the words "liable to penalty, in the case of a first contravention, with penalty" shall be substituted;</u></p> <p>(ii) <u>for the words "subsequent offence, with fine", the words "subsequent contravention, with penalty" shall be substituted.</u></p>
4.	1927	16	The Indian Forest Act, 1927	<p>(A) <u>In section 26,-</u></p> <p>(i) <u>in sub-section (1), clauses (d) and (e) shall be omitted;</u></p> <p>(ii) <u>after sub-section (1), the following sub-section shall be inserted, namely:-</u></p> <p><u>"(1A) Any person who, in a reserved forest-</u></p> <p><u>(a) trespasses or pastures cattle, or permits cattle to trespass shall be liable to penalty which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68;</u></p> <p><u>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber shall be liable to (***) penalty which may extend to five (***) thousand rupees, in addition to such compensation for damage done to the forest as (***) determined by a Forest-officer empowered under section 68."</u></p> <p>(B) <u>In section 33,-</u></p> <p>(i) <u>in sub-section (1), clauses (e), (f) and (g) shall be omitted;</u></p>

			<p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Any person who, (***) in a protected forest-</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid, (***) shall be liable to (***) penalty which may extend to five (***) thousand rupees in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68.”.</p> <p>(C) In section 68,-</p> <p>(i) for the marginal heading, the following marginal heading shall be substituted, namely:- “Power to compound offences and impose penalties”;</p> <p>(ii) in sub-section (1)-</p> <p>(I) in clause (a), for the word “and”, the word “or” shall be substituted;</p> <p>(II) after clause (a), the following clause shall be inserted, namely:-</p> <p>“(aa) to accept from any person a sum of money by way of penalty or compensation for violation of sub-section (1A) of section 26 or sub-section (1A) of section 33; and”.</p>
5.	1937	1	<p>The Agricultural Produce (Grading and Marking) Act, 1937</p> <p>(A) In section 3, in sub-section (2), after clause (g), the following clauses shall be inserted, namely: -</p> <p>“(ga) holding inquiry (***) and imposing penalty under sub-section (1) of section 5C;</p> <p>(gb) preferring appeal under sub-section (1) of section 5D;”.</p> <p>(B) In section 4, for the words “punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees”, the words “liable to penalty (***) not exceeding five lakh rupees” shall be substituted.</p> <p>(C) In section 5, for the words “punishable with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees”, the words “liable to penalty (***) not exceeding fifteen lakh rupees” shall be substituted.</p> <p>(D) In section 5A, for the words “punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees”, the words “liable to penalty (***) not exceeding three lakh rupees” shall be substituted.</p>

				<p>(E) In section 5B, in sub-section (4), for the words "<u>punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees</u>", the words "<u>liable to penalty (***) not exceeding five lakh rupees</u>" shall be substituted.</p> <p>(F) For section 5C, the following sections shall be substituted, namely:-</p> <p>*5C. Adjudicating officer.- (1) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry <u>and impose penalty</u>, in the manner as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned a <u>(***) reasonable opportunity of being heard in the matter.</u></p> <p>5D. Appeal.- (1) <u>(***) Whoever</u> aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date <u>(***) of receipt of order</u> in such manner as may be prescribed.</p> <p>(2) <u>An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the Agricultural Marketing Adviser that he had sufficient cause for not preferring the appeal within that period.</u></p> <p>(3) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit <u>(***)</u>.</p> <p>(4) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing <u>(***)</u>.</p> <p>5E. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed by <u>the</u> adjudicating officer under section 5C or <u>(***) order</u> of the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrear <u>(***) of land revenue.</u>"</p>
6.	1940	23	The Drugs and Cosmetics Act, 1940	<p>(A) In section 29, for the words "<u>punishable with fine which may extend to five thousand rupees</u>", the words "<u>liable to penalty which may extend to one lakh rupees</u>" shall be substituted.</p> <p>(B) In section 30, in sub-section (2), for the words "imprisonment which</p>

				<p>may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "fine which shall not be less than five lakh rupees" shall be substituted.</p> <p>(C) In section 32B, in sub-section (1), after the words and figures "of section 13," the words, brackets, letters and figures "clause (d) of section 27 and clause (ii) of section 27A," shall be inserted.</p>
7.	1944	18	The Public Debt Act, 1944	Section 27 shall be omitted.
8	1947	24	The Rubber Act, 1947	<p>(A) In section 11, in sub-section (3), for the words "imprisonment for a term which may extend to one year, or with fine, or with both", the words "penalty which may extend to one lakh rupees or cancellation of licence issued under section 14, or with both" shall be substituted.</p> <p>(B) In section 13, sub-section (3) shall be omitted.</p> <p>(C) In section 25, in sub-section (2), after clause (xxiii), the following clauses shall be inserted, namely:-</p> <p><u>"(xxiiia) the manner of holding inquiry and imposing penalty under sub-section (1) of section 26B;</u></p> <p><u>(xxiiib) the form and manner of preferring appeal under sub-section (2) of section 26B;"</u></p> <p>(D) In section 26, in sub-section (1), in the long line, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "liable to (***) penalty which may extend to fifty thousand rupees" shall be substituted.</p> <p>(E) After section 26A, the following section shall be inserted, namely:-</p> <p><u>"26B. Adjudication of penalties.- (1) For the purposes of adjudging the penalties under sub-section (3) of section 11 and section 26, the Executive Director shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard.</u></p> <p><u>(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Executive Director, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.</u></p> <p><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Executive Director that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></p> <p><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue."</u></p>

9.	1948	8	The Pharmacy Act, 1948	<p>(A) In section 18, in sub-section (2), after clause (h), the following clauses shall be inserted, namely:-</p> <p><u>"(i) the manner of holding inquiry and imposing penalty under sub-section (1) of section 43A;</u></p> <p><u>(j) the form and manner of preferring appeal under sub-section (2) of section 43A;"</u></p> <p>(B) In section 26A, in sub-section (3), for the words "<u>punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both</u>", the words "<u>(***) liable to penalty which may extend to one lakh rupees (***)</u>" shall be substituted.</p> <p>(C) In section 41, for sub-section (1), the following sub-section shall be substituted, namely:-</p> <p><u>"(1) If any person whose name is not for the time being entered in the register of the State (***) falsely pretends that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to (***) one lakh rupees and on subsequent conviction with imprisonment which may extend to three months or with fine not exceeding (***) two lakh rupees, or with both;</u></p> <p>Provided that it shall (***) be (***) a defence if the name of the person is entered in the register of another State and that at the time of claim, an application for registration in the State had been made."</p> <p>(D) In section 42, in sub-section (2), for the words "<u>imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both</u>", the words "<u>imprisonment for a term which may extend to three months, or with fine which may extend to (***) two lakh rupees (***), or with both</u>" shall be substituted.</p> <p>(E) After section 43, the following section shall be inserted, namely:-</p> <p><u>"43A. Adjudication of penalties.- (1) For the purposes of adjudging the penalties under section 26A, the Central Government shall authorise the President of the State Council, where the alleged violation is committed, to be the adjudicating officer for holding an inquiry and impose penalty in the manner as may be prescribed under section 18, after giving any person concerned a reasonable opportunity of being heard.</u></p> <p><u>(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the President, Central Council, within a period of forty-five days from the date of receipt of such order in such form and manner as may be prescribed under section 18.</u></p> <p><u>(3) The President, Central Council may entertain an appeal after the expiry of forty-five days, if it is satisfied that the appellant was prevented from sufficient cause for filing the appeal within the said period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) An appeal under sub-section (2) shall be disposed of within ninety days</u></p>
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				<p>from the date of filing.</p> <p>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue.”.</p>
10.	1951	65	The Industries (Development and Regulation) Act, 1951	<p>(A) In section 24, in sub-section (1), for the long line, the following long line shall be substituted, namely:-</p> <p>“he shall be (***) liable to penalty which may extend to twenty-five lakh rupees.”.</p> <p>(B) (***) For section 24A, the following sections shall be substituted, namely:-</p> <p>“24A. Adjudication.— (1) The Central Government, for the purposes of determining the penalties under section 24, shall authorise the District Magistrate or the Additional District Magistrate, having jurisdiction, to be the adjudicating officer, to hold an inquiry and impose penalty in the manner, as may be prescribed.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose such penalty as he thinks fit in accordance the provisions of section 24:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.</p> <p>24B. Appeal. - (1) Whoever aggrieved by the order, passed by the adjudicating officer under section 24A, may prefer an appeal to an officer not below the rank of Joint Secretary to the Government of India, to be an appellate authority, within thirty days from the date of receipt of order, in such form and manner as may be prescribed.</p> <p>(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</p> <p>(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.</p> <p>(4) An appeal under sub-section (1) shall be disposed of within sixty days from the date of filing.</p> <p>24C. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed by the adjudicating officer under section 24A or order of the appellate authority under section 24B, as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.”.</p> <p>(C) Section 27 shall be omitted.</p> <p>(D) In section 28, for the words “prosecuted”, the words “imposed penalty” shall be substituted.</p> <p>(E) Sections 29 and 29A shall be omitted.</p> <p>(F) In section 30,-</p> <p>(i) in sub-section (2), after clause (pp), the following clauses shall be inserted, namely:-</p> <p>“(ppa) the manner of holding inquiry and imposing penalty under sub-section (1) of section 24A;</p> <p>(ppb) the form and manner of preferring appeal</p>



				<p>(ii) <u>under sub-section (1) of section 24B;</u> <u>in sub-section (3), for the word "punishable", the words "liable to penalty" shall be substituted.</u></p>
11.	1952	37	The Cinematograph Act, 1952	<p>(A) In section 7,-</p> <p>(i) for sub-section (1), the following sub-section shall be substituted, namely: -</p> <p>'(1) If any person—</p> <p>(a) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both;</p> <p>(b) exhibits or permits to be exhibited in any place, any film-</p> <p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered, or tampered with after the mark has been affixed,</p> <p>he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(d) exhibits or permits to be exhibited any film, which has been certified by the Board as "A" within the meaning of this Act to any minor, such person shall be liable to (***) penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(e) exhibits or permits to be exhibited any film, which has been certified by the Board as "S" within the meaning of this Act, to a person who is not a member of such profession or class, shall be liable to (***) penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(f) fails to comply with the provisions contained in section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, he shall be liable to (***) penalty not exceeding five lakh</p>

rupees, levied by the authorised officer and in such manner as may be prescribed:

Provided that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part under clauses (a) to (c):

Provided further that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on that has been certified as "UA" under this Part.;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) (\*\*\*) Whoever aggrieved by any penalty imposed under clauses (d) to (f) of sub-section (1) or section 14, may prefer an appeal (\*\*\*) to such appellate authority within such period and in such form and manner as may be prescribed."

(B) In section 8, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:-

"(ca) the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;

(cb) the period, form and manner of preferring appeal and appellate authority under sub-section (4) of section 7;"

(C) In section 14, for the words "punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues", the words "liable to penalty of one lakh rupees and, in the case of a continuing (\*\*\*) contravention, with a further (\*\*\*) penalty which may extend to ten thousand rupees for each day during which the (\*\*\*) contravention continues" shall be substituted.

(D) For section 15, the following section shall be substituted, namely:-

"15. Power to revoke or suspend licence.- (1) Where the holder of a licence has been convicted of an offence under clauses (a) to (c) of sub-section (1) of section 7, the licence may be revoked by the licensing authority,

(2) Where the holder of a licence has been imposed penalty for contravention under clauses (d) to (f) of sub-section (1) of section 7 or section 14, the licence may be suspended by the licensing authority for a period not exceeding thirty days:

Provided that in cases of more than three contraventions over a period of three years, the licensing authority, may, for the reasons to be recorded in writing, by order, revoke the licence:

				<u>Provided further that no order under this section shall be made without giving the holder of the licence a reasonable opportunity of being heard."</u>
12.	1953	29	The Tea Act, 1953	<p>(A) Sections 38 to (***) 40 shall be omitted.</p> <p>(B) In section 41, in sub-section (1), for the words "punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.", the words "liable to penalty which may extend to fifty thousand rupees" shall be substituted.</p> <p>(C) In section 42, for the words "punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent contravention, penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(D) After section 42, the following section shall be inserted, namely:-</p> <p><u>"42A. Adjudication of penalties.- (1) For the purposes of adjudging the penalties under sub-section (1) of section 41 and section 42, the Deputy Chairman of the Board shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</u></p> <p><u>(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Deputy Chairman of the Board, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.</u></p> <p><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Deputy Chairman that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></p> <p><u>(6) The amount of penalty imposed under sub-section (1), if not paid, may be recovered as an arrear of land revenue."</u></p> <p>(E) In section 49, in sub-section (2), after clause (x), the following clauses shall be inserted, namely:-</p> <p><u>"(xa) the manner of holding inquiry and imposing penalty under sub-section (1) of section 42A;</u></p> <p><u>(xb) the form and manner of preferring appeal under sub-section (2) of section 42A;"</u></p>

13.	1957	14	The Copyright Act, 1957	Section 68 shall be omitted.			
14.	1958	44	The Merchant Shipping Act, 1958	(A) In section 436,- (a) in sub-section (2), in the Table, against the serial numbers mentioned under column 1, in respect of the offences under column 2, relating to the sections under column 3 and the penalties under column 4, shall, respectively be substituted, in the manner as provided, namely:-			
				Serial No.	Offences	Section of this Act to which offence has reference	Penalties
				1	2	3	4
				16			"Penalty which may extend to two lakh rupees"
				29			"Penalty which may extend to two lakh rupees"
				35			"Penalty which may extend to two lakh rupees"
				43			"Penalty which may extend to two lakh rupees"
				44			"Penalty which may extend to fifty thousand rupees"
				57(a)			"He shall be liable to forfeit all or any part of

							<p>the property he leaves on board and of the wages he has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in any other ship in which he may be employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to</p>
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					him;"
			57(b)		"He shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum not exceeding two days pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expense properly incurred in hiring a substitute"
			59	(iv) Clause (d) of section 194	194(d) "Imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both;"
				(iva) clause (e) of section 194	194(e) "Imprisonment which may extend to one month, and also for every twenty-four hour of such

						disobedience or neglect, (***) forfeiture out of his wages of a sum not exceeding six days' pay or any expenses, which may have been properly incurred in hiring a substitute"
				60		"Penalty which may extend to one lakh rupees"
				65		"Penalty which may extend to two lakh rupees"
				66(a)		"Penalty which may extend to two lakh rupees"
				68		"Penalty which may extend to fifty thousand rupees"
				72		"Penalty which may extend to two lakh rupees"
				84		"Penalty which may extend to

						one lakh rupees for the first offence and five lakh for every subsequent offence”
				108B		“The master or owner or agent shall be liable to penalty which may extend to five lakh rupees and the ship may also be detained”
				(***)		(***)
				(***)		(***)
				109		“Penalty which may extend to five lakh rupees”
				115D(ii)		“The offender shall be liable to penalty which may extend to fifty thousand rupees”
				133		“Penalty which may extend to one lakh rupees and the vessel may also be



						detained"
			135			"Penalty which may extend to fifty thousand rupees"
			137			"Penalty which may extend to one lakh rupees and the vessel may also be detained"
			137J			"Penalty which may extend to one lakh rupees and the vessel may also be detained";
			<p>(b) after sub-section (2), the following sub-sections shall be inserted, namely:-</p> <p>"(3) The penalty prescribed for the contravention of any provision of this Act shall be imposed by the Principal Officer of the Mercantile Marine Department:</p> <p>Provided that no penalty under this section shall be imposed unless the parties have been given a reasonable opportunity of being heard.</p> <p>(4) (***) Whoever aggrieved by an order of the Principal Officer (***) under sub-section (3), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe.</p> <p>(5) The Director-General may, after giving the parties an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (4), pass appropriate order.</p> <p>(6) Any contravention of the provisions of this Act for which penalty has been prescribed may be compounded for the first contravention by the Principal Officer referred to in sub-section (3) or such other Officer as may be notified by the Central Government in the Official Gazette in this behalf:</p> <p>Provided that where any such contravention has been compounded, the sum shall not, in any case, exceed the maximum amount of the penalty which may be imposed for such contravention.</p> <p>(7) Notwithstanding anything contained in this Act, if penalty imposed by the Principal Officer of the Mercantile Marine Department under sub-section (3) or order of the Director-General under sub-section (5), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue."</p> <p>(B) After section 436, the following section shall be inserted, namely:-</p>			

				<p>"436A. Power to make rules.—The Central Government may, subject to the condition of previous publication, make rules prescribing form and manner of appeal against the order of Principal Officer of the Mercantile Marine Department under sub-section (4) of section 436."</p>
15.	1961	47	<p>The Deposit Insurance and Credit Guarantee Corporation Act, 1961</p>	<p>In section 47, (***) for sub-section (2), the following sub-sections shall be substituted, namely:-</p> <p><u>"(***) (2) If any person fails to produce any book, account or other document or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to penalty which may extend to one lakh fifty thousand rupees in respect of each failure, and in the case of a continuing failure, with an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure.</u></p> <p><u>(***)</u></p> <p>(3) For the purpose of adjudging the penalty under sub-section (2), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the Corporation under this section shall be payable within a period of fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on (***) an order or direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no order or direction shall be made except on an application made to the court by the Corporation or any officer authorised by it in this behalf.</p> <p>(5) The court which makes (***) an order or direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.</p> <p><u>(6) No complaint shall be filed against any person in any court of law in respect of any contravention or default in respect of which any penalty has been imposed by the Corporation under sub-section (2).</u></p> <p><u>(7) Where any complaint has been filed against any person in any court in respect of any contravention or default of the nature referred to in sub-section (1), then, no proceedings for the imposition of any penalty on the person shall be initiated under sub-section (2)."</u></p>
16.	1962	58	<p>The Warehousing Corporations Act, 1962</p>	<p>Section 38 shall be omitted.</p>
17.	1964	37	<p>The Food</p>	<p>Section 41 shall be omitted.</p>

			Corporations Act, 1964	
18.	1970	39	The Patents Act, 1970	<p>(A) In section 120, for the words "he shall be punishable with fine which may extend to one lakh rupees", the words "<u>he shall (***) be liable to penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues</u>" shall be substituted.</p> <p>(B) Section 121 shall be omitted.</p> <p>(C) In section 122,-</p> <p>(i) in sub-section (1), for the long line, the following long line shall be substituted, namely:-</p> <p><u>"he shall (***) be liable to penalty which may extend to one lakh rupees, and in case of the continuing refusal or failure, a further penalty of one thousand rupees for every day after the first during which such refusal or failure continues."</u>;</p> <p>(ii) in sub-section (2), for the words, "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "<u>he shall be (***) liable to penalty for a sum equal to one half per cent. of the total sale or turnover, as the case may be, of business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five crore rupees, whichever is less</u>" shall be substituted.</p> <p>(D) In section 123, for the words "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "<u>he shall (***) be liable to penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues</u>" shall be substituted."</p> <p>(E) After section 124, the following sections shall be inserted, namely:-</p> <p><u>"124A. Adjudication of penalties. - The Controller may, by an order, (***) authorise an officer referred to in section 73, to be the adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person concerned a reasonable opportunity of being heard.</u></p> <p><u>(***)</u></p> <p><u>124B. Appeal.- (1) Whoever aggrieved by an order of the adjudicating officer under section 124A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf,</u></p>

			<p>(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed.</p> <p>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</p> <p>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</p> <p>(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</p> <p>(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 124A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</p> <p>(F) In section 159, in sub-section (2), after clause (xiii), the following clauses shall be inserted, namely:-</p> <p>"(xiiia) the manner of holding inquiry and imposing penalty under (***) section 124A;</p> <p>(xiiib) the form and manner of preferring appeal under sub-section (2) of section 124B;"</p>
19.	1972	13	<p>The Marine Products Export Development Authority Act, 1972</p> <p>(A) In section 20, in sub-section (3), for the words "be punishable with imprisonment for a term which may extend to one year, or with fine, or with both", the words "be liable to (***) penalty not less than ten thousand rupees or not exceeding twice the value of goods, whichever is higher, in respect of which such order has been made" shall be substituted.</p> <p>(B) In section 23, for the words "be punishable with fine which may extend to five hundred rupees", the words "be liable to (***) penalty which may extend to ten thousand rupees" shall be substituted.</p> <p>(C) For sections 24 and 25, the following sections shall be substituted, namely:-</p> <p>"24. Penalties for obstructing a member or officer of Authority in (***) discharge of his duties and for failure to produce books and records.— Any person who-</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to (***) penalty which may extend to ten thousand rupees.</p> <p>25. Other penalties.- Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment or penalty for the contravention whereof has been provided for in sections 20, 23 and 24, shall be liable to (***) penalty not less than ten thousand rupees, or not</p>

				<p>exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such (***) contravention has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an amount equivalent to twice the value of goods, whichever is higher, in respect of which such (***) contravention has been made.</p> <p><u>25A. Adjudication of penalties.- (1) For the purposes of adjudging penalties under sub-section (3) of section 20, section 23, clause (b) of section 24 and section 25, the Chairman shall appoint the Secretary to the Authority or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person concerned a reasonable opportunity of being heard.</u></p> <p><u>(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Chairman, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.</u></p> <p><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Chairman that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) The appellate authority referred to in sub-section (2) shall dispose of the appeal within sixty days from the date of filing.</u></p> <p><u>(6) The amount of penalty imposed under sub-section (1), if not paid, shall be recovered as an arrear of land revenue."</u></p> <p><u>(D) In section 33, in sub-section (2), after clause (q), the following clauses shall be inserted, namely:-</u></p> <p style="padding-left: 40px;"><u>"(qa) the manner of holding inquiry and imposing penalty under sub-section (1) of section 25A;</u></p> <p style="padding-left: 40px;"><u>(qb) the form and manner of preferring appeal under sub-section (2) of section 25A;"</u></p>
20.	1978	11	The High Denomination Banknotes (Demonetisation) Act, 1978	<u>(***) Repealed.</u>
21.	1981	14	The Air (Prevention and Control of Pollution) Act, 1981	<p><u>(A) In section 21, for sub-section (1), the following shall be substituted, namely: -</u></p> <p><u>"(1) No person shall establish or operate any industrial plant in an air pollution control area unless the previous consent of the State Board has been obtained in pursuance of an application made by such person in accordance with the provisions of this section:</u></p> <p style="padding-left: 40px;"><u>Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette,</u></p>

exempt certain categories of industrial plants from the application of the provisions of this sub-section."

(B) After section 21, the following section shall be inserted, namely: -

\*21A. Power to issue guidelines. - (1) Notwithstanding anything contained in (\*\*\*) this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent.

(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (1)."

(C) For sections 37 to 41, the following sections shall be substituted, namely: -

'37. Failure to comply with provisions of section 22 or directions issued under section 31A.- (1) Whoever contravenes or does not comply with the provisions of sections 22 or directions issued under section 31A, shall, in respect of each such contravention (\*\*\*), be liable to (\*\*\*) penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention (\*\*\*) under sub-section (1), he shall be liable to (\*\*\*) additional penalty of ten thousand rupees for every day during which such contravention continues.

38. Penalties for certain acts. - (1) Whoever-

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;
- (c) damages any works or property belonging to the Board;
- (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;
- (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23;
- (f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular,

shall be liable to (\*\*\*) penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention (\*\*\*) under sub-section (1), he shall be liable to (\*\*\*) additional penalty of ten thousand rupees for every day during which such contravention continues.

38A. Penalty for contravention by Government Department.- (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to (\*\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to (\*\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

39. Penalties for contravention of certain provisions of this Act. - If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to (\*\*\*) penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to (\*\*\*) additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.

39A. Adjudicating officer. - (1) The Central Government, for the purposes of determining the penalties under sections 37, 38, 38A and section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit (\*\*\*) under the provisions of sections 37, 38, 38A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned (\*\*\*) a reasonable opportunity of being heard (\*\*\*)

(3) The amount of penalty imposed under the provisions of sections 37, 38, 38A and 39, shall be in addition to the liability to pay relief or

compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

39B. Appeal. - (1) (\*\*\*) Whoever aggrieved by the order passed by the adjudicating officer under sections 37, 38, 38A or 39, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.

39C. Penalty amount to be credited to Environmental Protection Fund. - Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38, 38A or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).

39D. Offences for failure to comply with (\*\*\*) provisions of section 21 and for failure to pay penalty.- (1) Whoever fails to comply with the provisions of section 21, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.

(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:



			<p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or sub-section (2) or sub-section (3), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(5) Notwithstanding anything contained in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> - For the purposes of this section, -</p> <p>(a) "company" includes body corporate, firm, trust, society and any other association of individuals;</p> <p>(b) "director" includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.'</p> <p>(D) In section 43, in sub-section (1), after clause (a), the following clause shall be inserted, namely: -</p> <p>"(aa) <u>the</u> adjudicating officer or any officer authorised by him in this behalf; <u>or</u>".</p> <p>(E) In section 53, in sub-section (1), after clause (g), the following clause shall be inserted, namely: -</p> <p>"(h) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (1) of section 39A<sub>1</sub>".</p>
22.	1981	61	<p>The National Bank for Agriculture and Rural Development Act, 1981</p> <p>In section 56, for sub-section (2), the following sub-sections shall be substituted, namely:-</p> <p>"(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to (***) penalty which may extend to one lakh fifty thousand rupees in respect of each failure and in the case of a continuing failure, an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure.</p> <p>(3) For the purpose of adjudging penalty under sub-section (2), the National Bank shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the National Bank under this section shall be</p>

				<p>payable within a period of fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no such direction shall be made <u>except on an application made to the court by the National Bank or by any officer authorised by the National Bank in this behalf.</u></p> <p>(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.</p> <p>(6) No complaint shall be filed against any person in any court (***) relating to any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p>(7) Where any complaint has been filed against any person in any court in respect of the contravention or default of the nature referred to in sub-section (1), then, no proceedings for the imposition of any penalty on the person shall be initiated under sub-section (2)."</p>
23,	1986	10	The Spices Board Act, 1986	<p>(A) In section 26, for the words "<u>punishable with fine which may extend to five hundred rupees</u>", the words "<u>liable to penalty which may extend to fifty thousand rupees and for subsequent failure, penalty which may extend to one lakh rupees</u>" shall be substituted.</p> <p>(B) In section 27, in the long line, for the words "<u>punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both</u>", the words "<u>liable to penalty which may extend to fifty thousand rupees and for subsequent (***) contravention, penalty which may extend to one lakh rupees</u>" shall be substituted.</p> <p>(C) Section 28 shall be omitted.</p> <p>(D) In section 29, for the words "<u>punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both</u>", the words "<u>liable to penalty which may extend to fifty thousand rupees and for subsequent (***) contravention, penalty which may extend to one lakh rupees</u>" shall be substituted.</p> <p>(E) In section 30, for the words "<u>punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention</u>", the words "<u>liable to penalty which may extend to fifty thousand rupees and for subsequent (***) contravention, penalty which may extend to one lakh rupees</u>" shall be substituted.</p> <p>(F) After section 30, the following section shall be inserted, namely:-</p>

			<p><u>"30A. Adjudication of penalties. - (1) For the purposes of adjudging the penalties under sections 26, 27, 29 and 30, the Secretary to the Board shall appoint an officer not below the rank of Director in the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard.</u></p> <p><u>(2) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Secretary to the Board, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.</u></p> <p><u>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Secretary to the Board that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p><u>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</u></p> <p><u>(6) The amount of penalty imposed under sub-section (1), if not paid, shall be recovered as an arrear of land revenue."</u></p> <p><u>(G) In section 38, in sub-section (2), after clause (m), the following clauses shall be inserted, namely:-</u></p> <p><u>"(ma) the manner of holding inquiry and imposing penalty under sub-section (1) of section 30A;</u></p> <p><u>(mb) the form and manner of preferring appeal under sub-section (2) of section 30A."</u></p>
24.	1986	29	<p>The Environment (Protection) Act, 1986</p> <p>(A) In section 2, after clause (c), the following clause shall be inserted, namely: -</p> <p>'(ca) "Fund" means the Environmental Protection Fund established under section 16;'</p> <p>(B) In section 10, for sub-sections (2) to (4), the following sub-sections shall be substituted, namely: -</p> <p>"(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall render assistance, as may be required, to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause, he shall be liable to (***) penalty provided under section 14B.</p> <p>(3) If any person willfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions under sub-sections (1) or (2), he shall be liable to (***) penalty provided under section 14B.</p> <p>(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant</p>

issued under section 94 of that Code.”.

(C) After section 14, the following sections shall be inserted, namely: -

“14A. Penalty for contravention of section 7 or section 8. - (1) If any person, contravenes provisions of section 7 or section 8 or the rules made thereunder, he shall be liable to (\*\*\*) penalty in respect of each such contravention (\*\*\*) which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention (\*\*\*) under sub-section (1), he shall be liable to (\*\*\*) additional penalty of fifty thousand rupees for every day during which such contravention continues.

14B. Penalty for contravention of sections 9, 10 and 11. - (1) If any person contravenes or does not comply with the provisions of section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to (\*\*\*) penalty in respect of each such contravention (\*\*\*) which shall not be less than ten thousand rupees but which may extend to five lakh rupees.

(2) Where any person continues contravention (\*\*\*) under sub-section (1), he shall be liable to (\*\*\*) additional penalty of ten thousand rupees for every day during which such contravention continues.”.

(D) For sections 15 to 17, the following shall be substituted, namely: -

“15. Penalty for contravention of provisions of Act, rules, orders and directions. - (1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to (\*\*\*) penalty in respect of each such contravention (\*\*\*) which shall not be less than (\*\*\*) ten thousand rupees but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention (\*\*\*) under sub-section (1), he shall be liable to (\*\*\*) additional penalty of ten thousand rupees for every day during which such contravention continues.

15A. Penalty for contravention by companies. - (1) Where any company contravenes any of the provisions of this Act, the company shall be liable to (\*\*\*) penalty for each such contravention which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.

(2) Where any company continues contravention (\*\*\*) under sub-section (1), the company shall be liable to (\*\*\*) additional penalty of one lakh rupees for every day during which such contravention continues.

15B. Penalty for contravention by Government Department. - (1) Where contravention of any of the provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to (\*\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to (\*\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

15C. Adjudicating Officer. - (1) The Central Government, for the purposes of determining the penalties under this Act, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may-

(a) call upon any person alleged to have contravened or not complied with the provisions of this Act and the rules made thereunder or having the knowledge of the facts and circumstances of the case;

(b) require such person to produce any record, register or other document in his possession or any other document, which in the opinion of the adjudicating officer may be relevant to the subject-matter.

(3) The adjudicating officer shall, after giving the person a reasonable opportunity of being heard in the matter, and if, on such inquiry, he is satisfied that the person concerned has contravened or has not complied with the provisions of the Act or the rules made thereunder, he may impose such penalty as he thinks fit in accordance with the provisions of sections 14A, 14B, 15, 15A or section 15B, as the case may be.

(4) The adjudicating officer, while adjudicating the quantum of penalty under sub-section (3), shall have due regard to the following, namely: -

(a) the population and the area impacted or affected due to such contravention or non-compliance;

(b) the frequency and duration of such contravention or non-compliance;

(c) the vulnerability of the class of persons likely to be adversely affected by such contravention or non-compliance;

(d) the damage caused or likely to be caused to any person, as a result of such contravention or non-compliance, if any;

(e) the undue gain derived out of such contravention or non-compliance; and

(f) (\*\*\*) such other factor, as may be prescribed.

(5) The amount of penalty imposed under the provisions of sections 14A, 14B, 15, 15A or 15B, as the case may be, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

15D. Appeal. - (1) (\*\*\*) Whoever aggrieved by the order, passed by the

adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.

15E. Penalty amount to be credited to Environmental Protection Fund. - Where any penalty or additional penalty, as the case may be, is imposed under sections 14A, 14B, 15, 15A or section 15B, the amount of the penalty shall be credited to the Environmental Protection Fund established under section 16.

15F. Offence for failure to pay penalty or additional penalty. - (1) Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 14A, 14B, 15, 15A or section 15B within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend to twice the amount of the penalty or with both.

(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of offence and he shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment provided in sub-section (1), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* - For the purposes of this section, -

(a) "company" includes body corporate, firm, trust, society and any other association of individuals;

(b) "director" includes director of the company, partner of the firm, members of the society or trust or member of any association of

individuals, as the case may be.'.

(E) After Chapter III, the following Chapter shall be inserted, namely: -

**"CHAPTER IIIA**

**FUND, ACCOUNTS AND AUDIT**

16. Environmental Protection Fund. - (1) The Central Government may, by notification in the Official Gazette, establish a fund to be known as the Environmental Protection Fund.

(2) There shall be credited to the Fund-

(a) the amount of penalty imposed under the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981), and under this Act;

(b) the interest or other income received out of investments made from the Fund; and

(c) any other amount from such sources, as may be prescribed.

(3) The Fund shall be applied for -

(a) the promotion of awareness, education and research for the protection of environment;

(b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act;

(c) such other purposes, as may be prescribed.

(4) The Central Government shall notify the administrator for the administration of the Fund and other matters connected therewith and incidental thereto in such manner, as may be prescribed.

(5) The Central Government shall allocate seventy-five per cent. of the amount of penalties to the State Governments or Union territory administrations, which has been credited to the Fund.

16A. Accounts and audit of Fund. - (1) The Central Government shall maintain separate accounts and other relevant records in relation to the Environmental Protection Fund and prepare an annual statement of accounts in such form, as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor - General of India at such intervals as may be specified by him and such audited accounts together with the audit report thereon shall be forwarded annually to the Central Government.

16B. Annual Report.- The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities defined under this Act in such form, as may be prescribed, for each financial year during the previous financial year, and shall be laid before each House of Parliament along with audit report (\*\*\*) given by the Comptroller and Auditor-General of India (\*\*\*)."

				<p>(F) In section 19, after clause (a), the following clause shall be inserted, namely: -</p> <p>“(aa) adjudicating officer or any officer authorised by him in this behalf;”.</p> <p>(G) For section 24, the following section shall be substituted, namely: -</p> <p>“24. Effect of other laws. - The provisions of this Act and the rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.”.</p> <p>(H) In section 25, in sub-section (2), after clause (g), the following clauses shall be inserted, namely: -</p> <p>“(ga) the manner of holding inquiry and imposing penalty by the adjudicating officer under sub-section (1) and other factors for determining quantum of penalty under clause (f) of sub-section (4), of section 15C;</p> <p>(gb) the other amount under clause (c) of sub-section (2) of section 16;</p> <p>(gc) the other purposes under clause (c) of sub-section (3) of section 16;</p> <p>(gd) the manner of administration of Fund under sub-section (4) of section 16;</p> <p>(ge) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under sub-section (1) of section 16A;</p> <p>(gf) form for preparing Annual Report of the Fund under section 16B;”.</p>
25.	1987	53	The National Housing Bank Act, 1987	<p>(A) After section 33B, the following section shall be inserted, namely:-</p> <p>“33C. Power to take action against auditors.-Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the Reserve Bank may, <u>after giving a reasonable opportunity of being heard</u>, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time.”.</p> <p>(B) In section 49,-</p> <p>(i) sub-sections (2) and (2B) shall be omitted;</p> <p>(ii) in sub-section (3), clause (aa) shall be omitted;</p> <p>(iii) sub-section (4) shall be omitted.</p> <p>(C) In section 52A,-</p> <p>(I) in the marginal heading, for the word “fine”, the word “penalty” shall be substituted;</p>



			<p>(II) in sub-section (1),-</p> <p>(i) in clause (a), for the words "five thousand", the words "twenty-five thousand" shall be substituted;</p> <p>(ii) in clause (b), -</p> <p>(a) the words, brackets and letters "or clause (aa)" shall be omitted;</p> <p>(b) for the words "five lakh", the words "ten lakh" shall be substituted;</p> <p>(c) for the words "twenty-five thousand", the words "one lakh" shall be substituted;</p> <p>(III) after sub-section (1), the following sub-sections shall be inserted, namely:-</p> <p>"(1A) If any person or housing finance institution which is a company fails to produce any book, account or other document, or to furnish any statement or information, which, under the provisions of this Act, is the duty of such person or housing finance institution to produce or furnish, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding one lakh fifty thousand rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to seven thousand five hundred rupees for every day, after the first, during which the contravention or default continues.</p> <p>(1B) If any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person a penalty not exceeding ten lakh rupees.</p> <p>(1C) If any person (other than an auditor) or housing finance institution which is a company fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding ten lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to one lakh rupees for every day, after the first, during which the contravention or default continues.</p> <p>(1D) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, the National Housing Bank or the Reserve Bank, as the case may be, may</p>
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			<p>impose on any person or housing finance institution which is a company, guilty of such contravention or default, a penalty not exceeding one lakh rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to ten thousand rupees for every day, after the first, during which the contravention or default continues.”;</p> <p>(IV) in sub-section (2),-</p> <p>(i) for the word, brackets and figure “sub-section (1)”, the words “this section” shall be substituted;</p> <p>(ii) for the words “housing finance institution” at both the places where they occur, the words “person or housing finance institution” shall be substituted;</p> <p>(V) in sub-section (3), -</p> <p>(i) for the words “served on the housing finance institution”, the words “served on the person or housing finance institution” shall be substituted;</p> <p>(ii) for the words “failure of such housing finance institution”, the words “failure of such person or housing finance institution” shall be substituted;</p> <p>(iii) for the words “the area where the registered office”, the words “the area where such person ordinarily resides or, as the case may be, the registered office” shall be substituted;</p> <p>(VI) in sub-section (4), after the words “payable by the”, the words “person or” shall be inserted.</p>
26.	1988	59	<p>The Motor Vehicles Act, 1988</p> <p>(A) In section 192A, in sub-section (1),-</p> <p>(i) for the words “<u>(***)</u> a fine of ten thousand rupees”, the words “<u>(***)</u> a fine of ten thousand rupees, or with both” shall be substituted;</p> <p>(ii) the proviso shall be omitted.</p> <p>(B) In section 200, <u>(***)</u> for sub-section (1), the following sub-section shall be substituted, namely:-</p> <p>“(1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 177A, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, <u>clause (c) of the Explanation to section 184 (***)</u>, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, sub-section (3) of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.”.</p> <p>(C) In section 215, in sub-section (3), the following proviso shall be inserted, namely:-</p> <p>“Provided that <u>(***)</u> where a State Government has not constituted the</p>

				District Road Safety Committee, the Central Government may, by notification in the Official Gazette, constitute a Committee for such District, consisting of a Chairman and such other members as it considers necessary and on such terms and conditions as it may determine.”.
27.	1989	24	The Railways Act, 1989	In section 144, for sub-section (2), the following sub-section shall be substituted, namely:- “(2) No person shall be permitted to beg in any railway carriage or upon any part of the railway.”.
28.	1991	6	The Public Liability Insurance Act, 1991	(A) In section 2, - (i) clause (ha) shall be numbered as clause (hb) thereof and before clause (ha) as so renumbered, the following clause shall be inserted, namely:- “(ha) “property” includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;”;  (ii) after clause (j), the following clause shall be inserted, namely: - “(k) words and expressions used and not defined in this Act but defined in the Transfer of Property Act, 1882 (4 of 1882), and the Environment (Protection) Act, 1986 (29 of 1986), shall have the meanings respectively assigned to them in those Acts.”.  (B) In section 3, for sub-section (1), the following sub-section shall be substituted, namely:- “(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to reimburse such amount, or provide such other relief as may be prescribed, for-  (a) death due to fatal accident; (b) medical expenses incurred due to total or partial disability; (c) loss of wages due to partial disability; (d) other injury or sickness; (e) damage to private property; or (f) such other loss or damage, as may be prescribed.”.  (C) In section 4, - (a) for sub-section (1), the following shall be substituted, namely:- “(1) Every owner of any undertaking shall take out, before he starts handling any hazardous substance, one or more insurance policies for such undertaking or unit providing for contracts of insurance whereby he is insured against liability to give such relief or reimburse such amount (***) referred to in sub-section (1) of section 3. <i>Explanation.</i> - For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under-  (i) the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and (ii) the Air (Prevention and Control of Pollution) Act, 1981 (14 of

1981),

shall be treated as a separate unit:

Provided that any owner handling any hazardous substance immediately before the commencement of the *Jan Vishwas (Amendment of Provisions) Act, 2023*, shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from commencement of that Act.”;

(b) for sub-section (2A), the following shall be substituted, namely: -  
“(2A) An insurance policy taken out or renewed by an owner for any undertaking or unit shall be for an amount which shall not be less than the amount of the paid-up capital of that undertaking or unit handling any hazardous substance owned or controlled by that owner and may extend to such amount as may be prescribed but not exceeding five hundred crore rupees.

*Explanation.* — For the purposes of this sub-section, “paid-up capital” in relation to an owner not being a company, means the market value of all assets and stocks of the undertaking on the date of contract of insurance.’.

(D) In section 6, after sub-section (1), the following sub-section shall be inserted, namely: -

“(1A) where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector.”.

(E) In section 7, after sub-section (8), the following sub-section shall be inserted, namely:-

“(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund from the Environmental Relief Fund for restoration of the damage so caused in the manner as may be prescribed.”.

(F) In section 7A, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) There shall be credited to the Relief Fund established under sub-section (1)-

- (a) the amount (\*\*\*) referred to in sub-section (2C) of section 4;
- (b) the amount of penalty imposed under this Act;
- (c) the interest or other income received out of investments made from the Fund; and

(d) any other amount from such sources, as may be prescribed.”.

(G) For sections 14 and 15, the following sections shall be substituted, namely:-

“14. Penalty for contravention.- (1) Where any person contravenes any of the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be liable to (\*\*\*) penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.

(2) Where contravention under sub-section (1) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues.

(\*\*\*)

15. Penalty for non-compliance of directions. - (1) Where any person does not comply with any directions issued under section 12, he shall be liable to (\*\*\*) penalty which shall not be less than ten thousand rupees which may extend to fifteen lakh rupees.

(2) Where any person continues non-compliance under sub-section (1), he shall be liable to (\*\*\*) additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.

(3) Where any owner does not comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under sub-sections (1), (2) or (3) of section 11, he shall be liable to (\*\*\*) penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

(4) Where any person continues non-compliance under sub-section (3), he shall be liable to (\*\*\*) additional penalty of ten thousand rupees for every day during which such non-compliance continues.

15A. Adjudicating Officer.- (1) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint the District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the rank of Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry and impose penalty in the manner, as may be prescribed (\*\*\*):

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2),

sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit (\*\*\*) under the provisions of sections 14 and 15:

Provided that no such penalty shall be imposed without giving the person concerned a (\*\*) reasonable opportunity of being heard (\*\*).

15B. Appeal. (1) (\*\*) Whoever aggrieved by the order, passed by the adjudicating officer under section (\*\*) 15A, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.”.

(I) Section 16 shall be omitted.

(J) For section 17, the following sections shall be substituted, namely: -

\*17. Penalty for contravention by Government Department.- (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to (\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, he shall be liable to (\*\*) penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

17A. Penalty amount to be credited to Environmental Relief Fund.- Where any penalty or additional penalty, as the case may be, is imposed under section 14 or section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.

17B. Offence for failure to pay (\*\*) penalty or additional penalty.- (1) Where any person fails to pay the penalty or additional penalty imposed for -

(a) contravention or continued contravention under sections 14 or 17, as the case may be; or

			<p>(b) non-compliance of the directions issued under section 15, within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend up to fifteen lakh rupees, or with both.</p> <p>(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> —For the purposes of this section,—</p> <p>(a) "company" means any body corporate and includes a firm or other association of individuals;</p> <p>(b) "director" <u>includes director of the company and</u> in relation to a firm, (***) a partner in the firm.;</p> <p>(K) In section 23, in sub-section (2),-</p> <p>(i) for clause (a), the following clause shall be substituted, namely:-  "(a) such amount under sub-section (2A) of section 4;";</p> <p>(ii) after clause (e), the following clauses shall be substituted, namely:-  "(ea) amount or relief and any other loss or damage under sub-section (1) of section 3;  (eb) such other person under sub-section (1A) of section 6;  (ec) manner of allocation of fund for restoration of damage under sub-section (9) of section 7;  (ed) any other amount from other sources under clause (d) of sub-section (1A) of section 7A;  (ee) manner of holding inquiry <u>and imposing penalty</u> under sub-section (1) of section 15A;".</p> <p>(L) The Schedule shall be omitted.</p>
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29.	1995	7	The Cable Television Networks (Regulation) Act, 1995	<p>(A) For <u>(***) CHAPTER IV</u>, the following <u>(***) CHAPTER</u> shall be substituted, namely:-</p> <p style="text-align: center;"><u>"CHAPTER IV</u> <u>PENALTIES</u></p> <p>16. Penalty for contravention of provisions of this Act. - (1) Whoever contravenes any of the provisions of this Act shall be <u>(***) liable</u>,-</p> <p>(a) for the first <u>(***) contravention</u>, with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent <u>(***) contravention within a period of three years</u>, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or <u>with both</u>,</p> <p><u>(***)</u> by <u>such</u> designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (1):</p> <p><u>Provided that in cases of more than three contraventions over a period of three years, the designated officer, in addition to penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted:</u></p> <p><u>Provided further that no (**) order by the designated officer under this sub-section shall be (**) made without giving a reasonable opportunity of being heard.</u></p> <p>(3) <u>(***) Whoever aggrieved by (**) the order made</u> under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p> <p><u>Provided that no such appeal shall be admissible after the expiry of thirty days (**) from the date of receipt of such order:</u></p> <p><u>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."</u></p> <p>(B) In section 22, in sub-section (2), after clause (da), the following clause shall be inserted, namely:-</p>
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				“(db) the (***) designated officer under sub-section (1) of section 16;”.
30.	1999	47	The Trademarks Act, 1999	<p>(A) Section 106 shall be omitted.</p> <p>(B) In section 107, in sub-section (2), for the words “punishable with imprisonment for a term which may extend to three years, or with fine, or with both”, the words “(**) liable to penalty of a sum equal to one half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession, as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less” shall be substituted.</p> <p>(C) Sections 108 and 109 shall be omitted.</p> <p>(D) after section 112, the following section shall be inserted, namely:-</p> <p>“112A. Adjudication of penalties. - The Registrar may, by an order, (***) <u>authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</u></p> <p>112B. Appeal.- (1) <u>Whoever aggrieved by an order of the adjudicating officer under section 112A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.</u></p> <p>(2) <u>Every appeal under this section shall be preferred in such form and manner as may be prescribed.</u></p> <p>(3) <u>An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</u></p> <p>(4) <u>No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</u></p> <p>(5) <u>The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.</u></p> <p>(6) <u>Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 112A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both.”.</u></p>

			<p>(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:-</p> <p>“(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to (***) penalty of ten thousand rupees:</p> <p>Provided that the penalty under this section shall be levied <u>and recovered</u> by such authority (***) under the Customs Act, 1962 (52 of 1962) for this purpose.”</p> <p>(F) In section 157, in sub-section (2), after clause (xxxiii), the following clauses shall be inserted, namely:-</p> <p>“(xxxiiia) the manner of (***) holding inquiry and imposing penalty under (***) section 112A;</p> <p>(xxxiiib) the form and manner of preferring appeal under sub-section (2) of section 112B.”</p>
31.	1999	48	<p>(A) After section 37, the following sections shall be inserted, namely:-</p> <p>“37A. Adjudication of penalties. - (***) The Registrar may, by an order, (***) authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</p> <p>(***)</p> <p>37B. Appeal.- (1) Whoever aggrieved by an order of the adjudicating officer under section 37A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.</p> <p>(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed.</p> <p>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</p> <p>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</p> <p>(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.</p> <p>(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 37A or the</p>

			<p><u>order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</u></p> <p>(B) <u>In section 42, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to (***) penalty of a sum equal to one half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less" shall be substituted.</u></p> <p>(C) Sections 43 and 44 shall be omitted.</p> <p>(D) In section 87, in sub-section (2), after clause (o), the following clauses shall be inserted, namely:-  <u>"(oa) the manner (***) of holding inquiry and imposing penalty under (***) section 37A;</u>  <u>(ob) the form and manner of preferring appeal under sub-section (2) of section 37B;".</u></p>
32.	2000	21	<p>The Information Technology Act, 2000</p> <p>(***)</p> <p>(A) In section 33, in sub-section (2), for the words "punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both", the words "liable to (***) penalty which may extend to five lakh rupees" shall be substituted.</p> <p>(B) In section 44,-</p> <p>(i) in clause (a), for the words "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted;</p> <p>(ii) in clause (b), for the words "five thousand", the words "fifty thousand", shall be substituted;</p> <p>(iii) in clause (c), for the words, "ten thousand", the words "one lakh" shall be substituted.</p> <p>(C) In section 45,-</p> <p>(i) for the words "rules or regulations", the words "rules, regulations, directions or orders" shall be substituted;</p> <p>(ii) for the words, "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not</p>

exceeding twenty-five thousand rupees", the following shall be substituted, namely:-

"penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding-

- (a) ten lakh rupees, by an intermediary, company or body corporate; or
- (b) one lakh rupees, by any other person."

(D) In section 46,-

- (i) \_\_\_\_\_ in sub-section (1), for the words "under this Chapter", the words "under this Act" shall be substituted;
- (ii) in sub-section (1A), the words "injury or" at both the places where they occur shall be omitted.

(E) Section 66A shall be omitted.

(F) In section 67C, in sub-section (2), for the words "punished with an imprisonment for a term which may extend to three years and also be liable to fine", the words "liable to (\*\*\*) penalty which may extend to twenty-five lakh rupees" shall be substituted.

(G) In section 68, in sub-section (2), for the words "on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both", the words "to (\*\*\*) penalty which may extend to twenty-five lakh rupees" shall be substituted.

(H) In section 69B, in sub-section (4), for the words "three years and shall also be liable to fine", the words "one year or shall be liable to fine which may extend to one crore rupees, or with both" shall be substituted.

(I) In section 70B, in sub-section (7), for the words "one lakh", the words "one crore" shall be substituted.

(J) In section 72, for the words "punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.

(K) In section 72A,-

				<p>(i) <u>in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted;</u></p> <p>(ii) <u>for the words "punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both", the words "liable to (***) penalty which may extend to twenty-five lakh rupees" shall be substituted.</u></p>
33.	2002	60	The Metro Railways (Operation and Maintenance) Act, 2002	<p>(A) In section 6, in sub-section (2), <u>(***) after clause (g), the following clause shall be inserted, namely:-</u></p> <p><u>"(ga) levy and collect penalties under this Act;"</u></p> <p>(B) In section 59, <u>(***) in sub-section (2),- (***)</u></p> <p><u>(***)</u></p> <p>(i) <u>for the words "punishable with fine which may extend to two hundred and fifty rupees", the words "liable to penalty which may extend to ten thousand rupees" shall be substituted;</u></p> <p>(ii) <u>for the words "five hundred rupees", the words "ten thousand rupees" shall be substituted.</u></p> <p>(C) In section 63, <u>for the words "after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both", the words "he shall be liable to penalty which may extend to five thousand rupees" shall be substituted.</u></p> <p>(D) In section 65, in the long line, <u>for the words "five years, or with fine which may extend to six thousand rupees, or with both", the words "two years, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted.</u></p> <p>(E) In section 69, for sub-section (4), <u>the following sub-section shall be substituted, namely:-</u></p> <p><u>"(4) If any passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro railway official authorised by the metro railway administration in this behalf may apply to any Metropolitan Magistrate or, as the case may be, Judicial Magistrate of the first class, for the recovery of the sum payable as if it were a fine."</u></p> <p>(F) For section 70, <u>the following section shall be substituted, namely:-</u></p> <p><u>"70. Needlessly interfering with means of communication in a train.- If any</u></p>

			<p>passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro railway administration in a metro railway for communication between passengers and metro railway official in charge of the metro railway or misuses alarm bell or emergency stop push or emergency trip system or emergency call point of the metro railway, he shall be (***) liable to penalty which may extend to ten thousand rupees.”.</p> <p>(G) Section 80 shall be omitted.</p> <p>(H) In section 82, in sub-section (1), for the words and figures “sections 65 to 79”, the words and figures “sections 65 to 68, 71 to 79” shall be substituted.</p>										
34	2003	15	<p>The Prevention of Money-laundering Act, 2002</p> <p>In THE SCHEDULE, in PART A,-</p> <p>(i) for PARAGRAPH 21, the following PARAGRAPH shall be substituted, namely:-</p> <p style="text-align: center;">“PARAGRAPH 21 OFFENCES UNDER THE TRADEMARKS ACT, 1999 (47 OF 1999)</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 20%;">Section</th> <th style="width: 80%;">Description of offence</th> </tr> </thead> <tbody> <tr> <td>“103</td> <td>Penalty for applying false trademarks, trade descriptions, etc.</td> </tr> <tr> <td>104</td> <td>Penalty for selling goods or providing services to which false trademark or false trade description is applied</td> </tr> <tr> <td>105</td> <td>Enhanced penalty on second or subsequent conviction.</td> </tr> <tr> <td>120</td> <td>Punishment of abetment in India of acts done out of India.”;</td> </tr> </tbody> </table>	Section	Description of offence	“103	Penalty for applying false trademarks, trade descriptions, etc.	104	Penalty for selling goods or providing services to which false trademark or false trade description is applied	105	Enhanced penalty on second or subsequent conviction.	120	Punishment of abetment in India of acts done out of India.”;
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			<p>(ii) for PARAGRAPH 22, the following PARAGRAPH shall be substituted, namely:-</p> <p style="text-align: center;">“PARAGRAPH 22 OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000 (21 OF 2000)</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 20%;">Section</th> <th style="width: 80%;">Description of offence</th> </tr> </thead> <tbody> <tr> <td>“75</td> <td>Act to apply for offence or</td> </tr> </tbody> </table>	Section	Description of offence	“75	Act to apply for offence or						
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				<p>contravention committed outside India.”;</p> <p>(iii) PARAGRAPH 25 shall be omitted;</p> <p>(iv) PARAGRAPH 27 shall be omitted.</p>
35.	2006	34	The Food Safety and Standards Act, 2006	<p>(A) In section 59, in clause (i), for the words “imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees”, the words “<u>imprisonment for a term which may extend to three months and also with fine which may extend to (***) three lakh rupees</u>” shall be substituted.</p> <p>(B) In section 61,-</p> <p>(i) <u>in the marginal heading, for the word “Punishment”, the word “Penalty” shall be substituted;</u></p> <p>(ii) <u>for the words “punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees”, the words “(***) liable to penalty which may extend to ten lakh rupees” shall be substituted.</u></p> <p>(C) In section 63,-</p> <p>(i) <u>in the marginal heading, for the word “Punishment”, the word “Penalty” shall be substituted;</u></p> <p>(ii) <u>for the words “punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees”, the words “(***) liable to penalty which may extend to (***) ten lakh rupees” shall be substituted.</u></p>
36.	2006	38	The Government Securities Act, 2006	<p>In section 30,-</p> <p>(i) <u>in sub-section (1), for the words “he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both”, the words “(***) the Bank may impose a penalty not exceeding five lakh rupees or twice the amount involved in such contravention, where the amount is quantifiable, whichever is higher, and where such contravention is a continuing one, with a further penalty, which may extend to five thousand rupees for every day after first day during which the contravention continues” shall be substituted;</u></p>

				(ii) <u>sub-section (2) shall be omitted.</u>
37.	2006	41	The Cantonments Act, 2006	<p>(A) Section 156 shall be omitted.</p> <p>(B) In section 185, for sub-section (1), the following sub-section shall be substituted, namely:-</p> <p>“(1) No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed.”.</p> <p>(<u>***</u>)</p> <p>(C) (<u>***</u>) <u>Section 286 shall be omitted.</u></p> <p>(D) For section 287, the following section shall be substituted, namely:-</p> <p>“287. <u>Arrest of persons, seizure and confiscation of things for offences under section 285 (<u>***</u>).</u>- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, <u>arrest any person who commits an offence under section 285 (<u>***</u>), and (<u>***</u>) may seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 (<u>***</u>) has been committed and any vessels or coverings in which the liquor or drug is contained.</u></p> <p>(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person.</p> <p>(3) The court convicting a person of an offence under section 285 (<u>***</u>) may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).</p> <p>(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974) anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.”.</p> <p>(E) <u>In section 289, (<u>***</u>) sub-section (5) shall be omitted.</u></p> <p>(<u>***</u>)</p>



				<p>(F) (***) <u>In section 314, in the proviso, in clause (a), the words, letter and figures "in the case of breach of any such provisions as is specified in Part B of Schedule IV," shall be omitted.</u></p> <p>(***)</p> <p>(***)</p> <p>(G) (***) <u>For SCHEDULE IV, the following SCHEDULE shall be substituted, namely:-</u></p> <p style="text-align: center;"><u>"SCHEDULE IV</u> <u>(See section 314)</u></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Section</th> <th style="text-align: left; border-bottom: 1px solid black;">Subject</th> </tr> </thead> <tbody> <tr> <td style="border-bottom: 1px solid black;">183(1)</td> <td style="border-bottom: 1px solid black;">Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.</td> </tr> <tr> <td style="border-bottom: 1px solid black;">296</td> <td style="border-bottom: 1px solid black;">Discharging fire-arms, etc., so as to cause danger.</td> </tr> <tr> <td style="border-bottom: 1px solid black;">360</td> <td style="border-bottom: 1px solid black;">Loitering or importuning for sexual immorality.</td> </tr> <tr> <td style="border-bottom: 1px solid black;">304(a)</td> <td style="border-bottom: 1px solid black;">Remaining in, or returning to, a cantonment after notice of expulsion."</td> </tr> </tbody> </table>	Section	Subject	183(1)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.	296	Discharging fire-arms, etc., so as to cause danger.	360	Loitering or importuning for sexual immorality.	304(a)	Remaining in, or returning to, a cantonment after notice of expulsion."
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38.	2007	51	The Payment and Settlement Systems Act, 2007	<p>(A) In section 26,-</p> <p>(i) in sub-section (3), for the words "punishable with fine which may extend to ten lakh rupees in respect of each offence and if he persists in such refusal, to a further fine which may extend to twenty-five thousand rupees for every day for which the offence continues", the words and figures "liable to (***) penalty as may be imposed in accordance with the provisions of section 30" shall be substituted;</p> <p>(ii) in sub-section (6), for the words "punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues", the words and figures "liable to (***) penalty as may be imposed in accordance with the provisions of section 30" shall be substituted.</p> <p>(B) In section 30,-</p> <p>(a) <u>in the marginal heading, for the word, "fines", the word "penalties" shall be substituted;</u></p> <p>(b) in sub-section (1)-</p>										

				<p>(i) after the word, brackets and figure, "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted;</p> <p>(ii) for the words "five lakh", the words "ten lakh" shall be substituted.</p>
39.	2009	07	The Collection of Statistics Act, 2008	<p>(A) In section 9, in sub-sections (2) and (3), for the word "prosecution", the word "penalty" shall be substituted.</p> <p>(B) (***) For CHAPTER IV, the following CHAPTER shall be substituted, namely:-</p> <p style="text-align: center;"><u>"CHAPTER IV</u></p> <p style="text-align: center;"><u>PENALTIES AND ADJUDICATION</u></p> <p><u>15. Penalty for neglect or refusal to supply particulars and other contraventions.- (1) Whoever (***) fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act (***) or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be (***) liable to penalty which may extend to one thousand rupees (***) and in the case of a company, with a (***) penalty which may extend to (***) one lakh rupees.</u></p> <p><u>(2) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (1), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues.</u></p> <p><u>15A. Adjudicating officer.- (1) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry and impose penalty in the manner, as may be prescribed;</u></p> <p><u>Provided that the appropriate Government may appoint as many adjudicating officers as may be required.</u></p> <p><u>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the</u></p>

			<p>adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty; -</p> <p>____ Provided that no such penalty shall be imposed without giving the parties concerned a reasonable opportunity of being heard.</p> <p><u>15B. Appeal.- (1) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed,</u></p> <p><u>(2) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</u></p> <p><u>(3) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.</u></p> <p><u>(4) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</u></p> <p><u>15C. Recovery.- Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited, the amount shall be recovered as an arrear of land revenue.”</u></p> <p><u>(C) In section 33, in sub-section (2), after clause (da), the following clauses shall be inserted, namely:-</u>  <u>“(db) the manner of holding inquiry and imposing penalty under sub-section (1) of section 15A;</u>  <u>(dc) the form and manner of preferring appeal under sub-section (1) of section 15B;”.</u></p>
40.	2010	1	<p>The Legal Metrology Act, 2009</p> <p>(A) In section 25, for the words “twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine”, the words “one lakh (***) rupees and for the second offence with fine which may extend to two lakh (***) rupees and for the third and subsequent offence, with fine which may extend to five lakh rupees” shall be substituted.</p> <p>(B) In section 27, in the long line, for the words “twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both”, the words “one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and subsequent offence, with fine which may extend to four lakh rupees” shall be substituted.</p> <p>(C) In section 28, for the words “ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both”, the words “fifty thousand rupees and for the second offence with fine which may extend to one lakh rupees and for</p>

				<p>the third and subsequent offence with fine which may extend to two lakh rupees" shall be substituted.</p> <p>(D) In section 29, for the words "ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both", the words "fifty thousand rupees for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence with a fine which may extend to two lakh rupees" shall be substituted.</p> <p>(E) In section 31, for the words "five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine", the words "twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p> <p>(F) In section 34, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p> <p>(G) In section 35, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p> <p>(H) In section 48,-</p> <p>(a) in sub-sections (1) and (2), for the words and figures "sections 27 to 39" at both places where they occur, the words and figures "sections 27 to 39, section 41" shall be substituted;</p> <p>(b) in sub-section (3), after the words and figures "sections 33 to 37," the word and figures "section 41," shall be inserted."</p>
41.	2012	12	The Factoring Regulation Act,	(A) For sections 21 and 22, the following sections shall be substituted,

		2011	<p>namely:-</p> <p>"21. Penalties.- If a default is made in filing under section 19, the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be liable to (***) penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues, to be imposed by the Reserve Bank in accordance with the provisions of sub-sections (2) to (4) of section 22.</p> <p>22. Penalties for non-compliance of direction by Reserve Bank.- (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing (***) failure, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.</p> <p>(2) For the purpose of adjudging the penalty under sub-section (1) or section 21, the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.</p> <p>(3) Any penalty imposed by the Reserve Bank under this section or section 21 shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:</p> <p>Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf.</p> <p>Provided further that the Reserve Bank may also recover the amount of penalty by debiting the current account, if any, of the defaulter or by liquidating the securities held to the credit of the defaulter.</p> <p>(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree</p>
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				made by the court in a civil suit.”
42.	18	2016	The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016	In section 41, for the words “punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both”, the words “liable to (***) penalty which may extend to one lakh rupees, or in the case of a company, with (***) penalty which may extend to ten lakh rupees” shall be substituted.

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