

## **THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022**

### **MINISTRY OF COMMERCE AND INDUSTRY**

The Jan Vishwas Act came to amend certain enactments for decriminalizing and rationalizing offenses to enhance trust based governance for ease of living and doing businesses. It also specifies that the penalties provided under various provisions in the enactment mentioned in the schedule shall be increased by 10% of the minimum amount of fine or penalty prescribed after the expiry of every three years from the date of commencement of this act. This act will not affect the validity in effect or consequences of anything already done in the past.

Through The Jan Vishwas (Amendment of Provisions) Bill, 2023, a total of 183 provisions are being proposed to be decriminalized in 42 Central Acts administered by 19 Ministries/Departments. Decriminalization is proposed to be achieved in the following manner: -

- (i) Both Imprisonment and/or Fine are proposed to be removed in some provisions.
- (ii) Imprisonment is proposed to be removed and fine retained in few provisions.
- (iii) Imprisonment is proposed to be removed and Fine enhanced in few provisions.
- (iv) Imprisonment and Fine are proposed to be converted to Penalty in some provisions.
- (v) Compounding of offenses is proposed to be introduced in a few provisions.

Some important amendments are illustrated below :

### **DRUGS AND COSMETICS ACT, 1940**

The Act, which governs the importation, production, distribution, and sale of pharmaceuticals and cosmetics in the nation, is proposed to get two revisions. The first change pertains to Section 30(2), which deals with the punishment for repeatedly violating the law by utilizing a government analyst's or the Central Drugs Laboratory's test results or analyses to promote a drug or cosmetic. With the alteration, the maximum penalty for a violation of Section 30(2) would no longer be two years in prison, but instead would be a minimum fine of Rs 10,000, or both. A second amendment suggests adding two sections to Section 32B, which talks about compounding offenses. Certain measures under Section 27 are proposed to be included in the Bill. The penalty for manufacturing and selling "not of standard quality" (NSQ) drugs—aside from those that were false, adulterated, or sold without a license—was set at not less than one year but as much as two years under Section 27(d). Similar to Section 27A (i), Section 27A (ii) stipulated that manufacturing and selling such cosmetics in violation of the Act might result in a prison sentence of up to one year. The Bill includes compounding of offenses while removing the two sections' mention of imprisonment.

### **THE COPYRIGHT ACT, 1957**

The proposed law does not include a penalty for lying to get the attention of, or influence, a person in authority. At the moment, the crime is penalized by a fine, up to a year in prison, or by both.

### **THE CINEMATOGRAPH ACT, 1952**

Unauthorized alteration of a film that has already received certification will result in a sentence of up to three years in prison, a fine of up to Rs. 10 lakh, or both. Additionally, it suggests a fine of up to Rs 10,000 for anyone caught showing an adult film (A-rated) to a child.

**INFORMATION AND TECHNOLOGY ACT, 2000**

Personal information disclosure in violation of a valid contract is punishable by up to three years in prison, a fine up to five lakh rupees, or both. This is replaced with a fine of up to Rs 25 lakh under the Bill.

**THE PATENTS ACT, 1970**

A punishment of up to one lakh rupees may be imposed on anyone caught selling an item that has been falsely claimed to be patented in India. The penalty, which can be up to 10 lakh rupees, will take the place of the fine under the Bill.

**THE RAILWAYS ACT, 1989**

Anyone found soliciting for money or selling items without a permit in a train car or at a station faces penalties. The Bill eliminates the beggar punishment provision. It stipulates that unlawful hawkers can face a maximum one-year prison sentence, a fine of Rs 2,000, or both.

**THE PRESS AND REGISTRATION OF BOOKS ACT, 1867**

This act provides guidelines for press registrar when to cancel the certificate of registration for newspaper or publisher Also set certain penalties to be imposed, if guidelines not followed.

**THE CANTONMENTS ACT, 2006**

For carrying or using non-biodegradable nature-polythene bags in the cantonment area, this act (Section 289 (5)) carried prison sentence restrictions. The majority of the time, people using polyethene bags may not be aware of whether or not they are biodegradable, hence this provision is being eliminated.

**THE INDIAN POST OFFICE ACT, 1898**

It is recommended to delete 23 sections that deal with misconduct, voluntary leave from duty, falsifying register entries, defiling or damaging post office letter boxes, etc. These clauses include non-compliance by postal employees, other postal employees, staff members of other organizations, and other people. The Indian Contract Act, 1872, the Indian Penal Code, 1860, and other Acts and Rules have provisions for taking appropriate action against such defaulting employees, workers, and other people. Examples include the CCS (CCA) Rules, 1965, or GDS (Conduct and Engagement) Rules, 2020.

**INDIAN FOREST ACT, 1927**

For pasturing cattle on forest land, this act (Section 26 (1) (d)) included a penalty for imprisonment. The penalty of imprisonment and fine are being eliminated from this clause. This violation will now result in a fine. Tribal members and villages who may unintentionally enter forest territory while grazing cattle will benefit from this change. Prison sentences were not warranted because the offense was not substantial in nature and might not have been done on purpose. However, it is suggested that a fine of Rs. 500 be imposed in order to promote deterrence.

**THE FOOD CORPORATIONS ACT, 1964 & THE WAREHOUSING CORPORATIONS ACT, 1962**

These acts provide imprisonment and fine for using the name of Food/warehouse Corporation without Corporation's consent. Imprisonment (up to 6 months) and fine (₹1,000) is proposed to be removed for the use of Food/Warehouse Corporation's name in any prospectus or advertisement without Corporation's consent

**LEGAL METROLOGY ACT, 2009**

Giving false information to legal metrology officer, controller or director (Legal Metrology Act, 2009) is proposed to be made compoundable (Section 48)

**MOTOR VEHICLES ACT, 1988**

Contraventions related to driving regulations, obstructing free flow of traffic and producing false registration documents (Motor Vehicles Act, 1988) are proposed to be made compoundable.

**COLLECTION OF STATISTICS ACT, 2009**

This act makes it easier to gather statistics on issues related to the economy, population, society, science, and the environment. For minor procedural infractions such as failing to produce books, accounts, documents, or records, making any false or deceptive statement or information, and deleting, defacing, erasing, or mutilating any information, this statute included incarceration terms. The terms of this statute are rarely violated, and when they are, there is little harm done. The Act is now being amended to eliminate these criminal provisions.

**THE 1986 ENVIRONMENTAL (PROTECTION) ACT, 1986**

For unintentional violations of compliance, such as failing to recognize an excessive discharge of pollutants in violation of Sections 7 and 9 of the Act, the proposed fine ranges from Rs 1 lakh to Rs 15 lakh. Currently, the crime entails a five-year prison sentence and a Rs. 1 lakh fine.