

## Jan Vishwas (Amendment of Provisions) Bill, 2023

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### Jan Vishwas (Amendment of Provisions) Bill, 2023

The Lok Sabha has recently passed the **Jan Vishwas (Amendment of Provisions) Bill, 2023** that will amend **42 laws** administered by **19 ministries** of India.



[ref- hindustantimes]

### **What does the Bill propose?**

- The Jan Vishwas Bill aims to **decriminalise** around **180 offences** across **42 laws** governing environment, agriculture, media, industry and trade, publication, and other domains that create **barriers** to the **ease of doing business** in the country.
- It will **boost** the **business ecosystem** and **improve** the **well-being** of the **public** by **completely removing** or **replacing imprisonment clauses** with **monetary fines**.
- The Bill will also **compound** the **offences** in some provisions.



## KEY HIGHLIGHTS

The Bill recommends amendments to 42 acts administered by 19 ministries.

Aims to decriminalise and rationalise offences to enhance trust-based governance, ease of living, and doing business as well as appoint adjudicating officers.

Seeks to amend 113 imprisonment clauses of various laws.

Of the 113 clauses, 7 laws — The Merchant Shipping Act, 1958, The Environment (Protection) Act, 1986, The Air (Prevention and Control of Pollution Act), 1981, The National Housing Bank Act, 1987, The Prevention of Money Laundering Act, 2002, The Collection of Statistics Act, 2008, and The Legal Metrology Act, 2009 — alone account for 73 clauses to be amended.

Changes to be made to other acts — Information technology, Pharmacy, Copyright, Motor Vehicles, Railways etc.

Seeks to omit a chapter of The Indian Post Office Act.

Source: [prsindia.org](https://prsindia.org)

ThePrint

[ref-the print]

### Changes in existing Acts as proposed by the bill:

- **Decriminalisation** of offences that affects **citizen**, and some **categories** of **government employees**
- Removal of all **offences** and **penalties** under the **Indian Post Office Act, 1898**
- Changes in **grievance redressal mechanisms**
- Appointment of one or more **Adjudicating Officers** for determining **penalties**

- These officers can **conduct inquiries** into **violations** of the respective Acts and even **summon individuals** for **evidence**.
- Periodic **revision** of **fines** and **penalties** for various offences in the specified Acts.
  - There will be an **increase** of **10%** on the **minimum** amount every **three years**.

## PROPOSED PENALTY UNDER BILL

SECTION	PROVISIONS	PENALTY
27(a)	Adulterated/spurious drugs causing death/grievous injury	Jail up to life
27(b)	Adulterated other than 27(a) or manufactured sans licence	Up to 5 years
27(c)	Spurious other than 27(a)	Up to 7 years
27(d)*	All cases other than the above	Up to 2 years

(\*Compromise clause in amended Drugs Act, 1940)

[ref- tribune india]

### What is the need for such a law?

- There is need for an **effective** and **efficient business regulation** that **eliminates unnecessary red tape**.
  - It will **allow Micro, small and medium-scale businesses** to shift to the **formal** sector and generate **jobs** and **income**.
- The legislation, rules and regulations enacted by the Union and State governments have **created barriers** to the **smooth** flow of ideas, organisation, money, entrepreneurship and through them the creation of **jobs**, wealth and **Gross Domestic Product (GDP)**.
- Outdated rules and regulations cause **trust deficit**.
  - **Reducing compliance burden** gives impetus to **business process** by improving ease of living of people.
- **Discrepancies** among **existing laws** can lead to **unnecessary** and **contradictory compliance requirements**.
- The **lengthy processing times** for the **needed approvals** can **escalate** costs and dampen the entrepreneurial spirit.

### Benefits of the amendment bill:

- Proposed amendments would **accelerate investment decisions** due to smoother processes and **attract more investments**.

- Settlement of many issues, by **compounding method**, **adjudication** and **administrative mechanism**, without involving **courts**.
  - This will **enable** business to **remedy minor contraventions** and **defaults** and save time, energy and resources.
- It will **rationalize criminal provisions** and ensure that citizens, businesses and the government departments **operate** without **fear** of **imprisonment** for **minor, technical** or **procedural** defaults.
- The nature of **penal** consequence of an offence committed will **commensurate** with the **seriousness** of the offence.
  - This will establish a **balance** between the **severity** of the **offence/violation** committed and the graveness of the prescribed **punishment**.
  - The proposed amendments ensure the **adherence** to **law** by **businesses** and **citizens**, **without losing** the **rigor** of the law.
- **Consolidated amendments** of various laws with a **common objective** will save time and cost for both **Government** and **Businesses** alike.

### **Concerns regarding the bill:**

- Blanket removal of **imprisonment provision** might also **remove** the **deterrence effect** of the **environmental legislation**, especially for large corporations **profiteering** from the offence.
- Several offences that will be removed by the Bill has **nothing** to **do** with its **objective** of decriminalisation that will promote **ease of doing business**.