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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th August, 2023/Sravana 20, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2023 and is hereby published for general information:—

THE JAN VISHWAS (AMENDMENT OF PROVISIONS) ACT, 2023

No. 18 OF 2023

[11th August, 2023.]

An Act to amend certain enactments for decriminalising and rationalising offences to further enhance trust-based governance for ease of living and doing business.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

- (1) This Act may be called the *Jan Vishwas* (Amendment of Provisions) Act, 2023. Short title and commencement.
- (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.
- (3) The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof. Amendment of certain enactments.
- (4) 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. Revision of fines and penalties.

Savings.

4. The amendment or repeal by this Act of any enactment shall not affect any other enactment in which the amended or repealed enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already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 or repealed;

nor shall the amendment or repeal 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	(A) In section 8C,— (i) in sub-section (1), after the words, figure and letter "declaration under section 8B", the words, figures and letter "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" shall be inserted; (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. (B) For sections 12 to 14, the following sections shall be substituted, namely:— "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— (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 are required to be published under rule (6) of section 5, such newspaper shall be deemed to

(1)	(2)	(3)	(4)	(5)
21.	1981	14	The Air (Prevention and Control of Pollution) Act, 1981	<p>(A) In section 21, for sub-section (I), the following shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(I) 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:</p> <p style="padding-left: 40px;">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 the application of the provisions of this sub-section."</p> <p>(B) After section 21, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"21A. Power to issue guidelines.—(I) 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.</p> <p style="padding-left: 40px;">(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 (I)."</p> <p>(C) For sections 37 to 41, the following sections shall be substituted, namely:—</p> <p style="padding-left: 40px;">'37. Failure to comply with provisions of section 22 or directions issued under section 31A.—(I) 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, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p style="padding-left: 40px;">(2) Where any person continues contravention under sub-section (I), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.</p>

(1)	(2)	(3)	(4)	(5)
				<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>(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,</p>
				<p>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 for every day during which such contravention continues.</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 penalty equal to one month of his basic salary:</p>

(1)	(2)	(3)	(4)	(5)
				<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, 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 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, 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:</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</p>

(1)	(2)	(3)	(4)	(5)
				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 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

(1)	(2)	(3)	(4)	(5)
				<p>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.</p>
				<p>(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>
				<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) 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</p>

(1)	(2)	(3)	(4)	(5)
				<p>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 (I), after clause (a), the following clause shall be inserted, namely:—</p> <p>"(aa) the adjudicating officer or any officer authorised by him in this behalf; or".</p> <p>(E) In section 53, in sub-section (I), 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 (I) of section 39A."</p>
22.	1981	61	The National Bank for Agriculture and Rural Development Act, 1981	<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>