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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 The amendment or repeal by this Act of any enactment shall not affect any other enactment in which the amended or repealed enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already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)
				<p>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</p> <p>(5) An appeal under sub-section (2) shall be disposed of within sixty days from the date of filing.</p> <p>(6) The amount of penalty imposed under sub-section (1), if not paid, shall be recovered as an arrear of land revenue."</p> <p>(G) In section 38, in sub-section (2), after clause (m), the following clauses shall be inserted, namely:—</p> <p>"(ma) the manner of holding inquiry and imposing penalty under sub-section (1) of section 30A;</p> <p>(mb) the form and manner of preferring appeal under sub-section (2) of section 30A;"</p>
24.	1986	29	The Environment (Protection) Act, 1986	<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</p>

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(1)	(2)	(3)	(4)	(5)
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any search or seizures made under the authority of a warrant 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

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

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

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

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(1)	(2)	(3)	(4)	(5)
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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—



(1)	(2)	(3)	(4)	(5)
				<p>(a) the amount of penalty imposed under the Air (Prevention and Control of 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 under 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 per cent. 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 Fund.—</p> <p>(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.</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</p>

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