



KAMARAJ IAS ACADEMY
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Jan Vishwas (Amendment of Provisions) Bill, 2023

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Why is in news? Lok Sabha passes Jan Vishwas (Amendment of Provisions) Bill, 2023 in Parliament

The Bill was first introduced in Lok Sabha on 22nd December 2022. Subsequently, it was referred to the Joint Committee of the Parliament.

The Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022 held detailed discussions with all the 19 Ministries/Departments along with Legislative Department and Department of Legal Affairs.

Aim:

It proposes to **decriminalise many minor offences by replacing them with monetary penalties.**

A **unique feature** of the proposal is **an increase of 10% of the minimum amount of fine and penalty levied** after the **expiry of every three years** once the bill becomes a law.

Amendments:

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.

Some of the Acts to be amended include the Boilers Act, Aadhaar Act, Legal Metrology Act, Drugs and Cosmetics Act, Public Debt Act, Pharmacy Act, Cinematograph Act, Copyright Act, Patents Act, Environment (Protection) Act, Motor Vehicles Act, Trade Marks Act, Railways Act, Information Technology Act, Prevention of Money-laundering Act, Food Safety and Standards Act, Legal Metrology Act, and Factoring Regulation Act.

The Bill amends some Acts to provide for the **appointment of Adjudicating Officers** to decide penalties. It also specifies the appellate mechanism.

The Bill also specifies the **appellate mechanisms for any person aggrieved by the order passed by an adjudicating officer.**

Need for the bill:

Rise in Criminal Cases: As per the National Judicial Data Grid, of the 4.3 crore pending cases, nearly 3.2 crore cases are in relation to criminal proceedings.

Political Motives: As opposed to punishing wrongful conduct, criminalization often becomes a tool for governments to project a strong image. Governments offer little in the way of justifications to support such decisions. This phenomenon has been termed "overcriminalisation" by scholars.

Overcrowding of Prisons: As per the **National Crime Records Bureau's Prison Statistics of 2021**, a total of 5.54 lakh prisoners were confined in prisons against a capacity of 4.25 lakh.

Decriminalization is proposed to be achieved in the following manner: -

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Both Imprisonment and/or Fine are proposed to be removed in some provisions.

Imprisonment is proposed to be removed and fine retained in few provisions.

Imprisonment is proposed to be removed and Fine enhanced in few provisions.

Imprisonment and Fine are proposed to be converted to Penalty in some provisions.

Compounding of offences is proposed to be introduced in few provisions.

For effective implementation of the above, the bill proposes measures such as

pragmatic revision of fines and penalties commensurate to the offence committed;

establishment of Adjudicating Officers;

establishment of Appellate Authorities; and

Periodic increase in quantum of fine and penalties

It is also ensured that degree and nature of punishment is commensurate with the severity of the offence.

Benefits of the Amendment Bill:

The Amendment Bill will **contribute to rationalizing criminal provisions** and ensuring 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 should be **commensurate with the seriousness of the offence**. This bill **establishes a balance between the severity** of the offence/violation committed and the **gravity of the prescribed punishment**.

Some of the amendments proposed in the Bill are to **introduce suitable administrative adjudication mechanisms**, wherever applicable and feasible. This would **go a long way in reducing undue pressure** on the justice system, reduce the pendency of cases and help in a more efficient and effective justice dispensation.

Decriminalization of provisions which **affect citizens and certain categories of government employees** will help them live without the fear of imprisonment for minor violations.

The enactment of this legislation would be a landmark in the journey of **rationalizing laws, eliminating barriers and bolstering growth of businesses**.

This legislation would serve as a **guiding principle for future amendments** in various laws. Consolidated amendments in various laws with a common objective will save time and cost for both Government and Businesses alike.