The Jan Vishwas (Amendment of Provisions) Bill, 2023

Why in news?

Recently, Lok Sabha has passed the Jan Vishwas (Amendment of Provisions) Bill, 2023.

What is the need for the amendment?

- **Compliance -** It aims to redefine the regulatory landscape of the country with decriminalisation of minor offences under 42 Acts.
- **Simplification -** This will reduce compliance burden and promote ease of living and doing business in the country.
- **Economic growth-** MSMEs, the backbone of Indian economy, would be shifted to formal sector which would generate job and income.
- **Decision making** - It would accelerate investment decisions due to smoother processes and attracting more investment.

As per the Observation Research Foundation 2022 Report, "The rules and regulations enacted by the governments have over time created barriers to the smooth flow of ideas, money, entrepreneurship and through them the creation of jobs, wealth and GDP".

What are the key features of the proposed Bill?

- **Decriminalisation of offences-** It aims to decriminalise around 180 offences across 42 laws governing environment, agriculture, media, industry, trade, publication, and others.
- It seeks to completely remove or replace imprisonment clauses with monetary fines.
- **Periodic Revision** - The fines and penalties will be increased by *10%* of the minimum amount *every 3 years.*
- **Grievance redressal mechanism-** The central government may appoint *Adjudicating Officers* to determine penalties.
- These Officers may summon individuals for evidence and conduct inquiries into violations of the respective Acts.
- **Appellate mechanism**- It is provided for orders against adjudicating officers.
    - For Example- In Environment (Protection) Act, 1986, appeals against the Adjudicating Officer's orders may be filed with the *National Green Tribunal within 60 days.*

Act	Proposed amendments
The Environmental Protection Act, 1986	Penalty of 1 lakh to 15 lakh for inadvertent compliance breaches

The Copyright Act,1957	It omits the penalty for making false statements for deceiving or influencing an authority or officer
The Motor Vehicles Act 1988	The bill proposes a person using a motor vehicle without a valid permit faces the jail term up to 6 months but omits the compulsion of paying a fine of Rs 10,000.
Indian Forest Act 1927	The bill removed imprisonment for trespassing, permitting cattle to trespass, cutting timber etc., in reserved forest but attracts a fine up to Rs 500
The Air (Prevention and Control of Pollution) Act, 1981	It replaced imprisonment for lapses with heavier penalties up to 15 lakh.
The Information Technology Act, 2000	For breach of confidentiality and privacy, the Bill proposes a penalty of Rs 5 lakh.

What are the benefits?

- **Rationalize criminal provisions**- It ensures citizens, businesses and the government departments operate without fear of imprisonment for minor, technical or procedural defaults.
- **Adherence to law-** It establishes a balance between the severity of the offence/violation committed and the gravity of the prescribed punishment.
- **Reduces the burden on judiciary-** The proposal of appointing adjudicating officers would reduce pressure on the justice system.
- It helps in reducing pendency of cases which would result in a more efficient and effective justice dispensation.

As per the National Judicial Data Grid, as of July 2023, out of a total of 4.4 crore pending cases, 3.3 crore cases are criminal proceedings.

- **Cost effective**- The consolidated amendments in various laws with a common objective will save time and cost for both Government and Businesses alike.
- **Ease of doing Business-**It would be a landmark in the journey of rationalizing laws, eliminating barriers and bolstering the growth of businesses.

In the World Bank's Ease of Doing Business, India was ranked 63 in 2020, after which the rankings were discontinued.

What are the issues of the bill?

- **Decriminalisation-** The bill uniformly substitutes imprisonment clauses with monetary fines or penalties thus affecting the India's regulatory framework.
    - For example, the Bill removes all offences and penalties under the Indian Post Office Act, 1898.

The Vidhi Centre for Legal Policy, a research centre says that the blanket removal of imprisonment provision might remove the deterrence effect of the

environmental legislation.

- **Affects privacy** - Highly personal information, such as health insurance information and credit card statements, may be received by post.
- Deleting these offences would remove the safeguards against invasions of privacy which may go against the *Right to Privacy* recognised by the *Supreme Court in 2017.*
- **Competence of Adjudicating officers-** The adjudicating officers may lack the *technical competence* necessary to decide penalties under the Air (Prevention and Control of Pollution) Act and the Environment (Protection) Act, 1986.
- Whether the Adjudicating Officer, who would be an *executive* would be competent to decide the penalties (which is a *judicial role*) is a question.
- **Independence of Adjudicating Officers** – In 2022, the NGT penalised Singareni Collieries Company Limited, a coal mining company jointly owned by the central government and the Government of Telangana, for excess mining.
- The question is whether government officers would be sufficiently independent as adjudicating authorities in such cases.
- **Functional overlap**- Already there is a fund to be used for education, awareness, research in environmental protection, as well as the expenses of implementing the Acts.
- Creation of a new *Environment Protection Fund* under EPA 1986 raises the question on the necessity of this fund.

References

1. The Hindu| Explained Jan Vishwas Bill
2. PRS| Highlights and Issues of the Bill
3. PIB| Benefits of the bill

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