



Jan Vishwas (Amendment of Provisions) Bill 2022

For Prelims: Jan Vishwas (Amendment of Provisions) Bill, 2022, Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, and the Information Technology Act, 2000

For Mains: Government Policies & Interventions, Decriminalization of certain offences

Why in News?

Recently, the Union Government tabled the **Jan Vishwas (Amendment of Provisions) Bill, 2022** in Parliament.

- **The objective is to “decriminalize” 183 offences** across 42 legislations and enhance the [ease of living and doing business in India](#).
- Some Acts that are amended by the Bill include: the **Indian Post Office Act, 1898**, the [Environment \(Protection\) Act, 1986](#), the **Public Liability Insurance Act, 1991**, and [the Information Technology Act, 2000](#).

What are the Highlights of the Bill?

- **Decriminalizing Certain Offences:**
 - Under the Bill, several offences with an imprisonment term in certain Acts have been decriminalised by imposing only a monetary penalty.
 - **For example:**
 - Under the **Agricultural Produce (Grading and Marking) Act, 1937**, **counterfeiting grade designation marks is punishable with imprisonment** of up to three years and a fine of up to five thousand rupees. Grade designation mark indicates the quality of an article under the 1937 Act.
 - The Bill replaces this with a penalty of eight lakh rupees.
 - Under the Information Technology Act, 2000, **disclosing personal information in breach of a lawful contract is punishable** with imprisonment of up to three years, or a fine of up to five lakh rupees, or both.
 - The Bill replaces this with a penalty of up to 25 lakh rupees.
 - In certain Acts, **offences have been decriminalised by imposing a penalty instead of a fine.**
 - For instance, under the Patents Act, 1970, a person selling a falsely represented article as patented in India is subject to a fine of up to one lakh rupees.
 - The Bill **replaces the fine with a penalty, which may be up to ten lakh rupees**. In case of a continuing claim, there shall be an additional penalty of one thousand rupees per day.
- **Revision of Fines and Penalties:**
 - The Bill **increases the fines and penalties for various offences in the specified Acts**.
 - Further, **these fines and penalties will be increased by 10%** of the minimum amount every three years.

- **Appointing Adjudicating Officers:**
 - As per the Bill, the **central government may appoint one or more adjudicating officers** for the purpose of determining penalties. The adjudicating officers may: (i) summon individuals for evidence, and (ii) conduct inquiries into violations of the respected Acts.
- **Appellate Mechanisms:**
 - The Bill also **specifies the appellate mechanisms for any person aggrieved by the order** passed by an adjudicating officer.
 - For instance, in the Environment (Protection) Act, 1986, appeals may be filed with the National Green Tribunal within 60 days from the order.

Why has the Bill been Introduced?

- **Rise in Criminal Cases:**
 - For decades, scholars of law have been concerned that criminal law has grown unprincipledly.
 - 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.

What is the Scope of the Bill?

- The Bill might undertake **‘quasi-decriminalisation’.**
- The Observer Research Foundation’s report titled Jailed for Doing Business found that there are more than 26,134 imprisonment clauses in a total of 843 economic legislations, rules and regulations which seek to regulate businesses and economic activities in India.
 - In this light, the number of offences deregulated under the Bill seems to be a mere drop in India’s regulatory framework.
- The **regulatory offences to be considered for ‘decriminalisation’ need to be prioritised** not only from the point of view of the ease of doing business but also from the points of view of the ills that plague our criminal justice system itself.
- The bill conforms to the understanding of the government that decriminalization should be limited to regulatory domains.

[Source: TH](#)