

PRESS RELEASE
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**LOK SABHA SECRETARIAT
PARLIAMENT HOUSE
NEW DELHI**

REPORT OF THE JOINT COMMITTEE ON THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2022.

The Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022, headed by Shri P.P. Chaudhary, MP, presented their Report in Lok Sabha today *i.e.* on 20.3.2023.

The Report contains three Chapters. Chapter-I consists of objectives, necessity and scope of the Jan Vishwas (Amendment of Provisions) Bill, 2022 along with general description on the Bill, Chapter-II mentions about the procedure adopted by the Committee in examination of the Bill and contains record of the briefings as given by the stakeholder Ministries/Departments and 7 general recommendations on the Bill. Chapter-III relates to clause by clause consideration of the Bill and contains 98 recommendations, making modifications in amendments, proposed in Bill, as introduced in Lok Sabha, to 42 Acts, being administered by 19 Ministries. 59 Drafting errors in 11 Acts were also identified and rectified in the Bill as introduced.

Some of the important observations/recommendations are as follows :-

Sl. No.:	General Recommendation Para No. of	Highlight of Observations/ Recommendations
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1.	1	<p>The Committee have noted that the objective of the Jan Vishwas Bill is to achieve the principle of Minimum Government Maximum Governance and redefining the regulatory landscape of the country under the ease of living and ease of doing business reforms. The Committee further noted that the Government in its effort to make the country as a preferred global investment destination and to boost investors confidence has brought this Bill which envisages rationalisation of monetary penalties and decriminalising a large number of offences of minor nature by replacing the punishment thereof with monetary penalties.</p> <p>The Committee appreciated the motive and intent of the Government and note that the Government had earlier also repealed a number of laws from statute book as they had become obsolete or retention thereof as separate act was unnecessary. However, this Bill is a consolidated one with holistic approach to decriminalise offences of minor nature by replacing the punishment with monetary penalties, which will reduce the burden of judiciary.</p> <p>The Committee, therefore, recommended that such exercise should be continued in future by reviewing other Acts too and bring similar legislations before Parliament.</p>
2.	2	<p>The Committee recommended that the Union Government and DPIIT may issue suitable advisories to State Governments and Union Territories to take suitable action on similar lines taken by Central Government in reforming their laws and decriminalising minor offences by replacing punishments with monetary penalties, which shall also reduce the burden of cases in Judicial system and improve investors' confidence. In this regard, the Committee also recommended that the nodal Ministry, namely DPIIT, may take the help of Niti Aayog and other stakeholders like regulatory bodies, business associations, industry bodies, etc. to create awareness by holding seminars and workshops about the reforms initiated through this Bill by the Union Government.</p>
3.	3	<p>The Committee recommended that the Union Government may issue an advisory to all the State Governments to review the legislations which are in the exclusive domain of State Governments to decriminalise offences of minor nature on the similar lines as done by the Union Government so as to realize ease of living and ease of doing business in real sense.</p>
4.	4	<p>The Committee desired that an exercise similar to Jan Vishwas Bill should be carried out by the Government. In this regard, the Joint Committee further desired that the Ministry should appoint a group of experts which should be a full time body consisting of legal professionals, industry bodies, members of bureaucracy and regulatory authorities, etc. to examine many other provisions of various laws that govern the twin aspects of ease of living and ease of doing business and suggest suitable amendments aimed at achieving the goal of the Union Government, namely, Minimum Government Maximum Governance by decriminalising offences of minor nature and replacing punishments for such offences with monetary penalties.</p>
5.	5	<p>The Committee noted that the Civil liabilities can be imposed with retrospective effect but criminal liabilities cannot be imposed retrospectively. However, the criminal liabilities can be done away with retrospective effect.</p>

		As such, the Committee recommended that the Government may look into legalities and other consequences of giving retrospective effect and if feasible, endeavour to bring the amendments proposed in the Jan Vishwas (Amendment of Provisions) Bill, 2022 with retrospective effect thereby abating the pending legal proceedings in respect of offences being decriminalised.
6.	6	The Committee noted that in most of the Acts by way of the proposed amendment Bill, the concept of Adjudicating officer for dealing with defaulters has been proposed to be introduced. The Committee desired that the Ministry of Law along with the respective administering Ministries may ensure that adjudication mechanism along with appellate authority for appeal by the aggrieved parties for adjudication of penalty be provided for in each of the Act seeking to impose penalty while decriminalising the provisions. The Committee also desired that the Ministry of Law may also look into the aspect of incorporating an adjudication mechanism along with appellate authority for adjudication of penalty while decriminalization through levying of penalty in all Acts which may come for amendment in future too.
7.	7	The Committee noted that in 11 of the Acts, while imprisonment has been removed, the fine has either been retained or enhanced. The Committee observed that the distinction between fine and penalty is that fine is determined by a court and penalty is levied by an executive authority. Hence, it was felt that retention of fine would not reduce compliance burden and lessen the litigations, which will nullify the objective sought to be achieved through the Bill. The Committee, therefore, recommended that wherever feasible removal of imprisonment may be accompanied with levying of penalty instead of fine to avoid increase in litigation.

Besides the above 7 general Recommendations, the Committee have given 98 more Recommendations on the various provisions contained in 42 Acts. The Committee kept the objective of reduced litigation burden on courts and at many places have recommended penalty, to be levied and recovered by the administrative authorities. The Committee have also suggested incorporation of adjudicating mechanism and appellate authorities for fixing and recovering penalties. The broad principles followed by the Committee in amendments recommended in the Bill are as follows :-

- i. The provision of fine for offences of minor nature has been substituted with monetary penalty to avoid involvement of Courts and to ensure ease of living and doing business.
- ii. Provisions where both imprisonment and fine were prescribed, have been reviewed and in most cases it has been substituted with monetary penalty. In some of the cases where the minor offences are of violations affecting public interest, the penalty of imprisonment along with fine has been retained with lesser duration.
- iii. Provisions involving significant public interests where amendments for removal of imprisonment or doing away with fine have been proposed, are reviewed and the imprisonment and fine have been retained or made more harsher *viz-a-viz* existing Act.