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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 11*th 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

[11*th 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:—

Short title and commencement.

1. (*1*) This Act may be called the *Jan Vishwas* (Amendment of Provisions) Act, 2023.

(*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.

Amendment of certain enactments.

2. The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.

Revision of fines and penalties.

3. 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.

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 The amendment or repeal by this Act of any enactment shall not affect any other enactment in which the amended or repealed enactment has been applied, incorporated or referred to;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. *Explanation.*—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)

have failed to publish continuously; or

(*b*) the publisher of a newspaper has given false particulars in the annual statement; or

(*c*) the publisher of a newspaper has failed to furnish the annual statement within two years from the end of the financial year for which the annual statement was to be furnished.

(*2*) The Press Registrar may, by order, cancel the certificate of registration where—

(*i*) a newspaper has ceased publication for a period exceeding twenty-four months;

(*ii*) the publisher of a newspaper fails to furnish the annual statement even after the expiry of the period during which the certificate of registration was suspended under clause (*c*) of sub-section (*1*);

(*iii*) the registration was obtained on false representation or on concealment of any material fact;

(*iv*) the title of the newspaper bears the same or similar title already held by any other owner of a newspaper either in the same language anywhere in India or in any other language in the same State or Union territory.

(*3*) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving a reasonable opportunity of being heard to the publisher or owner of the newspaper, as the case may be.

(*4*) A copy of order of suspension or cancellation passed under this section shall be made available to the Central Government or the State Government or the Union territory administration, as the case may be, and to the Magistrate.

13. Penalty for certain contraventions.—The Press Registrar may impose a penalty—

(*i*) not exceeding ten thousand rupees where the publisher prints or publishes any book or paper

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

otherwise than in conformity with the provisions contained in section 3;

(*ii*) not exceeding ten thousand rupees where the keeper of the press fails to make and subscribe the declaration in conformity with the provisions contained in section 4;

(*iii*) not exceeding twenty thousand rupees where the publisher fails to furnish the annual statement as required under clause (*a*) of section 19D within one year from the end of the financial year in respect of which the annual statement was required to be furnished;

(*iv*) not exceeding twenty thousand rupees where a person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with the provisions of section 8;

(*v*) not exceeding two thousand rupees for not delivering books or not supplying printer with maps referred to in section 9;

(*vi*) not exceeding two thousand rupees where any printer of a newspaper neglects to deliver copies of the newspaper in compliance with the provisions of sections 11A and 11B.".

(*C*) Sections 15A to 17 shall be omitted.

(*D*) For section 19K, the following section shall be substituted, namely:—

"19K. Penalty for contravention of section 19D or section 19E.—If the publisher of any newspaper—

(*a*) refuses or neglects to comply with the provisions of clause (*b*) of section 19D or section 19E; or

(*b*) publishes in the newspaper in pursuance of clause (*b*) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be liable to penalty not exceeding ten thousand rupees.".

(*E*) Section 19L shall be omitted.

(1)	(2)	(3)	(4)	(5)
2.	1898	6	The Indian Post Office Act, 1898	Chapter X shall be omitted.
3.	1923	5	The Boilers Act, 1923	(*A*) In section 22,— (*a*) in clause (*iii*), for the word and figures "section 16,", the words and figures "section 16; or" shall be substituted; (*b*) after clause (*iii*), the following clause shall be inserted, namely:— "(*iv*) to report an accident to a boiler or boiler component when so required under section 18,"; (*c*) in the long line, for the words "punishable with fine", the words "liable to penalty" shall be substituted. *(B*) For section 23, the following section shall be substituted, namely:— "23. Penalties for illegal use of boiler.—Any owner of a boiler who— (*a*) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby; or (*b*) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (*b*) of section 6; or (*c*) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (*6*) of section 7, shall be liable to penalty which may extend to one lakh rupees, and in the case of a continuing contravention or failure, with an additional penalty which may extend to one thousand rupees for every day during which such contravention or failure continues.". (*C*) In section 24, clauses (*a*), (*b*) and (*d*) shall be omitted. (*D*) In section 25, in sub-section (*1*), for the words “punishable with fine”, the words “liable to penalty” shall be substituted. (*E*) After section 26, the following sections shall be inserted, namely:— “26A. Adjudication.—(*1*) The State Government or the Union territory

(1)	(2)	(3)	(4)	(5)
				administration, as the case may be, for the purposes of determining the penalties under sections 22, 23, sub-section (*1*) of section 25 and section 30, may authorise the District Magistrate or the Additional District Magistrate, as the case may be, having jurisdiction, to be the adjudicating officer to hold an inquiry and impose penalty, in the manner as may be prescribed by the State Government or the Central Government, as the case may be. (*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 22, 23, sub-section (*1*) of section 25 and section 30, he may impose penalty: Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard. 26B. Appeal.—(*1*) Whoever aggrieved by the order, passed by the adjudicating officer under section 26A, may prefer an appeal to an officer not below the rank of Secretary to the State Government or the Union territory administration, as the case may be, to be an appellate authority, specially authorised by that Government or administration in this behalf, within sixty days from the date of receipt of order, in such form and manner as may be prescribed by the State Government or the Central Government, as the case may be. (*2*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit. (*4*) An appeal under sub-section (*1*) shall be disposed of within sixty days from the date of filing.”.

(1)	(2)	(3)	(4)	(5)
				(*F*) In section 27, the words "Presidency Magistrate or a" shall be omitted. (*G*) In section 28A, in sub-section (*1A*), after clause (*c*), the following clauses shall be inserted, namely:— "(*ca*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 26A; (*cb*) the form and manner of preferring appeal under sub-section (*1*) of section 26B;". (*H*) In section 29, in sub-section (*1*), after clause (*h*), the following clauses shall be inserted, namely:— "(*ha*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 26A; (*hb*) the form and manner of preferring appeal under sub-section (*1*) of section 26B;". (*I*) In section 30,— (*i*) for the words "punishable, in the case of a first offence, with fine", the words "liable to penalty, in the case of a first contravention, with penalty'' shall be substituted; (*ii*) for the words "subsequent offence, with fine", the words "subsequent contravention, with penalty" shall be substituted.
4.	1927	16	The Indian Forest Act, 1927	(*A*) In section 26,— (*i*) in sub-section (*1*), clauses (*d*) and (*e*) shall be omitted; (*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:— "(*1A*) Any person who, in a reserved forest— (*a*) trespasses or pastures cattle, or permits cattle to trespass shall be liable to penalty which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68; (*b*) causes any damage by negligence in felling any tree

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

or cutting or dragging any timber shall be liable to penalty which may extend to five thousand rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68.".

(*B*) In section 33,—

(*i*) in sub-section (*1*), clauses (*e*), (*f*) and (*g*) shall be omitted;

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Any person who in a protected forest—

(*a*) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;

(*b*) fells any tree or drags any timber so as to damage any tree reserved as aforesaid,

shall be liable to penalty which may extend to five thousand rupees in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68.".

(*C*) In section 68,—

(*i*) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Power to compound offences and impose penalties.";

(*ii*) in sub-section (*1*)—

(*I*) in clause (*a*), for the word ", and", the word "; or" shall be substituted;

(*II*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) to accept from any person a sum of money by way

(1)	(2)	(3)	(4)	(5)
				of penalty or compensation for violation of sub-section (*1A*) of section 26 or sub-section (*1A*) of section 33; and".
5.	1937	1	The Agricultural Produce (Grading and Marking) Act, 1937	(*A*) In section 3, in sub-section (*2*), after clause (*g*), the following clauses shall be inserted, namely:— "(*ga*) holding inquiry and imposing penalty under sub-section (*1*) of section 5C; (*gb*) preferring appeal under sub-section (*1*) of section 5D;". (*B*) In section 4, for the words "punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "liable to penalty not exceeding five lakh rupees" shall be substituted. (*C*) In section 5, for the words "punishable with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees", the words "liable to penalty not exceeding fifteen lakh rupees" shall be substituted. (*D*) In section 5A, for the words "punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "liable to penalty not exceeding three lakh rupees" shall be substituted. (*E*) In section 5B, in sub-section (*4*), for the words "punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "liable to penalty not exceeding five lakh rupees" shall be substituted. (*F*) For section 5C, the following sections shall be substituted, namely:— "5C. Adjudicating officer.—(*1*) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry and impose penalty, in the manner as may be prescribed:

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

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard in the matter.

5D. Appeal.—(*1*) Whoever aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date of receipt of order in such manner as may be prescribed.

(*2*) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the Agricultural Marketing Adviser that he had sufficient cause for not preferring the appeal within that period.

(*3*) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(*4*) The Agricultural Marketing Adviser referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing.

5E. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed by the adjudicating officer under section 5C or order of the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.".

(1)	(2)	(3)	(4)	(5)
6.	1940	23	The Drugs and Cosmetics Act, 1940	(*A*) In section 29, for the words "punishable with fine which may extend to five thousand rupees", the words "liable to penalty which may extend to one lakh rupees" shall be substituted. (*B*) In section 30, in sub-section (*2*), for the words "imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "fine which shall not be less than five lakh rupees" shall be substituted. (*C*) In section 32B, in sub-section (*1*), after the words and figures "of section 13,", the words, brackets, letters and figures "clause (*d*) of section 27 and clause (*ii*) of section 27A," shall be inserted.
7.	1944	18	The Public Debt Act, 1944	Section 27 shall be omitted.
8.	1947	24	The Rubber Act, 1947	(*A*) In section 11, in sub-section (*3*), for the words "imprisonment for a term which may extend to one year or with fine or with both", the words and figures "penalty which may extend to one lakh rupees or cancellation of licence issued under section 14, or with both" shall be substituted. (*B*) In section 13, sub-section (*3*) shall be omitted. (*C*) In section 25, in sub-section (*2*), after clause (*xxiii*), the following clauses shall be inserted, namely:— "(*xxiiia*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 26B; (*xxiiib*) the form and manner of preferring appeal under sub-section (*2*) of section 26B;". (*D*) In section 26, in sub-section (*1*), in the long line, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "liable to penalty which may extend to fifty thousand rupees" shall be substituted. (*E*) After section 26A, the following section shall be inserted, namely:— "26B. Adjudication of penalties.—(*1*) For the purposes of adjudging the penalties under sub-section (*3*) of section 11 and section 26, the Executive Director shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry

(1)	(2)	(3)	(4)	(5)
				and imposing penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard. (*2*) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Executive Director, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed. (*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Executive Director that he had sufficient cause for not preferring the appeal within that period. (*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard. (*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing. (*6*) The amount of penalty imposed under sub-section (*1*), if not paid, may be recovered as an arrear of land revenue.".
9.	1948	8	The Pharmacy Act, 1948	(*A*) In section 18, in sub-section (*2*), after clause (*h*), the following clauses shall be inserted, namely:— "(*i*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 43A; (*j*) the form and manner of preferring appeal under sub-section (*2*) of section 43A.". (*B*) In section 26A, in sub-section (*3*), for the words "punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both", the words "liable to penalty which may extend to one lakh rupees" shall be substituted. (*C*) In section 41, for sub-section (*1*), the following sub-section shall be substituted, namely:— "(*1*) If any person whose name is not for the time being entered in the register of the State falsely pretends that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to one lakh rupees and on subsequent conviction with imprisonment which may extend to three

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

months or with fine not exceeding two lakh rupees, or with both:

Provided that it shall be a defence if the name of the person is entered in the register of another State and that at the time of claim, an application for registration in the State had been made.".

(*D*) In section 42, in sub-section (*2*), for the words "imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "imprisonment for a term which may extend to three months, or with fine which may extend to two lakh rupees, or with both" shall be substituted.

(*E*) After section 43, the following section shall be inserted, namely:—

"43A. Adjudication of penalties.—(*1*) For the purposes of adjudging the penalties under section 26A, the Central Government shall authorise the President of the State Council, where the alleged violation is committed, to be the adjudicating officer for holding an inquiry and impose penalty in the manner as may be prescribed under section 18, after giving any person concerned a reasonable opportunity of being heard.

(*2*) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the President, Central Council, within a period of forty-five days from the date of receipt of such order in such form and manner as may be prescribed under section 18.

(*3*) The President, Central Council may entertain an appeal after the expiry of forty-five days, if it is satisfied that the appellant was prevented from sufficient cause for filing the appeal within the said period.

(*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(*5*) An appeal under sub-section (*2*) shall be disposed of within ninety days from the date of filing.

(*6*) The amount of penalty imposed under sub-section (*1*), if not paid, may be recovered as an arrear of land revenue.".

(1)	(2)	(3)	(4)	(5)
10.	1951	65	The Industries (Development and Regulation) Act, 1951	(*A*) In section 24, in sub-section (*1*), for the long line, the following long line shall be substituted, namely:— "he shall be liable to penalty which may extend to twenty-five lakh rupees.". (*B*) For section 24A, the following sections shall be substituted, namely:— "24A. Adjudication.—(*1*) The Central Government, for the purposes of determining the penalties under section 24, shall authorise the District Magistrate or the Additional District Magistrate, having jurisdiction, to be the adjudicating officer, to hold an inquiry and impose penalty in the manner, as may be prescribed. (*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose such penalty as he thinks fit in accordance with the provisions of section 24: Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard. 24B. Appeal.—(*1*) Whoever aggrieved by the order, passed by the adjudicating officer under section 24A, may prefer an appeal to an officer not below the rank of Joint Secretary to the Government of India, to be an appellate authority, within thirty days from the date of receipt of order, in such form and manner as may be prescribed. (*2*) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(1)	(2)	(3)	(4)	(5)
				(*4*) An appeal under sub-section (*1*) shall be disposed of within sixty days from the date of filing. 24C. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed by the adjudicating officer under section 24A or order of the appellate authority under section 24B, as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.". (*C*) Section 27 shall be omitted. (*D*) In section 28, for the word "prosecuted", the words "imposed penalty" shall be substituted. (*E*) Sections 29 and 29A shall be omitted. (*F*) In section 30,— (*i*) in sub-section (*2*), after clause (*pp*), the following clauses shall be inserted, namely:— "(*ppa*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 24A; (*ppb*) the form and manner of preferring appeal under sub-section (*1*) of section 24B;"; (*ii*) in sub-section (*3*), for the word "punishable", the words "liable to penalty" shall be substituted.
11.	1952	37	The Cinematograph Act, 1952	(*A*) In section 7,— (*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:— '(*1*) If any person— (*a*) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both; (*b*) exhibits or permits to be exhibited in any place, any film—

(1)	(2)	(3)	(4)	(5)
				(*i*) which has not been certified by the Board; (*ii*) which, when exhibited does not display the prescribed mark of the Board; (*iii*) which, when exhibited displays a mark of the Board which has since been altered or tampered with, after the mark has been affixed, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues; (*c*) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (*a*) or clause (*b*), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues; (*d*) exhibits or permits to be exhibited any film, which has been certified by the Board as ''A'' within the meaning of this Act to any minor, such person shall be liable to penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed; (*e*) exhibits or permits to be exhibited any film, which has been certified by the Board as ''S'' within the meaning of this

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

Act, to a person who is not a member of such profession or class, shall be liable to penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;

(*f*) fails to comply with the provisions contained in section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, he shall be liable to penalty not exceeding five lakh rupees, levied by the authorised officer and in such manner as may be prescribed:

Provided that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part under clauses (*a*) to (*c*):

Provided further that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution that has been certified as "UA" under this Part.';

(*ii*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) Whoever aggrieved by any penalty imposed under clauses (*d*) to (*f*) of sub-section (*1*) or section 14, may prefer an appeal to such appellate authority within such period and in such form and manner as may be prescribed.".

(*B*) In section 8, in sub-section (*2*), after clause (*cb*), the following clauses shall be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
				"(*cc*) the authorised officer and the manner of levy of penalty by him in terms of clauses (*d*) to (*f*) of sub-section (*1*) of section 7; (*cd*) the period, form and manner of preferring appeal and appellate authority under sub-section (*4*) of section 7;" . (*C*) In section 14, for the words "punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues", the words "liable to penalty of one lakh rupees and, in the case of a continuing contravention, with a further penalty which may extend to ten thousand rupees for each day during which the contravention continues" shall be substituted. (*D*) For section 15, the following section shall be substituted, namely:— "15. Power to revoke or suspend licence.—(*1*) Where the holder of a licence has been convicted of an offence under clauses (*a*) to (*c*) of sub-section (*1*) of section 7, the licence may be revoked by the licensing authority. (*2*) Where the holder of a licence has been imposed penalty for contravention under clauses (*d*) to (*f*) of sub-section (*1*) of section 7 or section 14, the licence may be suspended by the licensing authority for a period not exceeding thirty days: Provided that in cases of more than three contraventions over a period of three years, the licensing authority, may, for the reasons to be recorded in writing, by order, revoke the licence: Provided further that no order under this section shall be made without giving the holder of the licence a reasonable opportunity of being heard.".
12.	1953	29	The Tea Act, 1953	(*A*) Sections 38 to 40 shall be omitted. (*B*) In section 41, in sub-section (*1*), for the words "punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both,", the words "liable to penalty which may extend to fifty thousand rupees" shall be substituted. (*C*) In section 42, for the words "punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing

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

contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent contravention, penalty which may extend to one lakh rupees" shall be substituted.

(*D*) After section 42, the following section shall be inserted, namely:—

"42A. Adjudication of penalties.—(*1*) For the purposes of adjudging the penalties under sub-section (*1*) of section 41 and section 42, the Deputy Chairman of the Board shall appoint the Secretary to the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving a reasonable opportunity of being heard.

(*2*) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Deputy Chairman of the Board, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.

(*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Deputy Chairman that he had sufficient cause for not preferring the appeal within that period.

(*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing.

(*6*) The amount of penalty imposed under sub-section (*1*), if not paid, may be recovered as an arrear of land revenue.".

(*E*) In section 49, in sub-section (*2*), after clause (*x*), the following clauses shall be inserted, namely:—

"(*xa*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 42A;

(1)	(2)	(3)	(4)	(5)
				(*xb*) the form and manner of preferring appeal under sub-section (*2*) of section 42A;".
13.	1957	14	The Copyright Act, 1957	Section 68 shall be omitted.
14.	1958	44	The Merchant Shipping Act, 1958	(*A*) In section 436,— (*a*) in sub-section (*2*), in the Table, against the serial numbers mentioned under column 1, in respect of the offences under column 2, relating to the sections under column 3 and the penalties under column 4, shall, respectively be substituted, in the manner as provided, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
1	2	3	4
16			"Penalty which may extend to two lakh rupees."
29			"Penalty which may extend to two lakh rupees."
35			"Penalty which may extend to two lakh rupees."
43			"Penalty which may extend to two lakh rupees."
44			"Penalty which may extend to fifty thousand rupees."
57(*a*)			"He shall be liable to forfeit all or any part of the property he leaves on board and of the wages he has then earned and also if the

(1)	(2)	(3)	(4)	(5)	
					desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in any other ship in which he may be employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him."
				57(*b*)	"he shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expense

(1)	(2)	(3)	(4)		(5)	
						properly incurred in hiring a substitute."
				59	(*iv*) 194(*d*) clause (*d*) of section 194	"imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both;"
					(*iva*) 194(*e*) clause (*e*) of section 194	"imprisonment which may extend to one month, and also for every twenty-four hours of such disobedience or neglect, forfeiture out of his wages of a sum not exceeding six days' pay or any expenses, which may have been properly incurred in hiring a substitute."
				60		"Penalty which may extend to one lakh rupees."
				65		"Penalty which may extend to two lakh rupees."
				66(*a*)		"Penalty which may extend to two lakh rupees."
				68		"Penalty which may extend to fifty thousand rupees."
				72		"Penalty which may extend to two lakh rupees."
				84		"Penalty which may extend to

(1)	(2)	(3)	(4)		(5)
					one lakh rupees for the first offence and five lakh rupees for every subsequent offence."
				108B	"The master or owner or agent shall be liable to penalty which may extend to five lakh rupees and the ship may also be detained."
				109	"Penalty which may extend to five lakh rupees."
				115D (*ii*)	"the offender shall be liable to penalty which may extend to fifty thousand rupees."
				133	"Penalty which may extend to one lakh rupees and the vessel may also be detained."
				135	"Penalty which may extend to fifty thousand rupees."
				137	"Penalty which may extend to one lakh rupees and the vessel may also be detained."
				137J	"Penalty which may extend to one lakh rupees and the vessel may also be detained.";

(1)	(2)	(3)	(4)	(5)
				(*b*) after sub-section (*2*), the following sub-sections shall be inserted, namely:— "(*3*) The penalty prescribed for the contravention of any provision of this Act shall be imposed by the Principal Officer of the Mercantile Marine Department: Provided that no penalty under this section shall be imposed unless the parties have been given a reasonable opportunity of being heard. (*4*) Whoever aggrieved by an order of the Principal Officer under sub-section (*3*), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe. (*5*) The Director-General may, after giving the parties an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (*4*), pass appropriate order. (*6*) Any contravention of the provisions of this Act for which penalty has been prescribed may be compounded for the first contravention by the Principal Officer referred to in sub-section (*3*) or such other Officer as may be notified by the Central Government in the Official Gazette in this behalf: Provided that where any such contravention has been compounded, the sum shall not, in any case, exceed the maximum amount of the penalty which may be imposed for such contravention. (*7*) Notwithstanding anything contained in this Act, if penalty imposed by the Principal Officer of the Mercantile Marine Department under sub-section (*3*) or order of the Director-General under sub-section (*5*), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.". (*B*) After section 436, the following section shall be inserted, namely:— "436A. Power to make rules.—The Central Government may, subject to the condition of previous publication, make rules prescribing the form and manner of appeal against the order of Principal Officer of the Mercantile Marine Department under sub-section (*4*) of section 436.".
15.	1961	47	The Deposit Insurance and Credit Guarantee	In section 47, for sub-section (*2*), the following sub-sections shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
			Corporation Act, 1961	"(*2*) If any person fails to produce any book, account or other document or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to penalty which may extend to one lakh fifty thousand rupees in respect of each failure, and in the case of a continuing failure, with an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure. (*3*) For the purpose of adjudging the penalty under sub-section (*2*), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person. (*4*) Any penalty imposed by the Corporation under this section shall be payable within a period of fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on an order or direction made by the principal civil court having jurisdiction in the area where the person is situated: Provided that no order or direction shall be made except on an application made to the court by the Corporation or any officer authorised by it in this behalf. (*5*) The court which makes an order or direction under sub-section (*4*) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit. (*6*) No complaint shall be filed against any person in any court of law in respect of any contravention or default in respect of which any penalty has been imposed by the Corporation under sub-section (*2*). (*7*) Where any complaint has been filed against any person in any court in respect of any contravention or default of the nature referred to in sub-section (*1*), then, no proceedings for the imposition of any penalty on the person shall be initiated under sub-section (*2*).".
16.	1962	58	The Warehousing Corporations Act, 1962	Section 38 shall be omitted.
17.	1964	37	The Food Corporations Act, 1964	Section 41 shall be omitted.

(1)	(2)	(3)	(4)	(5)
18.	1970	39	The Patents Act, 1970	(*A*) In section 120, for the words "he shall be punishable with fine which may extend to one lakh rupees", the words "he shall be liable to penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues" shall be substituted. (*B*) Section 121 shall be omitted. (*C*) In section 122,— (*i*) in sub-section (*1*), for the long line, the following long line shall be substituted, namely:— "he shall be liable to penalty which may extend to one lakh rupees, and in case of the continuing refusal or failure, a further penalty of one thousand rupees for every day after the first during which such refusal or failure continues."; (*ii*) in sub-section (*2*), for the words, "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "he shall be liable to penalty for a sum equal to one half per cent. of the total sale or turnover, as the case may be, of business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five crore rupees, whichever is less" shall be substituted. (*D*) In section 123, for the words "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "he shall be liable to penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues" shall be substituted. (*E*) After section 124, the following sections shall be inserted, namely:— "124A. Adjudication of penalties.—The Controller may, by an order, authorise an officer referred to in section 73, to be the adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person

(1)	(2)	(3)	(4)	(5)
				concerned a reasonable opportunity of being heard. 124B. Appeal.—(*1*) Whoever aggrieved by an order of the adjudicating officer under section 124A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf. (*2*) Every appeal under this section shall be preferred in such form and manner as may be prescribed. (*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard. (*5*) The appellate authority referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing the appeal. (*6*) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 124A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both.". (*F*) In section 159, in sub-section (*2*), after clause (*xiii*), the following clauses shall be inserted, namely:— "(*xiiia*) the manner of holding inquiry and imposing penalty under section 124A; (*xiiib*) the form and manner of preferring appeal under sub-section (*2*) of section 124B;".

(1)	(2)	(3)	(4)	(5)
19.	1972	13	The Marine Products Export Development Authority Act, 1972	(*A*) In section 20, in sub-section (*3*), for the words "be punishable with imprisonment for a term which may extend to one year, or with fine, or with both", the words "be liable to penalty not less than ten thousand rupees or not exceeding twice the value of goods, whichever is higher, in respect of which such order has been made" shall be substituted. (*B*) In section 23, for the words "be punishable with fine which may extend to five hundred rupees", the words "be liable to penalty which may extend to ten thousand rupees" shall be substituted. (*C*) For sections 24 and 25, the following sections shall be substituted, namely:— "24. Penalties for obstructing a member or officer of Authority in discharge of his duties and for failure to produce books and records.— Any person who— (*a*) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; (*b*) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to penalty which may extend to ten thousand rupees. 25. Other penalties.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment or penalty for the contravention whereof has been provided for in sections 20, 23 and 24 shall be liable to penalty not less than ten thousand rupees, or not exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such contravention has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an

(1)	(2)	(3)	(4)	(5)
				amount equivalent to twice the value of goods, whichever is higher, in respect of which such contravention has been made. 25A. Adjudication of penalties.—(*1*) For the purposes of adjudging penalties under sub-section (*3*) of section 20, section 23, clause (*b*) of section 24 and section 25, the Chairman shall appoint the Secretary to the Authority or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person concerned a reasonable opportunity of being heard. (*2*) Whoever is aggrieved by an order of the adjudicating officer may prefer an appeal to the Chairman, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed. (*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Chairman that he had sufficient cause for not preferring the appeal within that period. (*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard. (*5*) The appellate authority referred to in sub-section (*2*) shall dispose of the appeal within sixty days from the date of filing. (*6*) The amount of penalty imposed under sub-section (*1*), if not paid, shall be recovered as an arrear of land revenue.". (*D*) In section 33, in sub-section (*2*), after clause (*q*), the following clauses shall be inserted, namely:— "(*qa*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 25A; (*qb*) the form and manner of preferring appeal under sub-section (*2*) of section 25A;".
20.	1978	11	The High Denomination Banknotes (Demonetisation) Act, 1978	Repealed.

(1)	(2)	(3)	(4)	(5)
21.	1981	14	The Air (Prevention and Control of Pollution) Act, 1981	(*A*) In section 21, for sub-section (*1*), the following shall be substituted, namely:— "(*1*) No person shall establish or operate any industrial plant in an air pollution control area unless the previous consent of the State Board has been obtained in pursuance of an application made by such person in accordance with the provisions of this section: Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the application of the provisions of this sub-section.". (*B*) After section 21, the following section shall be inserted, namely:— "21A. Power to issue guidelines.—(*1*) Notwithstanding anything contained in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent. (*2*) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (*1*).". (*C*) For sections 37 to 41, the following sections shall be substituted, namely:— '37. Failure to comply with provisions of section 22 or directions issued under section 31A.—(*1*) Whoever contravenes or does not comply with the provisions of section 22 or directions issued under section 31A, shall, in respect of each such contravention , be liable to penalty 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 ten thousand rupees for every day during which such contravention continues.

(1)	(2)	(3)	(4)	(5)
				38. Penalties for certain acts.—(*1*) Whoever— (*a*) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board; (*b*) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act; (*c*) damages any works or property belonging to the Board; (*d*) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act; (*e*) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (*1*) of section 23; (*f*) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty 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 ten thousand rupees for every day during which such contravention continues. 38A. Penalty for contravention by Government Department.—(*1*) Where contravention of any 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:

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

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.

39. Penalties for contravention of certain provisions of this Act.—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.

39A. Adjudicating officer.—(*1*) The Central Government, for the purposes of determining the penalties under sections 37, 38, 38A and section 39, shall 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 the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit

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

under the provisions of sections 37, 38, 38A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(*3*) The amount of penalty imposed under the provisions of sections 37, 38, 38A and 39, shall be 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).

39B. Appeal.—(*1*) Whoever aggrieved by the order passed by the adjudicating officer under sections 37, 38, 38A or 39, 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*), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.

39C. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38, 38A or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).

39D. Offences for failure to comply with provisions of section 21 and for failure to pay penalty.—(*1*) Whoever fails to comply with the provisions of section 21, shall, in respect of each such failure, be punishable with imprisonment for a term

(1)	(2)	(3)	(4)	(5)
				which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure. (*2*) If the failure referred to in sub-section (*1*) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine. (*3*) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both. (*4*) Where any offence under sub-section (*1*) or sub-section (*2*) or sub-section (*3*) has been committed by a company, every person who, at the time the 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 such offence and he shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (*1*) or sub-section (*2*) or sub-section (*3*), 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. (*5*) Notwithstanding anything contained in sub-section (*4*), 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

(1)	(2)	(3)	(4)	(5)
				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.'. (*D*) In section 43, in sub-section (*1*), after clause (*a*), the following clause shall be inserted, namely:— "(*aa*) the adjudicating officer or any officer authorised by him in this behalf; or". (*E*) In section 53, in sub-section (*1*), after clause (*g*), the following clause shall be inserted, namely:— "(*h*) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (*1*) of section 39A.".
22.	1981	61	The National Bank for Agriculture and Rural Development Act, 1981	In section 56, for sub-section (*2*), the following sub-sections shall be substituted, namely:— "(*2*) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to penalty which may extend to one lakh fifty thousand rupees in respect of each failure and in the case of a continuing failure, an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure. (*3*) For the purpose of adjudging penalty under sub-section (*2*), the National Bank shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such person. (*4*) Any penalty imposed by the National Bank under this section shall be

(1)	(2)	(3)	(4)	(5)
				payable within a period of fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated: Provided that no such direction shall be made except on an application made to the court by the National Bank or by any officer authorised by the National Bank in this behalf. (*5*) The court which makes a direction under sub-section (*4*) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit. (*6*) No complaint shall be filed against any person in any court relating to any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (*2*). (*7*) Where any complaint has been filed against any person in any court in respect of the contravention or default of the nature referred to in sub-section (*1*), then, no proceedings for the imposition of any penalty on the person shall be initiated under sub-section (*2*).".
23.	1986	10	The Spices Board Act, 1986	(*A*) In section 26, for the words "punishable with fine which may extend to five hundred rupees", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent failure, penalty which may extend to one lakh rupees" shall be substituted. (*B*) In section 27, in the long line, for the words "punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent contravention penalty which may extend to one lakh rupees" shall be substituted.

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

(*C*) Section 28 shall be omitted.

(*D*) In section 29, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent contravention penalty which may extend to one lakh rupees" shall be substituted.

(*E*) In section 30, for the words "punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention", the words "liable to penalty which may extend to fifty thousand rupees and for subsequent contravention penalty which may extend to one lakh rupees" shall be substituted.

(*F*) After section 30, the following section shall be inserted, namely:—

"30A. Adjudication of penalties.—(*1*) For the purposes of adjudging the penalties under sections 26, 27, 29 and 30, the Secretary to the Board shall appoint an officer not below the rank of Director in the Board or any other officer authorised by the Central Government, as the case may be, to be an adjudicating officer for holding an inquiry and imposing penalty in the manner as may be prescribed, after giving any person concerned a reasonable opportunity of being heard.

(*2*) Whoever is aggrieved by any order of the adjudicating officer may prefer an appeal to the Secretary to the Board, within a period of sixty days from the date of receipt of such order in such form and manner as may be prescribed.

(*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the Secretary to the Board that he had sufficient cause for not preferring the appeal within that period.

(1)	(2)	(3)	(4)	(5)
				(*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard. (*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing. (*6*) The amount of penalty imposed under sub-section (*1*), if not paid, shall be recovered as an arrear of land revenue.". (*G*) In section 38, in sub-section (*2*), after clause (*m*), the following clauses shall be inserted, namely:— "(*ma*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 30A; (*mb*) the form and manner of preferring appeal under sub-section (*2*) of section 30A;".
24.	1986	29	The Environment (Protection) Act, 1986	(*A*) In section 2, after clause (*c*), the following clause shall be inserted, namely:— '(*ca*) "Fund" means the Environmental Protection Fund established under section 16;'. (*B*) In section 10, for sub-sections (*2*) to (*4*), the following sub-sections shall be substituted, namely:— "(*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. (*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. (*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

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

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)
				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)
				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

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

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)
				(*a*) the amount of penalty imposed under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and under this Act; (*b*) the interest or other income received out of investments made from the Fund; and (*c*) any other amount from such sources, as may be prescribed. (*3*) The Fund shall be applied for— (*a*) the promotion of awareness, education and research for the protection of environment; (*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; (*c*) such other purposes, as may be prescribed. (*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. (*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. 16A. Accounts and audit of Fund.—(*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. (*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. 16B. Annual report.—The Central Government shall prepare its annual report in relation to Environmental Protection Fund

(1)	(2)	(3)	(4)	(5)
				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.". (*F*) In section 19, after clause (*a*), the following clause shall be inserted, namely:— "(*aa*) adjudicating officer or any officer authorised by him in this behalf;". (*G*) For section 24, the following section shall be substituted, namely:— "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.". (*H*) In section 25, in sub-section (*2*), after clause (*g*), the following clauses shall be inserted, namely:— "(*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; (*gb*) the other amount under clause (*c*) of sub-section (*2*) of section 16; (*gc*) the other purposes under clause (*c*) of sub-section (*3*) of section 16; (*gd*) the manner of administration of Fund under sub-section (*4*) of section 16; (*ge*) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under sub-section (*1*) of section 16A; (*gf*) form for preparing annual report of the Fund under section 16B;".
25.	1987	53	The National Housing Bank Act, 1987	(*A*) After section 33B, the following section shall be inserted, namely:— "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

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

Reserve Bank under section 33, the Reserve Bank may, after giving a reasonable opportunity of being heard, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time.".

(*B*) In section 49,—

(*i*) sub-sections (*2*) and (*2B*) shall be omitted;

(*ii*) in sub-section (*3*), clause (*aa*) shall be omitted;

(*iii*) sub-section (*4*) shall be omitted.

(*C*) In section 52A,—

(*I*) in the marginal heading, for the word "fine", the word "penalty" shall be substituted;

(*II*) in sub-section (*1*),—

(*i*) in clause (*a*), for the words "five thousand", the words "twenty-five thousand" shall be substituted;

(*ii*) in clause (*b*),—

(*a*) the words, brackets and letters "or clause (*aa*)" shall be omitted;

(*b*) for the words "five lakh", the words "ten lakh" shall be substituted;

(*c*) for the words "twenty-five thousand", the words "one lakh" shall be substituted;

(*III*) after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*1A*) If any person or housing finance institution which is a company fails to produce any book, account or other document, or to furnish any statement or information, which, under the provisions of this Act, is the duty of such person or housing finance institution to produce or furnish, the National Housing Bank or the Reserve Bank, as the case may

(1)	(2)	(3)	(4)	(5)
				be, may impose on such person or housing finance institution, a penalty not exceeding one lakh fifty thousand rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to seven thousand five hundred rupees for every day, after the first, during which the contravention or default continues. (*1B*) If any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person a penalty not exceeding ten lakh rupees. (*1C*) If any person (other than an auditor) or housing finance institution which is a company fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding ten lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to one lakh rupees for every day, after the first, during which the contravention or default continues. (*1D*) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, the National Housing Bank or the Reserve Bank, as the case may be, may impose on any person or housing finance institution which is a company, guilty of such contravention or default, a penalty

(1)	(2)	(3)	(4)	(5)
				not exceeding one lakh rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to ten thousand rupees for every day, after the first, during which the contravention or default continues."; (*IV*) in sub-section (*2*),— (*i*) for the word, brackets and figure "sub-section (*1*)", the words "this section" shall be substituted; (*ii*) for the words "housing finance institution" at both the places where they occur, the words "person or housing finance institution" shall be substituted; (*V*) in sub-section (*3*),— (*i*) for the words "served on the housing finance institution", the words "served on the person or housing finance institution" shall be substituted; (*ii*) for the words "failure of such housing finance institution", the words "failure of such person or housing finance institution" shall be substituted; (*iii*) for the words "the area where the registered office", the words "the area where such person ordinarily resides or, as the case may be, the registered office" shall be substituted; (*VI*) in sub-section (*4*), after the words "payable by the", the words "person or" shall be inserted.
26.	1988	59	The Motor Vehicles Act, 1988	(*A*) In section 192A, in sub-section (*1*),— (*i*) for the words "and a fine of ten thousand rupees", the words "a fine of ten thousand rupees, or with both" shall be substituted; (*ii*) the proviso shall be omitted. (*B*) In section 200, for sub-section (*1*), the following sub-section shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
				"(*1*) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 177A, section 178, section 179, section 180, section 181, section 182, sub-section (*1*) or sub-section (*3*) or sub-section (*4*) of section 182A, section 182B, sub-section (*1*) or sub-section (*2*) of section 183, clause (*c*) of the *Explanation* to section 184, section 186, section 189, sub-section (*2*) of section 190, section 192, section 192A, sub-section (*3*) of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.". (*C*) In section 215, in sub-section (*3*), the following proviso shall be inserted, namely:— "Provided that where a State Government has not constituted the District Road Safety Committee, the Central Government may, by notification in the Official Gazette, constitute a Committee for such District, consisting of a Chairman and such other members as it considers necessary and on such terms and conditions as it may determine.".
27.	1989	24	The Railways Act, 1989	In section 144, for sub-section (*2*), the following sub-section shall be substituted, namely:— "(*2*) No person shall be permitted to beg in any railway carriage or upon any part of the railway.".
28.	1991	6	The Public Liability Insurance Act, 1991	(*A*) In section 2,— (*i*) clause (*ha*) shall be numbered as clause (*hb*) thereof and before clause (*ha*) as so renumbered, the following clause shall be inserted, namely:— '(*ha*) "property" includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package,

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

storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;';

(*ii*) after clause (*j*), the following clause shall be inserted, namely:—

"(*k*) words and expressions used and not defined in this Act but defined in the Transfer of Property Act, 1882 (4 of 1882), and the Environment (Protection) Act,1986 (29 of 1986), shall have the meanings respectively assigned to them in those Acts.".

(*B*) In section 3, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to reimburse such amount, or provide such other relief as may be prescribed, for—

(*a*) death due to fatal accident;

(*b*) medical expenses incurred due to total or partial disability;

(*c*) loss of wages due to partial disability;

(*d*) other injury or sickness;

(*e*) damage to private property; or

(*f*) such other loss or damage, as may be prescribed.".

(*C*) In section 4,—

(*a*) for sub-section (*1*), the following shall be substituted, namely:—

"(*1*) Every owner of any undertaking shall take out, before he starts handling any hazardous substance, one or more insurance policies for such undertaking or unit providing for contracts of insurance whereby he is insured against liability to give such relief or reimburse such amount referred to in sub-section (*1*) of section 3.

Explanation.—For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under—

(*i*) the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and

(*ii*) the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981),

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

shall be treated as a separate unit:

Provided that any owner handling any hazardous substance immediately before the commencement of the *Jan Vishwas* (Amendment of Provisions) Act, 2023 shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from commencement of that Act.";

(*b*) for sub-section (*2A*), the following shall be substituted, namely:—

'(*2A*) An insurance policy taken out or renewed by an owner for any undertaking or unit shall be for an amount which shall not be less than the amount of the paid-up capital of that undertaking or unit handling any hazardous substance owned or controlled by that owner and may extend to such amount as may be prescribed but not exceeding five hundred crore rupees.

Explanation.—For the purposes of this sub-section "paid-up capital", in relation to an owner not being a company, means the market value of all assets and stocks of the undertaking on the date of contract of insurance.'.

(*D*) In section 6, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector.".

(*E*) In section 7, after sub-section (*8*), the following sub-section shall be inserted, namely:—

"(*9*) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an

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

application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund from the Environmental Relief Fund for restoration of the damage so caused in the manner as may be prescribed.".

(*F*) In section 7A, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) There shall be credited to the Relief Fund established under sub-section (*1*)—

(*a*) the amount referred to in sub-section (*2C*) of section 4;

(*b*) the amount of penalty imposed under this Act;

(*c*) the interest or other income received out of investments made from the Fund; and

(*d*) any other amount from such sources, as may be prescribed.".

(*G*) For sections 14 and 15, the following sections shall be substituted, namely:—

"14. Penalty for contravention.— (*1*) Where any person contravenes any of the provisions of sub-section (*1*), sub-section (*2*), sub-section (*2A*) or sub-section (*2C*) of section 4, he shall be liable to penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.

(*2*) Where contravention under sub-section (*1*) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues.

15. Penalty for non-compliance of directions.—(*1*) Where any person does not comply with any direction issued under section 12, he shall be liable to penalty which shall not be less than ten thousand rupees which may extend to fifteen lakh rupees.

(*2*) Where any person continues non-compliance under sub-section (*1*), he shall be liable to additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.

(*3*) Where any owner does not

(1)	(2)	(3)	(4)	(5)
				comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under sub-sections (*1*), (*2*) or (*3*) of section 11, he shall be liable to penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees. (*4*) Where any person continues non-compliance under sub-section (*3*), he shall be liable to additional penalty of ten thousand rupees for every day during which such non-compliance continues. 15A. Adjudicating officer.— (*1*) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint the District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the rank of Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry and impose penalty in the manner, as may be prescribed: Provided that the Central Government may appoint as many adjudicating officers as may be required. (*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (*1*), sub-section (*2*), sub-section (*2A*) or sub-section (*2C*) of section 4 and section 12, he may determine such penalty as he thinks fit under the provisions of sections 14 and 15: Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard. 15B. Appeal.—(*1*) Whoever aggrieved by the order, passed by the adjudicating officer under section 15A, may prefer an appeal to the National Green Tribunal established under section 3 of the National

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

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.".

(*H*) Section 16 shall be omitted.

(*I*) For section 17, the following sections shall be substituted, namely:—

'17. Penalty for contravention by Government Department.—(*1*) Where contravention of any provision of this Act has been committed by any Department of the Central Government or 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, he 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.

17A. Penalty amount to be credited to Environmental Relief Fund.—Where any penalty or additional penalty, as the case may be, is imposed under section 14 or

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

section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.

17B. Offence for failure to pay penalty or additional penalty.—(*1*) Where any person fails to pay the penalty or additional penalty imposed for—

(*a*) contravention or continued contravention under section 14 or 17, as the case may be; or

(*b*) non-compliance of the directions issued under section 15,

within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend up to fifteen lakh rupees, or with both.

(*2*) Where any offence under sub-section (*1*) has been committed by a company, every person who, at the time the 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 such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, 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 under this Act 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" means any body

(1)	(2)	(3)	(4)	(5)
				corporate and includes a firm or other association of individuals; (*b*) "director" includes director of the company and in relation to a firm, a partner in the firm.'. (*J*) In section 23, in sub-section (*2*),— (*i*) for clause (*a*), the following clause shall be substituted, namely:— "(*a*) such amount under sub-section (*2A*) of section 4;"; (*ii*) after clause (*e*), the following clauses shall be substituted, namely:— "(*ea*) amount or relief and any other loss or damage under sub-section (*1*) of section 3; (*eb*) such other person under sub-section (*1A*) of section 6; (*ec*) manner of allocation of fund for restoration of damage under sub-section (*9*) of section 7; (*ed*) any other amount from other sources under clause (d) of sub-section (*1A*) of section 7A; (*ee*) manner of holding inquiry and imposing penalty under sub-section (*1*) of section 15A;". (*K*) The Schedule shall be omitted.
29.	1995	7	The Cable Television Networks (Regulation) Act, 1995	(*A*) For CHAPTER IV, the following CHAPTER shall be substituted, namely:— "CHAPTER IV PENALTIES 16. Penalty for contravention of provisions of this Act.—(*1*) Whoever contravenes any of the provisions of this Act shall be liable,— (*a*) for the first contravention with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both; (*b*) for every subsequent contravention within a period of three years, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both, by such designated officer, as may be prescribed.

(1)	(2)	(3)	(4)	(5)
				(*2*) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (*1*): Provided that in cases of more than three contraventions over a period of three years, the designated officer, in addition to penalty referred to in sub-section (*1*), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted: Provided further that no order by the designated officer under this sub-section shall be made without giving a reasonable opportunity of being heard. (*3*) Whoever aggrieved by the order made under sub-section (*2*), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him: Provided that no such appeal shall be admissible after the expiry of thirty days from the date of receipt of such order: Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.". (*B*) In section 22, in sub-section (*2*), after clause (*da*), the following clause shall be inserted, namely:— "(*db*) the designated officer under sub-section (*1*) of section 16;".
30.	1999	47	The Trade Marks Act, 1999	(*A*) Section 106 shall be omitted. (*B*) In section 107, in sub-section (*2*), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to penalty of a sum equal to one half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession, as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less" shall be substituted. (*C*) Sections 108 and 109 shall be omitted. (*D*) After section 112, the following section shall be inserted, namely:— "112A. Adjudication of penalties.—The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry

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

and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.

112B. Appeal.—(*1*) Whoever aggrieved by an order of the adjudicating officer under section 112A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.

(*2*) Every appeal under this section shall be preferred in such form and manner as may be prescribed.

(*3*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*4*) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(*5*) The appellate authority referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing.

(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 112A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both.".

(*E*) In section 140, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to penalty of ten thousand rupees:

Provided that the penalty under this section shall be levied and recovered by such authority under the Customs Act, 1962 (52 of 1962) for this purpose.".

(1)	(2)	(3)	(4)	(5)
				(*F*) In section 157, in sub-section (*2*), after clause (*xxxiii*), the following clauses shall be inserted, namely:— "(*xxxiiia*) the manner of holding inquiry and imposing penalty under section 112A; (*xxxiiib*) the form and manner of preferring appeal under sub-section (*2*) of section 112B; ".
31.	1999	48	The Geographical Indications of Goods (Registration and Protection) Act, 1999	(*A*) After section 37, the following sections shall be inserted, namely:— "37A. Adjudication of penalties.—The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard. 37B. Appeal.—(*1*) Whoever aggrieved by an order of the adjudicating officer under section 37A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf. (*2*) Every appeal under this section shall be preferred in such form and manner as may be prescribed. (3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard. (5) The appellate authority referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing. (6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 37A or the order of the appellate authority under this section, as the case may be, within ninety days of such

(1)	(2)	(3)	(4)	(5)
				order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both.". (*B*) In section 42, in sub-section (*2*), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to penalty of a sum equal to one-half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less" shall be substituted. (*C*) Sections 43 and 44 shall be omitted. (*D*) In section 87, in sub-section (*2*), after clause (*o*), the following clauses shall be inserted, namely:— "(*oa*) the manner of holding inquiry and imposing penalty under section 37A; (*ob*) the form and manner of preferring appeal under sub-section (*2*) of section 37B;".
32.	2000	21	The Information Technology Act, 2000	(*A*) In section 33, in sub-section (*2*), for the words "punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted. (*B*) In section 44,— (*i*) in clause (*a*), for the words "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted; (*ii*) in clause (*b*), for the words "five thousand", the words "fifty thousand" shall be substituted; (*iii*) in clause (*c*), for the words "ten thousand", the words "one lakh" shall be substituted. (*C*) In section 45,— (*i*) for the words "rules or regulations", the words "rules, regulations, directions or orders" shall be substituted; (*ii*) for the words "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees", the following shall be substituted, namely:—

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

"penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—

(*a*) ten lakh rupees, by an intermediary, company or body corporate; or

(*b*) one lakh rupees, by any other person.".

(*D*) In section 46,—

(*i*) in sub-section (*1*), for the words "under this Chapter", the words "under this Act" shall be substituted;

(*ii*) in sub-section (*1A*), the words "injury or" at both the places where they occur shall be omitted.

(*E*) Section 66A shall be omitted.

(*F*) In section 67C, in sub-section (*2*), for the words "punished with an imprisonment for a term which may extend to three years and also be liable to fine", the words "liable to penalty which may extend to twenty-five lakh rupees" shall be substituted.

(*G*) In section 68, in sub-section (*2*), for the words "on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both", the words "to penalty which may extend to twenty-five lakh rupees" shall be substituted.

(*H*) In section 69B, in sub-section (*4*), for the words "three years and shall also be liable to fine", the words "one year or shall be liable to fine which may extend to one crore rupees, or with both" shall be substituted.

(*I*) In section 70B, in sub-section (*7*), for the words "one lakh", the words "one crore" shall be substituted.

(*J*) In section 72, for the words "punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.

(*K*) In section 72A,—

(*i*) in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted;

(*ii*) for the words "punished with imprisonment for a term which may

(1)	(2)	(3)	(4)	(5)
				extend to three years, or with fine which may extend to five lakh rupees, or with both", the words "liable to penalty which may extend to twenty-five lakh rupees" shall be substituted.
33.	2002	60	The Metro Railways (Operation and Maintenance) Act, 2002	(*A*) In section 6, in sub-section (*2*), after clause (*g*), the following clause shall be inserted, namely:— "(*ga*) levy and collect penalties under this Act;". (*B*) In section 59, in sub-section (*2*),— (*i*) for the words "punishable with fine which may extend to two hundred and fifty rupees", the words "liable to penalty which may extend to ten thousand rupees" shall be substituted; (*ii*) for the words "five hundred rupees", the words "ten thousand rupees" shall be substituted. (*C*) In section 63, for the words "after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "he shall be liable to penalty which may extend to five thousand rupees" shall be substituted. (*D*) In section 65, in the long line, for the words "five years, or with fine which may extend to six thousand rupees, or with both", the words "two years, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted. (*E*) In section 69, for sub-section (*4*), the following sub-section shall be substituted, namely:— "(*4*) If any passenger liable to pay the excess charge and fare mentioned in sub-section (*1*), or the excess charge and any difference of fare mentioned in sub-section (*2*), fails or refuses to pay the same on a demand being made therefor, any metro railway official authorised by the metro railway administration in this behalf may apply to any Metropolitan Magistrate or, as the case may be, Judicial Magistrate of the first class, for the recovery of the sum payable as if it were a fine.". (*F*) For section 70, the following section shall be substituted, namely:— "70. Needlessly interfering with means of communication in a train.— If any

(1)	(2)	(3)	(4)	(5)
				passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro railway administration in a metro railway for communication between passengers and metro railway official in charge of the metro railway or misuses alarm bell or emergency stop push or emergency trip system or emergency call point of the metro railway, he shall be liable to penalty which may extend to ten thousand rupees.". (*G*) Section 80 shall be omitted. (*H*) In section 82, in sub-section (*1*), for the words and figures "sections 65 to 79", the words and figures "sections 65 to 68, 71 to 79" shall be substituted.
34.	2003	15	The Prevention of Money-laundering Act, 2002	In THE SCHEDULE, in PART A,— (*i*) for PARAGRAPH 21, the following PARAGRAPH shall be substituted, namely:— "PARAGRAPH 21 OFFENCES UNDER THE TRADE MARKS ACT, 1999 (47 OF 1999) Section — Description of offence 103 — Penalty for applying false trademarks, trade descriptions, etc. 104 — Penalty for selling goods or providing services to which false trademark or false trade description is applied. 105 — Enhanced penalty on second or subsequent conviction. 120 — Punishment of abetment in India of acts done out of India."; (*ii*) for PARAGRAPH 22, the following PARAGRAPH shall be substituted, namely:— "PARAGRAPH 22 OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000 (21 OF 2000) Section — Description of offence 75 — Act to apply for offence or contravention committed outside India."; (*iii*) PARAGRAPH 25 shall be omitted; (*iv*) PARAGRAPH 27 shall be omitted.

(1)	(2)	(3)	(4)	(5)
35.	2006	34	The Food Safety and Standards Act, 2006	(*A*) In section 59, in clause (*i*), for the words "imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees", the words "imprisonment for a term which may extend to three months and also with fine which may extend to three lakh rupees" shall be substituted. (*B*) In section 61,— (*i*) in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted; (*ii*) for the words "punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees", the words "liable to penalty which may extend to ten lakh rupees" shall be substituted. (*C*) In section 63,— (*i*) in the marginal heading, for the word "Punishment", the word "Penalty" shall be substituted; (*ii*) for the words "punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees", the words "liable to penalty which may extend to ten lakh rupees" shall be substituted.
36.	2006	38	The Government Securities Act, 2006	In section 30,— (*i*) in sub-section (*1*), for the words "he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both", the words "the Bank may impose a penalty not exceeding five lakh rupees or twice the amount involved in such contravention, where the amount is quantifiable, whichever is higher, and where such contravention is a continuing one, with a further penalty, which may extend to five thousand rupees for every day after first day during which the contravention continues" shall be substituted; (*ii*) sub-section (*2*) shall be omitted.
37.	2006	41	The Cantonments Act, 2006	(*A*) Section 156 shall be omitted. (*B*) In section 185, for sub-section (*1*), the following sub-section shall be substituted, namely:— "(*1*) No person employed in any essential service under a Board in a

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

cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed.".

(*C*) Section 286 shall be omitted.

(*D*) For section 287, the following section shall be substituted, namely:—

"287. Arrest of persons, seizure and confiscation of things for offences under section 285.—(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person who commits an offence under section 285 and may seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 has been committed and any vessels or coverings in which the liquor or drug is contained.

(*2*) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person.

(*3*) The court convicting a person of an offence under section 285 may order the confiscation of the whole or any part of anything seized under sub-section (*1*) or sub-section (*2*).

(*4*) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974) anything, seized under sub-section (*1*) or sub-section (*2*) and not confiscated under sub-section (*3*) shall be restored to the person from whom it was taken.".

(*E*) In section 289, sub-section (*5*) shall be omitted.

(1)	(2)	(3)	(4)	(5)
				(*F*) In section 314, in the proviso, in clause (*a*), the words, letter and figures "in the case of breach of any such provisions as is specified in Part B of Schedule IV," shall be omitted. (*G*) For SCHEDULE IV, the following SCHEDULE shall be substituted, namely:— "SCHEDULE IV (*See* section 314) Section — Subject 183(*1*) — Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary. 296 — Discharging fire-arms, etc., so as to cause danger. 300 — Loitering or importuning for sexual immorality. 304(*a*) — Remaining in, or returning to, a cantonment after notice of expulsion.".
38.	2007	51	The Payment and Settlement Systems Act, 2007	(*A*) In section 26,— (*i*) in sub-section (*3*), for the words "punishable with fine which may extend to ten lakh rupees in respect of each offence and if he persists in such refusal, to a further fine which may extend to twenty-five thousand rupees for every day for which the offence continues", the words and figures "liable to penalty as may be imposed in accordance with the provisions of section 30" shall be substituted; (*ii*) in sub-section (*6*), for the words "punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues", the words and figures "liable to penalty as may be imposed in accordance with the provisions of section 30" shall be substituted. (*B*) In section 30,— (*a*) in the marginal heading, for the word "fines", the word "penalties" shall be substituted; (*b*) in sub-section (*1*)— (*i*) after the word, brackets and

(1)	(2)	(3)	(4)	(5)
				figure "sub-section (*2*)", the words, brackets and figure "or sub-section (*3*)" shall be inserted; (*ii*) for the words "five lakh", the words "ten lakh" shall be substituted.
39.	2009	7	The Collection of Statistics Act, 2008	(*A*) In section 9, in sub-sections (*2*) and (*3*), for the word "prosecution", the word "penalty" shall be substituted. (*B*) For CHAPTER IV, the following CHAPTER shall be substituted, namely:— "CHAPTER IV PENALTIES AND ADJUDICATION 15. Penalty for neglect or refusal to supply particulars and other contraventions.— (*1*) Whoever fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act or whoever acts in contravention or fails to comply with any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to penalty which may extend to one thousand rupees, and in the case of a company, with a penalty which may extend to one lakh rupees. (*2*) The imposition of penalty on a person or company shall not relieve him or it of the obligations under sub-section (*1*), and if after the expiry of fourteen days from the date of imposition of penalty, he or it still fails to give the required particulars or continues to neglect or refuse or contravene any provision of this Act or any rules made thereunder or any requirement imposed under this Act, shall be liable to a further penalty which may extend to one thousand rupees, and in the case of a company, to a further penalty which may extend to five thousand rupees, for each day after the first during which the neglect, refusal or contravention continues.

(1)	(2)	(3)	(4)	(5)
				15A. Adjudicating officer.—(*1*) The appropriate Government may, for the purposes of determining the penalties under section 15, appoint an officer as it may deem fit, to be adjudicating officer to hold an inquiry and impose penalty in the manner, as may be prescribed: Provided that the appropriate Government may appoint as many adjudicating officers as may be required. (*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act, he may impose penalty: Provided that no such penalty shall be imposed without giving the parties concerned a reasonable opportunity of being heard. 15B. Appeal.—(*1*) Whoever aggrieved by the order passed by the adjudicating officer under this Act, may prefer an appeal to the appellate authority, above the rank of the adjudicating officer, authorised by the appropriate Government, within thirty days from the date of receipt of order in such form and manner as may be prescribed. (*2*) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit. (*4*) The appellate authority referred to in sub-section (*1*) shall dispose of the appeal within sixty days from the date of filing the appeal. 15C. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed under this Act, is not deposited,

(1)	(2)	(3)	(4)	(5)
				the amount shall be recovered as an arrear of land revenue.". (*C*) In section 33, in sub-section (*2*), after clause (*da*), the following clauses shall be inserted, namely:— "(*db*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 15A; (*dc*) the form and manner of preferring appeal under sub-section (*1*) of section 15B;".
40.	2010	1	The Legal Metrology Act, 2009	(*A*) In section 25, for the words "twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine", the words "one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and subsequent offence, with fine which may extend to five lakh rupees" shall be substituted. (*B*) In section 27, in the long line, for the words "twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both", the words "one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and subsequent offence, with fine which may extend to four lakh rupees" shall be substituted. (*C*) In section 28, for the words "ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both", the words "fifty thousand rupees and for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence with fine which may extend to two lakh rupees" shall be substituted. (*D*) In section 29, for the words "ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both", the words "fifty thousand rupees for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence with a fine which may extend to two lakh rupees" shall be substituted. (*E*) In section 31, for the words "five thousand rupees and for the second or subsequent offence, with imprisonment for a term

(1)	(2)	(3)	(4)	(5)
				which may extend to one year and also with fine", the words "twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted. (*F*) In section 34, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted. (*G*) In section 35, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted. (*H*) In section 48,— (*a*) in sub-sections (*1*) and (*2*), for the words and figures "sections 27 to 39" at both places where they occur, the words and figures "sections 27 to 39, section 41" shall be substituted; (*b*) in sub-section (*3*), after the words and figures "sections 33 to 37,", the word and figures "section 41," shall be inserted.".
41.	2012	12	The Factoring Regulation Act, 2011	(*A*) For sections 21 and 22, the following sections shall be substituted, namely:— "21. Penalties.—If a default is made in filing under section 19, the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be liable to penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which

(1)	(2)	(3)	(4)	(5)
				may extend to ten thousand rupees for every day during which the default continues, to be imposed by the Reserve Bank in accordance with the provisions of sub-sections (*2*) to (*4*) of section 22.
				22. Penalties for non-compliance of direction by Reserve Bank.—(*1*) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing failure, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.
				(*2*) For the purpose of adjudging the penalty under sub-section (*1*) or section 21, the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.
				(*3*) Any penalty imposed by the Reserve Bank under this section or section 21 shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:
				Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf:
				Provided further that the Reserve Bank may also recover the amount of penalty by debiting the current account, if any, of the defaulter or by liquidating the securities held to the credit of the defaulter.

(1)	(2)	(3)	(4)	(5)
				(*4*) The court which makes a direction under sub-section (*3*) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.".
42.	2016	18	The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016	In section 41, for the words "punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both", the words "liable to penalty which may extend to one lakh rupees, or in the case of a company, with penalty which may extend to ten lakh rupees" shall be substituted.

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Secretary to the Govt. of India.

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