



## Jan Vishwas (Amendment of Provisions) Act, 2023

On the 26 July 2024, the Ministry of Commerce and Industry released a notification to the effect that the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 ("**Jan Vishwas Act**") would come into effect from the 1 August 2024. The objective of the Jan Vishwas Act was to amend certain enactments for the purpose of decriminalising and rationalising offences and to further enhance trust-based governance for ease of living and doing business. This act amended a total of 42 different legislation in several fields. A few of these amendments are as follows:

S. No.	Act Name	Provision	Amendment
1.	The Press and Book Registration Act, 1867	Section 8C	Add a reference to include orders by the Press Registrar related to: <ul style="list-style-type: none"><li>• Suspending or cancelling registration certificates under section 12.</li><li>• Imposing penalties under sections 13 or 19K.</li></ul> Include an option to obtain records from the Press Registrar, in addition to obtaining them from the Magistrate.
		Section 12	<b>1. Grounds for Suspension:</b> <ul style="list-style-type: none"><li>• <b>Non-Continuous Publication:</b> The Press Registrar may suspend the certificate for up to one year if the publisher fails to publish the newspaper continuously. For clarity, a newspaper that publishes less than half of its required issues, as stipulated under rule (6) of section 5, is deemed to have failed in continuous publication.</li><li>• <b>False Annual Statement:</b> Suspension can occur if the publisher provides false particulars in the annual statement.</li><li>• <b>Failure to Furnish Annual Statement:</b> If the publisher fails to furnish the annual statement within two years from the end of the financial year, suspension may be ordered.</li></ul>



			<p>2. <b>Grounds for Cancellation:</b></p> <ul style="list-style-type: none"><li>• <b>Ceased Publication:</b> Cancellation can be ordered if the newspaper ceases publication for a period exceeding twenty-four months.</li><li>• <b>Failure Post Suspension:</b> If the publisher fails to furnish the annual statement even after the suspension period under sub-section (1)(c), cancellation may follow.</li><li>• <b>False Representation:</b> A certificate obtained on false representation or concealment of material facts may be cancelled.</li><li>• <b>Duplicate Title:</b> If the newspaper's title bears the same or a similar title already held by another newspaper in the same language nationwide or any other language within the same State or Union Territory, cancellation may be warranted.</li></ul> <p><b>Procedural Safeguards:</b></p> <p>3. <b>Right to be Heard:</b></p> <ul style="list-style-type: none"><li>• No suspension or cancellation order shall be made without providing a reasonable opportunity for the publisher or owner of the newspaper to be heard. This ensures procedural fairness and adherence to principles of natural justice.</li></ul> <p>4. <b>Notification of Order:</b></p> <ul style="list-style-type: none"><li>• A copy of the suspension or cancellation order must be made available to the Central Government, the State Government, or the Union Territory administration, as applicable, and to the Magistrate. This requirement ensures proper administrative oversight and enforcement.</li></ul>
		Section 13	<p><b>Penalties</b></p> <ul style="list-style-type: none"><li>• <b>Printing or Publishing Non-Conformity:</b> Up to INR 10,000 (Indian Rupees Ten Thousand) for printing or publishing a book or paper not in accordance with Section 3 provisions.</li><li>• <b>Failure to Declare by Press Keeper:</b> Up to INR 10,000 (Indian Rupees Ten Thousand) for failing to make and subscribe the declaration required by Section 4.</li></ul>



			<ul style="list-style-type: none"><li>• <b>Failure to Furnish Annual Statement:</b> Up to INR 20,000 ((Indian Rupees Twenty Thousand) for not furnishing the annual statement within one year from the end of the financial year as required by Section 19D(a).</li><li>• <b>Failure to Declare Cessation as Printer/Publisher:</b> Up to INR 20,000 (Indian Rupees Twenty Thousand) for not declaring cessation as a printer or publisher of a newspaper in accordance with Section 8.</li><li>• <b>Non-Delivery of Books or Maps:</b> Up to INR 2,000 (Indian Rupees Two Thousand) for not delivering books or supplying printers with maps as required by Section 9.</li><li>• <b>Neglect to Deliver Newspaper Copies:</b> Up to INR 2,000 (Indian Rupees Two Thousand) for neglecting to deliver copies of the newspaper as stipulated in Sections 11A and 11B.</li></ul>
		Section 19K	<b>Penalties</b> <ul style="list-style-type: none"><li>• <b>Non-Compliance with Section 19D(b) or Section 19E:</b> If the publisher of any newspaper refuses or neglects to comply with the provisions of section 19D(b) or section 19E. The publisher shall be liable to a penalty not exceeding INR 10,000 (Indian Rupees Ten Thousand).</li><li>• <b>Publication of False Particulars:</b> If the publisher, under section 19D(b), publishes any particulars relating to the newspaper which he has reason to believe are false. The publisher shall be liable to a penalty not exceeding INR 10,000 (Indian Rupees Ten Thousand).</li></ul>
2.	The Agricultural Produce, (Grading and Marking)	Section 4	<b>Un-authorised marking with grade designation mark:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 5,00,000 (Indian Rupees Five Lakh).
		Section 5	<b>Counterfeiting grade designation mark:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 15,00,000 (Indian Rupees Fifteen Lakh).
		Section 5A	<b>Selling mis-graded articles:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 3,00,000 (Indian Rupees Three Lakh).



		Section 5B	<b>Selling of scheduled article or class of articles without requisite grading or mark:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 5,00,000 (Indian Rupees Five Lakh).
		Section 5C	<b>Appointment of Adjudicating Officer:</b> <b>1. Authority to Appoint:</b> <ul style="list-style-type: none"><li>The Central Government may appoint adjudicating officers for determining penalties. These officers must hold a rank not below that of Deputy Secretary to the Government of India or Deputy Secretary to the State Government.</li><li>The Central Government may appoint multiple adjudicating officers as required.</li></ul> <b>2. Inquiry Powers:</b> <ul style="list-style-type: none"><li>The adjudicating officer has the authority to summon and enforce the attendance of individuals acquainted with the facts and circumstances of the case.</li><li>The officer can require these individuals to give evidence or produce documents deemed useful or relevant to the inquiry.</li></ul> <b>3. Imposition of Penalty:</b> <ul style="list-style-type: none"><li>Upon conducting an inquiry, if the adjudicating officer is satisfied that a person has failed to comply with sections 4, 5, 5A, or 5B, they may impose a penalty.</li><li>No penalty shall be imposed without giving the concerned person a reasonable opportunity to be heard, ensuring procedural fairness.</li></ul>
		Section 5D	<b>Appeal Process:</b> This section has been added to the act. <b>1. Filing an Appeal:</b>



			<ul style="list-style-type: none"><li>Any person aggrieved by the order of the adjudicating officer under section 5C may appeal to the Agricultural Marketing Adviser, Government of India, within thirty days from the date of receipt of the order.</li></ul> <p><b>2. Extension of Appeal Period:</b></p> <ul style="list-style-type: none"><li>An appeal may be admitted after the thirty-day period if the appellant can demonstrate sufficient cause for the delay to the Agricultural Marketing Adviser.</li></ul> <p><b>3. Hearing and Order:</b></p> <ul style="list-style-type: none"><li>The Agricultural Marketing Adviser will give the parties to the appeal an opportunity to be heard and will pass an order as deemed fit.</li></ul> <p><b>4. Timeline for Disposition:</b></p> <ul style="list-style-type: none"><li>The Agricultural Marketing Adviser must dispose of the appeal within sixty days from the date of filing.</li></ul>
		Section 5E	<p><b>Recovery of Penalty:</b></p> <ul style="list-style-type: none"><li>If the penalty imposed by the adjudicating officer under section 5C or the order of the Agricultural Marketing Adviser under section 5D is not deposited, the amount shall be recovered as an arrear of land revenue.</li></ul>
3.	Drugs and Cosmetics Act, 1940	Section 29	<b>Use of Government Analyst's report for advertising:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 1,00,000 (Indian Rupees One Lakh).
		Section 30	<b>Penalty for subsequent offenses under the same section:</b> This subsection 2 has been decriminalized. The penalty imposed under this section cannot exceed INR 5,00,000 (Indian Rupees Five Lakh).
		Section 32B	<b>Compounding of Certain offenses:</b> Offenses under 27(d) and 27A(ii) have been added under the ambit of the section.



4.	The Pharmacy Act, 1948	Section 18	The ambit for making regulations for the Central Council has been expanded and now include, the manner of holding inquiry and imposing penalty under sub-section (1) of section 43A and the form and manner of preferring appeal under sub-section (2) of section 43A.
		Section 26A	<b>Obstructing an Instructor:</b> This subsection has been decriminalized. The penalty imposed under this section cannot exceed INR 1,00,000 (Indian Rupees One Lakh).
		Section 41	<b>Penalties for False Pretences:</b> <ul style="list-style-type: none"><li>• <b>First Conviction:</b> Fine up to INR 1,00,000 (Indian Rupees One Lakh).</li><li>• <b>Subsequent Conviction:</b> Imprisonment up to three months, or fine up to INR 2,00,000 (Indian Rupees Two Lakh), or both.</li></ul>
		Section 42	<b>Dispensing by Unregistered Person:</b> This Imprisonment for this term has increased to 6 months. The penalty imposed under this section cannot exceed INR 1,00,000 (Indian Rupees One Lakh).
		Section 43A	<b>Adjudication of Penalties:</b> <ol style="list-style-type: none"><li>1. <b>Appointment of Adjudicating Officer:</b><ul style="list-style-type: none"><li>• The Central Government shall authorize the President of the State Council to act as the adjudicating officer for inquiries and penalty imposition under section 26A.</li><li>• The adjudicating officer must follow prescribed procedures and provide a reasonable opportunity for the concerned person to be heard.</li></ul></li><li>2. <b>Filing an Appeal:</b><ul style="list-style-type: none"><li>• Aggrieved parties may appeal to the President, Central Council within forty-five days from receipt of the adjudicating officer's order.</li><li>• Appeals must be filed in the prescribed form and manner under section 18.</li></ul></li><li>3. <b>Late Appeals:</b></li></ol>



			<ul style="list-style-type: none"><li>The President, Central Council may admit appeals filed after forty-five days if the appellant shows sufficient cause for the delay.</li></ul> <p>4. <b>Opportunity to be Heard:</b></p> <ul style="list-style-type: none"><li>No appeal shall be decided without giving the appellant a reasonable opportunity to be heard.</li></ul> <p>5. <b>Timeline for Disposition:</b></p> <ul style="list-style-type: none"><li>Appeals must be disposed of within ninety days from the date of filing.</li></ul> <p><b>Recovery of Penalty:</b></p> <p>6. <b>Non-Payment of Penalty:</b></p> <ul style="list-style-type: none"><li>Penalties imposed under subsection (1) may be recovered as arrears of land revenue if not paid.</li></ul>
5.	The Industrial (Development and Regulation) Act, 1951	Section 24	Contravention of Act: Contravention of Section 10(1), 10(4), 11(1), 11A(1), 13(2), 29B(2), 29B(2A), 29B(2D), 29B(2F), 29B(2G) or directions under Section 17, 18B(3), or 18(B) has been decriminalized, and a penalty up to INR 25,00,000 (Indian Rupees Fifteen Lakh).
		Section 24A	<p><b>Adjudication Procedures:</b></p> <p>1. <b>Appointment of Adjudicating Officer:</b></p> <ul style="list-style-type: none"><li>The Central Government will authorize either the District Magistrate or the Additional District Magistrate with jurisdiction to act as the adjudicating officer.</li><li>The adjudicating officer is responsible for conducting inquiries and imposing penalties as prescribed.</li></ul> <p>2. <b>Powers of the Adjudicating Officer:</b></p> <ul style="list-style-type: none"><li>The officer may summon and enforce the attendance of individuals with knowledge of the case and require them to provide evidence or documents relevant to the inquiry.</li><li>If the officer determines that the person has failed to comply with the Act, they may impose an appropriate penalty in accordance with section 24.</li></ul>



			<b>3. Opportunity to be Heard:</b> <ul style="list-style-type: none"><li>No penalty shall be imposed without providing the concerned person a reasonable opportunity to be heard.</li></ul>
		Section 24B	<b>Appeal Process:</b> <b>1. Filing an Appeal:</b> <ul style="list-style-type: none"><li>An aggrieved party may appeal to an officer not below the rank of Joint Secretary to the Government of India.</li><li>The appeal must be filed within thirty days from the date of receipt of the adjudicating officer's order, in the prescribed form and manner.</li></ul> <b>2. Late Appeals:</b> <ul style="list-style-type: none"><li>Appeals may be admitted after the thirty-day period if the appellant demonstrates sufficient cause for the delay.</li></ul> <b>3. Opportunity to be Heard:</b> <ul style="list-style-type: none"><li>The appellate authority will provide the parties an opportunity to be heard before passing an order.</li></ul> <b>4. Timeline for Disposition:</b> <ul style="list-style-type: none"><li>Appeals must be disposed of within sixty days from the date of filing.</li></ul>
		Section 24C	If the penalty imposed by the adjudicating officer under section 24A or by the appellate authority under section 24B is not deposited, the amount shall be recovered as an arrear of land revenue.
		Section 27	This section stated that a court could not take suo moto cognizance of any offenses punishable under this act, it has been omitted.
		Section 28	Burden of proof was previously on the person prosecuted, however this section has been amended to be applicable only on people who have penalties imposed upon them.



		Section 29	This section stated that no court inferior to the presidency magistrate or a magistrate of the first class had the power to try any offenses under this act. It has been omitted
		Section 29A	The special provisions regarding fines has omitted.
		Section 30	The power of the Central Government has been expanded, and now includes, the manner of holding inquiry and imposing penalty under sub-section (1) of section 24A and the form and manner of preferring appeal under sub-section (1) of section 24B. Additionally under sub-section (3) that the contravention of any rule made under this section can liable for penalty.
6.	The Copyright Act, 1957	Section 68	Penalty for making false statements for the purpose of deceiving or influencing any authority or officer has been omitted.
7.	The Deposit Insurance and Credit Guarantee Corporation, 1961	Section 47(2)	<b>Penalties for Non-Compliance:</b> <b>1. Penalty for Failure:</b> <ul style="list-style-type: none"><li>A penalty up to INR 1,50,000 (Indian Rupees One Lakh Fifty Thousand) for each failure to produce books, accounts, or other documents, or to furnish required statements or information. For continuing failures, an additional penalty up to INR 7,500 (Indian Rupees Seven Thousand Five Hundred) for each day the failure persists after the first instance.</li></ul> <b>2. Adjudication Process:</b> <ul style="list-style-type: none"><li>The Corporation must serve a notice requiring the person to show cause why the specified penalty should not be imposed.</li><li>A reasonable opportunity must be given to the person to be heard.</li></ul> <b>3. Payment and Recovery:</b> <ul style="list-style-type: none"><li>Penalties must be paid within fourteen days from the notice demanding payment.</li><li>Failure to pay within this period may lead to recovery through an order or direction from the principal civil court.</li><li>The Corporation or an authorized officer must apply to the court for such an order or direction.</li></ul>



			<p><b>4. Court Procedures:</b></p> <ul style="list-style-type: none"><li>The court will issue a certificate specifying the payable amount, enforceable as a civil suit decree.</li></ul> <p><b>5. Exclusivity of Penalty Proceedings:</b></p> <ul style="list-style-type: none"><li>No court complaint can be filed for a contravention or default if a penalty has already been imposed by the Corporation.</li><li>If a court complaint has been filed, no penalty proceedings can be initiated.</li></ul>
8.	The Warehousing Corporations Act, 1964	Section 38	Penalty for using the name of the Warehousing Corporation without their consent, in any prospectus or advertisement have been omitted.
9.	The Food Corporations Act, 1964	Section 41	Penalty for using the name of the Food Corporation without their consent, in any prospectus or advertisement have been omitted.
10.	The Patents Act, 1970	Section 120	<b>Falsely representing that an article sold by a person is patented or subject to a patent:</b> The penalty under this section has been increased to INR 10,00,000 (Indian Rupees Ten Lakh) and in case of a continuing penalty a further penalty of INR 1,000 (Indian Rupees One Thousand) per day will be applicable.
		Section 121	Penalty for wrongful use of the term “patent office” has been omitted.
		Section 122	<b>Refusal to supply information:</b> The penalty under this section has been increased to INR 1,00,000 (Indian Rupees One Lakh) in case of a continuing penalty a further penalty of INR 1,000 per day will be applicable.  <b>Giving false information:</b> Penalty under this section will amount 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 INR 5,00,00,000 (Indian Rupees Five Crores), whichever is less.
		Section 123	<b>Practice as a non-registered patent agent:</b> Penalty under this section has been increased to INR 5,00,000 (Indian Rupees Five Lakh) in case of a continuing penalty a further penalty of INR 1,000 (Indian Rupees One Thousand) per day will be applicable.
		Section 124A	<b>Adjudication Process:</b> <b>1. Appointment of Adjudicating Officer:</b> <ul style="list-style-type: none"><li>The Controller may authorize an officer, as referred to in section 73, to act as the adjudicating officer.</li></ul> <b>2. Duties of the Adjudicating Officer:</b> <ul style="list-style-type: none"><li>The appointed officer will hold an inquiry and impose penalties in accordance with the prescribed manner.</li></ul> <b>3. Opportunity to be Heard:</b> <ul style="list-style-type: none"><li>The adjudicating officer must provide the concerned person a reasonable opportunity to be heard before imposing any penalty.</li></ul>
		Section 124B	<b>1. Filing an Appeal:</b> <ul style="list-style-type: none"><li>An appeal may be made to an appellate authority, who must be an officer at least one rank above the adjudicating officer.</li><li>The appeal must be filed within sixty days from the date of receipt of the adjudicating officer's order.</li></ul> <b>2. Form and Manner:</b> <ul style="list-style-type: none"><li>Appeals must be made in the form and manner prescribed by the relevant regulations.</li></ul> <b>3. Late Appeals:</b>



			<ul style="list-style-type: none"><li>• Appeals may be admitted after sixty days if the appellant demonstrates sufficient cause for the delay.</li></ul> <p>4. <b>Opportunity to be Heard:</b></p> <ul style="list-style-type: none"><li>• The appellate authority must provide the appellant a reasonable opportunity to be heard before disposing of the appeal.</li></ul> <p>5. <b>Timeline for Disposition:</b></p> <ul style="list-style-type: none"><li>• The appellate authority must dispose of the appeal within sixty days from the date of filing.</li></ul> <p>6. <b>Consequences of Non-Compliance:</b></p> <ul style="list-style-type: none"><li>• Failure to comply with the adjudicating officer's or appellate authority's order within ninety days will result in an additional penalty.</li><li>• The penalty includes a fine up to INR 1,00,000 (Indian Rupees One Lakh) or imprisonment up to one year, or both.</li></ul>
		Section 159	The power of the Central Government to make rules under this act has been expanded to include: <ul style="list-style-type: none"><li>• the manner of holding inquiry and imposing penalty under section 124A</li><li>• the form and manner of preferring appeal under sub-section (2) of section 124B;</li></ul>
11.	The National Bank for Agriculture and Rural Development Act, 1981	Section 56(2)	<p><b>Penalties for Non-Compliance:</b></p> <p>1. <b>Penalties:</b></p> <ul style="list-style-type: none"><li>• A penalty up to INR 1,50,000 (Indian Rupees One Lakh Fifty Thousand) for each failure to produce books, accounts, or other documents, or to furnish required statements or information. For continuing failures, an additional penalty up to INR 7,500 (Indian Rupees Seven Thousand Five Hundred) for each day the failure persists after the initial instance.</li></ul> <p>2. <b>Adjudication Procedure:</b></p> <ul style="list-style-type: none"><li>• The National Bank must serve a notice requiring the person to show cause why the penalty should not be imposed.</li></ul>



			<ul style="list-style-type: none"><li>• The person must be given a reasonable opportunity to be heard.</li></ul> <p><b>3. Payment and Recovery:</b></p> <ul style="list-style-type: none"><li>• Penalties must be paid within fourteen days from the date of the notice demanding payment.</li><li>• Failure to pay within this period may result in recovery through a direction from the principal civil court in the area where the person is located.</li><li>• The National Bank or an authorized officer must apply to the court for such a direction.</li></ul> <p><b>4. Court Procedures:</b></p> <ul style="list-style-type: none"><li>• The court will issue a certificate specifying the payable amount, which is enforceable as a civil suit decree.</li></ul> <p><b>5. Exclusivity of Penalty Proceedings:</b></p> <ul style="list-style-type: none"><li>• No court proceeding can be filed for a contravention or default if a penalty has already been imposed by the National Bank.</li><li>• If a court proceeding has been filed, no additional penalty proceedings can be initiated.</li></ul>
12.	The Environment (Protection) Act, 1986	Section 2	Definition for the term Fund i.e., the Environment Protection Fund has been added.
		Section 10	<p><b>Assistance</b></p> <ul style="list-style-type: none"><li>• Persons involved in the industry of handling hazardous substances shall assist those empowered by the Central Government in performing their functions.</li><li>• Failure to assist without reasonable cause will incur a penalty as specified in section 14B.</li></ul> <p><b>Obstruction and Delay:</b></p> <ul style="list-style-type: none"><li>• Wilfully delaying or obstructing the functions of persons empowered by the Central Government is subject to penalties under section 14B.</li></ul> <p><b>Application of Criminal Procedure:</b></p>



			<ul style="list-style-type: none"><li>The provisions of the Code of Criminal Procedure, 1973, apply to searches and seizures under this section, similar to searches conducted under section 94 of the Code.</li></ul>
		Section 14A	<b>Contravention of Section 7 or 8:</b> For each contravention of sections 7 or 8 or associated rules, the penalty shall be no less than INR 1,00,000 (Indian Rupees One Lakh) and may extend up to INR 15,00,000 (Indian Rupees Fifteen Lakh). If the contravention continues, an additional penalty of INR 50,000 (Indian Rupees Fifty Thousand) per day will be imposed for each day the contravention persists.
		Section 14B	<b>Contravention of Section 9, 10, 11:</b> For each contravention of sections 9, 10, or 11, or any orders or directions issued thereunder, a penalty of not less than INR 10,000 (Indian Rupees Ten Thousand) and up to INR 5,00,000 (Indian Rupees Fifty Lakh) shall be imposed. An additional penalty of INR 10,000 (Indian Rupees Ten Thousand) per day will be imposed for each day the contravention continues after the initial instance.
		Section 15	<b>Contravention of sections with no specific penalty:</b> For each contravention of any provision of the Act, or rules, orders, or directions issued under the Act where no specific penalty is prescribed, the penalty shall not be less than INR 10,000 (Indian Rupees Ten Thousand) and may extend up to INR 15,00,000 (Indian Rupees Fifteen Lakh). An additional penalty of INR 10,000 (Indian Rupees Ten Thousand) per day will be imposed for each day the contravention persists after the initial instance.
		Section 15A	For each contravention of the Act by a company, the penalty shall be no less than INR 1,00,000 (Indian Rupees One Lakh) and may extend up to INR 15,00,000 (Indian Rupees Fifteen Lakh). If the contravention continues, the company shall incur an additional penalty of INR 1,00,000 (Indian Rupees One Lakh) for each day the contravention persists.
		<i>*Several more amendments have been made to the act, for more detail please refer to The Environment (Protection) Act, 1986.</i>	



13.	The Trade Marks Act, 1999	Section 106	Penalty for removal, attempts to remove, causes, or attempts to cause to be removed, or sells, exposes for sale, or possesses for sale, or for any trade or manufacture, any piece goods, cotton yarn, or cotton thread not marked as required by section 81 has been omitted.
		Section 107	<b>Penalty for falsely representing a trademark:</b> This section has been decriminalized. The penalty imposed under this section is one half per cent. of the total sales or turnover or a penalty does not exceed INR 5,00,000 (Indian Rupees Five Lakh) whichever is less.
		Section 108	Penalty for improperly describing a place of business as connected with the Trademarks Office has been omitted.
		Section 109	Penalty for falsification of entries in the register has been omitted.
		Section 112A	<b>Adjudication Process:</b> <b>1. Authorization:</b> <ul style="list-style-type: none"><li>The Registrar may, by an order, appoint an officer referred to in section 3 as the adjudicating officer.</li></ul> <b>2. Inquiry and Penalty:</b> <ul style="list-style-type: none"><li>The adjudicating officer is responsible for holding an inquiry and imposing penalties in accordance with the provisions of the Act and as prescribed.</li></ul> <b>3. Opportunity to be Heard:</b> <ul style="list-style-type: none"><li>The process must include providing a reasonable opportunity for the person concerned to be heard.</li></ul>
		Section 112B	<b>1. Filing an Appeal:</b> <ul style="list-style-type: none"><li>An appeal against the order of the adjudicating officer under section 112A may be filed with the appellate authority. The appellate authority must be an officer at least one rank above the adjudicating officer and must be authorized by the Central Government.</li></ul>



			<ul style="list-style-type: none"><li>• The appeal must be filed within sixty days from the date of receipt of the order.</li></ul> <p><b>2. Form and Manner:</b></p> <ul style="list-style-type: none"><li>• Appeals must be submitted in the form and manner prescribed.</li></ul> <p><b>3. Late Appeal:</b></p> <ul style="list-style-type: none"><li>• Appeals may be admitted after sixty days if the appellant demonstrates sufficient cause for the delay.</li></ul> <p><b>4. Opportunity to be Heard:</b></p> <ul style="list-style-type: none"><li>• The appellant must be given a reasonable opportunity to be heard before the appeal is disposed of.</li></ul> <p><b>5. Disposition of Appeal:</b></p> <ul style="list-style-type: none"><li>• The appellate authority must resolve the appeal within sixty days from the date of filing.</li></ul> <p><b>6. Non-Compliance Penalty:</b></p> <ul style="list-style-type: none"><li>• Failure to comply with the order of the adjudicating officer or the appellate authority within ninety days of the order will result in an additional penalty. The person may face a fine of INR 1,00,000 (Indian Rupees One Lakh) or imprisonment for up to one year, or both.</li></ul>
		Section 140	Penalty for non-compliance with the requirement to give information about imported goods bearing false trademarks has been increased to INR 10,000 (Indian Rupees Ten Thousand).
14.	The Information Technology Act, 2000	Section 33	<b>Failure to surrender license to the certifying authority:</b> This section has been decriminalized and its penalty has been increased to INR 5,00,000 (Indian Rupees Five Lakh).
		Section 44	<b>Failure to furnish documents:</b> Penalty for failure to furnish documents has been increased to INR 5,00,000 (Indian Rupees Five Lakh). <b>Failure to file Returns:</b> Penalty for failure of filing returns has been increased to INR 50,000 (Indian Rupees Fifty Thousand).



			<b>Failure to maintain books of accounts:</b> Penalty for failure of maintenance of book of accounts or records has been increased to INR 1,00,000 ((Indian Rupees One Lakh).
		Section 45	Penalty in case no penalty has been prescribed in the has been increased to INR 1,00,000 (Indian Rupees One Lakh) and also includes compensation to the affected person.
		Section 66A	The punishment for sending offensive messages through communications services has been omitted.
		Section 67C	<b>Non-retention of data for the specified duration by intermediaries:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 25,00,000 (Indian Rupees Twenty Five Lakh).
		Section 68	<b>Failure to Comply with Orders of the Controller:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 25,00,000 (Indian Rupees Twenty Five Lakh).
		Section 69B	<b>Failure to provide technical assistance to authorized agency and provide online access to the computer resource:</b> The maximum period of imprisonment has been reduced to one year however the penalty has been increased to INR 1,00,00,000 (Indian Rupees One Crore).
		Section 70B	<b>Failure to provide information to the Indian Computer Emergency Response Team:</b> The penalty imposed under this section has been increased to INR 1,00,00,000 (Indian Rupees One Crore).
		Section 72	<b>Breach of Confidentiality and Privacy:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 5,00,000 (Indian Rupees Five Lakh).
		Section 72A	<b>Disclosure of information in breach of lawful contract:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 25,00,000 (Indian Rupees Twenty Five Lakh).
15.	The Prevention of Money-laundering Act, 2002	Schedule I (Paragraph 21)	The penalty for falsely representing a trademark as registered as an offense under the Trade Marks Act has been removed from the Prevention of Money -Laundering Act.
		Schedule I (Paragraph 22)	The penalty for breach of confidentiality and privacy as an offense under the Information Technology Act has been removed from the Prevention of Money -Laundering Act.



		Schedule I (Paragraph 25)	Offences under the Environment Protection Act have been omitted from the Prevention of Money - Laundering Act.
		Schedule I (Paragraph 27)	Offences under the Air (Prevention and Control of Pollution) Act have been omitted from the Prevention of Money -Laundering Act.
16.	The Payment and Settlement Systems Act, 2007	Section 26	The power to impose penalties under this act has been given to the RBI.
		Section 30	The Reserve Banks has the power to impose a penalty extending up to INR 10,00,000 ((Indian Rupees Ten Lakh).
17.	The Aadhaar (Targeted Delivery of Financial and Other Subsidies Benefits and Services) Act, 2006.	Section 41	<b>Failure to comply with intimation requirements:</b> This section has been decriminalized. The penalty imposed under this section cannot exceed INR 1,00,000 ((Indian Rupees One Lakh) if on a person and INR 10,00,000 ((Indian Rupees Ten Lakh) if it is on a company.

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*This information is provided for general informational purposes only and should not be considered a legal opinion from Sarvaank Associates.*

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