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LEGISLATION TRACKER

Jan Vishwas (Amendment of Provisions) Act, 2023

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SUBJECTS COVERED

POLITY

ECONOMY

CURATED & WRITTEN BY

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ACT NUMBER	YEAR ENACTED
Act No. 18 of 2023	2023

KEY PROVISIONS

- 1 Decriminalises 183 offences across 42 Central Acts by converting imprisonment to fines or penalties
- 2 Replaces criminal penalties with civil penalties in environmental, labour, and business laws
- 3 Introduces periodic revision of fines at 10% every 3 years to maintain deterrent value
- 4 Establishes Adjudicating Officers for dispute resolution instead of criminal courts
- 5 Amends the Indian Post Office Act, 1898 to remove imprisonment for minor postal offences
- 6 Amends the Environment Protection Act, 1986 to replace imprisonment with penalties up to Rs 15 lakh
- 7 Amends the Air (Prevention and Control of Pollution) Act, 1981 to decriminalise first-time minor violations

BACKGROUND

The Jan Vishwas (Amendment of Provisions) Act, 2023 was enacted to promote ease of living and ease of doing business in India by decriminalising minor offences across a wide range of Central statutes. The Act was introduced as a Bill in the Lok Sabha on December 22, 2022, referred to a Joint Parliamentary Committee (JPC) which submitted its report on March 17, 2023, and received Presidential assent on August 11, 2023.

India's legal framework had accumulated a vast number of criminal provisions in regulatory statutes — laws governing business registration, environmental compliance, postal services, agriculture, food safety, and more — where imprisonment was prescribed for minor procedural violations. This criminalisation of regulatory non-compliance created an atmosphere of fear among entrepreneurs, discouraged foreign investment, and clogged criminal courts with petty cases. The Parliamentary Standing Committee on Commerce (2020-21) had identified over 26,000 imprisonment clauses across Central and state laws.

The Jan Vishwas Act amends 42 Central Acts administered by 19 Ministries and Departments. It decriminalises 183 offences by replacing imprisonment with monetary fines, introduces Adjudicating Officers to handle disputes administratively, and establishes a mechanism for periodic upward revision of fine amounts every three years. The Act is a continuation of the Government's decriminalisation drive that began with the Companies (Amendment) Act, 2020 and the Jan Vishwas Bill forms the most comprehensive single legislative effort in this direction.

KEY CONCEPTS

- **Decriminalisation vs. deregulation:** The Act does not remove regulations or compliance requirements. It converts the penalty for non-compliance from criminal (imprisonment) to civil (monetary fine or penalty). The underlying regulatory obligation remains intact.
- **Adjudicating Officers:** Instead of prosecuting minor violations in criminal courts, the Act creates administrative adjudication mechanisms. An Adjudicating Officer (typically a senior bureaucrat) can impose penalties, hear representations, and pass orders. This reduces the burden on the criminal justice system.
- **Periodic revision of fines (10% every 3 years):** To prevent fines from becoming meaningless over time due to inflation, the Act introduces an automatic escalation mechanism — a 10% increase in fine amounts every three years. This is a novel legislative innovation in India.
- **Compounding of offences:** For many violations, the Act allows compounding — the offender can pay a fine and settle the matter without going through a full adjudication process. This incentivises quick compliance.
- **Risk-based compliance:** The Act reflects a broader shift toward risk-based regulation, where minor procedural lapses are treated differently from serious violations that endanger public safety or the environment.
- **Environmental law changes:** The Act amends the Environment Protection Act, 1986, the Air Act, 1981, and the Water Act, 1974, converting first-time minor violations from criminal offences to civil penalties. Environmental groups have criticised this as weakening environmental enforcement.

IMPORTANT PROVISIONS

- **Section 3 — Amendment of the Indian Post Office Act, 1898:** Removes imprisonment for offences like illegally setting up a letter box or issuing money orders without authorisation. Converts these to monetary penalties.
- **Section 5 — Amendment of the Pharmacy Act, 1948:** Replaces imprisonment for minor violations (such as failing to display registration certificates) with fines up to Rs 50,000.

- **Section 13 — Amendment of the Environment Protection Act, 1986:** Section 15 of the EPA, which prescribed imprisonment of up to 5 years, is amended. For first-time violations, only a penalty (up to Rs 15 lakh, extendable to Rs 5 crore for companies) is applicable. Imprisonment retained only for repeat offenders or those causing grave environmental damage.
- **Section 18 — Amendment of the Air (Prevention and Control of Pollution) Act, 1981:** Minor violations decriminalised. Failure to comply with CPCB/SPCB directions for the first time results in penalty, not prosecution.
- **Section 25 — Amendment of the Information Technology Act, 2000:** Section 66A was already struck down by the Supreme Court in *Shreya Singhal v. Union of India* (2015). The Act also amends other IT Act provisions to rationalise penalties.
- **Section 40 — Periodic Revision of Fines:** Fines and penalties specified in the amended Acts shall be increased by 10% of the minimum amount every three years, calculated from the date of the last revision.

LANDMARK JUDGMENTS

- **Shreya Singhal v. Union of India (2015):** The Supreme Court struck down Section 66A of the IT Act for being vague and overbroad in criminalising online speech. The Jan Vishwas Act's approach of replacing criminal penalties with civil ones in similar regulatory provisions reflects this judicial direction against over-criminalisation.
- **M.C. Mehta v. Union of India (1987):** Established the "absolute liability" principle for hazardous industries. Environmentalists cite this case to argue that the Jan Vishwas Act's decriminalisation of environmental violations undermines the deterrent effect of strict liability.

RECENT AMENDMENTS / DEVELOPMENTS

- **Jan Vishwas (Amendment of Provisions) Bill, 2025 (Jan Vishwas 2.0):** Introduced in Lok Sabha on August 18, 2025, this Bill proposes to decriminalise 288 provisions and rationalise 67 more across additional Central Acts — significantly expanding the 2023 Act's scope. The Bill was referred to a Parliamentary Select Committee. The Select Committee recommended decriminalising 689 provisions across 78 legislations, removing over 1,000 criminal offences.
- **Jan Vishwas 3.0 in planning:** The Government has begun work on a third phase to decriminalise further minor business offences across Central laws.
- **State-level replication:** Gujarat, Maharashtra, Rajasthan, and Madhya Pradesh have initiated similar decriminalisation exercises for state-level laws. In December 2025, the Delhi Cabinet approved the Delhi Jan Vishwas (Amendment of Provisions) Bill, 2026 to decriminalise minor offences at the state level.

- **Environmental criticism:** The Centre for Science and Environment (CSE) and other environmental organisations have argued that decriminalising pollution offences in the Air Act and EPA weakens enforcement at a time when air quality and industrial pollution remain critical concerns.
- **World Bank recognition:** India's ease of doing business reforms, including the Jan Vishwas Act, have been noted in the World Bank's Business Ready (B-READY) assessment framework that replaced the Ease of Doing Business rankings from 2024.

UPSC RELEVANCE

Number of offences decriminalised (183); number of Acts amended (42); number of Ministries involved (19); periodic fine revision formula (10% every 3 years); key Acts amended (EPA, Air Act, IT Act, Post Office Act).

Mains GS-2: Decriminalisation of regulatory offences; ease of doing business and governance reform; overburdened criminal justice system; role of Adjudicating Officers in administrative justice. **GS-3:**

*Environmental law enforcement; balancing economic growth with environmental protection. **Interview:** "Should environmental violations ever be decriminalised, given that pollution disproportionately affects the poorest and most vulnerable communities?"*

RELATED TERMS

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