

Bill No. 299 of 2022

THE *JAN VISHWAS* (AMENDMENT OF PROVISIONS) BILL, 2022

A

BILL

to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the *Jan Vishwas* (Amendment of Provisions) Act, 2022. Short title and commencement.
- (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 to this Act.
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. Amendment of certain enactments.
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. Revision of fines and penalties.

Savings.

4. The amendment by this Act of any enactment shall not affect any other enactment in which the amended 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;

nor shall the amendment 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 | <p>(A) In section 8C,—</p> <p>(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;</p> <p>(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.</p> <p>(B) For sections 12 to 14, the following sections shall be substituted, namely:—</p> <p>"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—</p> <p>(a) the publisher has failed to publish the newspaper continuously.</p> <p><i>Explanation.</i>—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,</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>such newspaper shall be deemed to have failed to publish continuously; or</p> <p>(b) the publisher of a newspaper has given false particulars in the annual statement; or</p> <p>(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.</p> <p>(2) The Press Registrar may, by order, cancel the certificate of registration where—</p> <p>(i) a newspaper has ceased publication for a period exceeding twenty-four months;</p> <p>(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 sub-clause (c) of sub-section (1);</p> <p>(iii) the registration was obtained on false representation or on concealment of any material fact;</p> <p>(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 administration.</p> <p>(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving an opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>(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.</p> <p>13. Penalty for certain contraventions.—The Press Registrar may impose a penalty—</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | (i) not exceeding ten thousand rupees where the publisher prints or publishes any book or paper 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; |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(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,</p> <p>he shall be punishable with penalty not exceeding ten thousand rupees."</p> <p>(E) Section 19L shall be omitted.</p> |
| 2. | 1898 | 6 | The Indian Post Office Act, 1898 | Chapter X shall be omitted. |
| 3. | 1923 | 5 | The Boilers Act, 1923 | <p>(A) In section 22,—</p> <p>(a) in clause (iii), for the word and figures "section 16," the words and figures "section 16, or" shall be substituted;</p> <p>(b) after clause (iii), the following clause shall be inserted, namely:—</p> <p>"(iv) to report an accident to a boiler or boiler component when so required under section 18,".</p> <p>(B) For section 23, the following section shall be substituted, namely:—</p> <p>"23. Penalties for illegal use of boiler.—Any owner of a boiler who—</p> <p>(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;</p> <p>(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;</p> <p>(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,</p> <p>shall be liable for fine which may extend to one lakh rupees, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues."</p> |

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| | | | | (C) In section 24, clauses (a), (b) and (d) shall be omitted. |
| 4. | 1927 | 16 | The Indian Forest Act, 1927 | <p>(A) In section 26,—</p> <p>(i) in sub-section (I), clauses (d) and (e) shall be omitted;</p> <p>(ii) after sub-section (I), the following sub-section shall be inserted, namely:—</p> <p>"(IA) Any person who, in a reserved forest—</p> <p>(a) trespasses or pastures cattle or permits cattle to trespass;</p> <p>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be liable to pay fine which may extend to five hundred rupees in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid."</p> <p>(B) In section 33,—</p> <p>(i) in sub-section (I), clauses (e), (f) and (g) shall be omitted;</p> <p>(ii) after sub-section (I), the following sub-section shall be inserted, namely:—</p> <p>"(IA) Any person who commits any of the following offences, namely:—</p> <p>(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;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(c) permits cattle to damage any such tree,</p> <p>shall be liable to pay fine which may extend to five hundred rupees."</p> |
| 5. | 1937 | 1 | The Agricultural Produce (Grading and Marking) Act, 1937 | <p>(A) In section 3, in sub-section (2), after clause (g), the following clauses shall be inserted, namely:—</p> <p>"(ga) holding inquiry to impose penalty under sub-section (I) of section 5C;</p> <p>(gb) preferring appeal under sub-section (I) of section 5D;"</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | (B) In section 4, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted. |
| | | | | (C) In section 5, for the words "imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees", the words "penalty of eight lakh rupees" shall be substituted. |
| | | | | (D) In section 5A, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of three lakh rupees" shall be substituted. |
| | | | | (E) In section 5B, in sub-section (4), for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted. |
| | | | | (F) For section 5C, the following sections shall be substituted, namely:— |
| | | | | <p>"5C. Adjudicating officer.—</p> <p>(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 in the manner, as may be prescribed and to impose penalty:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(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</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>5D. Appeal.—(1) Any person 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 on which the copy of the order made by the adjudicating officer is received by the aggrieved person in such manner as may be prescribed.</p> <p>(2) 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, confirming, modifying or setting aside the order appealed against.</p> <p>(3) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</p> <p>5E. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed by adjudicating officer under section 5C or ordered by the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrears of land revenue."</p> |
| 6. | 1940 | 23 | The Drugs and Cosmetics Act, 1940 | <p>(A) 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.</p> <p>(B) 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.</p> |

| (1) | (2) | (3) | (4) | (5) |
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| 7. | 1944 | 18 | The Public Debt Act, 1944 | Section 27 shall be omitted. |
| 8. | 1947 | 24 | The Rubber Act, 1947 | <p>(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 "penalty which may extend to one lakh rupees or cancellation of licence issued under section 14, or with both." shall be substituted.</p> <p>(B) In section 13, sub-section (3) shall be omitted.</p> <p>(C) 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 pay penalty which may extend to fifty thousand rupees" shall be substituted.</p> |
| 9. | 1948 | 8 | The Pharmacy Act, 1948 | <p>(A) In section 26A, in sub-section (3), for the words "with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "on first conviction with fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p> <p>(B) In section 41, for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(1) If any person whose name is not for the time being entered in the register of the State claims 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 fifty thousand rupees and on subsequent conviction with fine not exceeding one lakh rupees:</p> <p>Provided that it shall not be an offence 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."</p> <p>(C) 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 "fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p> |

| (1) | (2) | (3) | (4) | (5) |
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| 10. | 1951 | 65 | The Industries (Development and Regulation) Act, 1951 | <p>(A) In section 24, in sub-section (I), for the long line, the following long line shall be substituted, namely:—</p> <p>"he shall be punishable with fine which may extend to twenty-five lakh rupees."</p> <p>(B) Section 24A shall be omitted.</p> |
| 11. | 1952 | 37 | The Cinematograph Act, 1952 | <p>(A) In section 7,—</p> <p>(i) for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p>‘(I) If any person—</p> <p>(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;</p> <p>(b) exhibits or permits to be exhibited in any place, any film—</p> <p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered or tampered with after the mark has been affixed,</p> <p>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 with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(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 with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(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 a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(e) exhibits or permits to be exhibited any film, which has been certified by the Board as "S" within the meaning of this Act, to a person who is not a member of such profession or class, shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(f) fails to comply with the provision 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 a penalty not exceeding five lakh rupees, levied by the authorised officer and in such manner as may be prescribed:</p> <p>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</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part under clauses (a) to (c):</p> <p>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 on that has been certified as "UA" under this Part.;</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>"(4) Any person aggrieved by any penalty imposed under clauses (d) to (f) of sub-section (1), may prefer an appeal in such manner and to such appellate authority as may be prescribed."</p> <p>(B) In section 8, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—</p> <p>"(ca) 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;</p> <p>(cb) the manner of preferring appeal and appellate authority under sub-section (4) of section 7;"</p> <p>(C) In section 14, for the words "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 "one lakh rupees and, in the case of a continuing offence, with a further fine which may extend to ten thousand rupees for each day during which the offence continues" shall be substituted.</p> |
| 12. | 1953 | 29 | The Tea Act, 1953 | Sections 38 to 42 shall be omitted. |
| 13. | 1957 | 14 | The Copyright Act, 1957 | Section 68 shall be omitted. |
| 14. | 1958 | 44 | The Merchant Shipping Act, 1958 | <p>(A) In section 436,—</p> <p>(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:—</p> |

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

| (1) | (2) | (3) | (4) | (5) |
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| | | | | 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 properly incurred in hiring a substitute." |
| | | | 59 | (iv) Clause (d) of section 194; |
| | | | | "imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both;" |

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| | 1 | 2 | 3 | 4 |
| | | (<i>iva</i>) clause (<i>e</i>) of section 194 | 194(<i>e</i>) | "imprisonment which may extend to one month, and also for every twenty-four hours of such disobedience or neglect or 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(<i>a</i>) | | | "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 one lakh rupees for the first offence and five lakh rupees for every subsequent offence." |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | |
| | 1 | 2 | 3 | 4 |
| | 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." |
| | 108E(a) | | | "Penalty which may extend to five lakh rupees and the ship may also be detained." |
| | 108E(b) | | | "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) |
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| | | | | <p>(b) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>"(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:</p> <p>Provided that no penalty under this section shall be imposed unless the parties have been given a reasonable opportunity of being heard.</p> <p>(4) Any person aggrieved by an order of the Principal Officer referred to in 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.</p> <p>(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.</p> <p>(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:</p> <p>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."</p> <p>(B) After section 436, the following section shall be inserted, namely:—</p> <p>"436A. Power to make rules.—The Central Government may, subject to the condition of previous publication, make rules prescribing form and manner of appeal against the order of the Principal Officer of the Mercantile Marine Department under sub-section (4) of section 436."</p> |
| 15. | 1961 | 47 | The Deposit Insurance and Credit Guarantee Corporation Act, 1961 | <p>In section 47, in sub-section (2),—</p> <p>(i) for the words "punishable with a fine which may extend to two thousand rupees", the words "liable to a penalty which may extend to one lakh fifty thousand rupees" shall be substituted;</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(ii) for the words "fine which may extend to one hundred rupees", the words "penalty which may extend to seven thousand five hundred rupees" shall be substituted;</p> <p>(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>"(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.</p> <p>(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 a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no direction shall be made except on an application made to the court by the Corporation or any officer authorised by it in this behalf.</p> <p>(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."</p> |
| 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. |
| 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 pay, by way of 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 |

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| | | | | 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 pay, by way of penalty which may extend to one lakh rupees, and in case of the continuing refusal, a further penalty of one thousand rupees for every day after the first during which such refusal 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 punishable with penalty which shall not be less than twenty-five lakh rupees" 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 pay, by way of 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 section shall be inserted, namely:— |
| | | | | "124A. Adjudication of penalties.— |
| | | | | (1) The Controller may, by an order, impose penalty on a person stating therein any contravention or default under the provisions of this Act, in the manner as may be prescribed. |
| | | | | (2) The Controller shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default. |
| | | | | (3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of the receipt of the order, the person shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees, but which may extend to five lakh rupees, or with both." |

| (1) | (2) | (3) | (4) | (5) |
|-----|------|-----|--|--|
| | | | | <p>(F) In section 159, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely:—</p> <p>"(xiiia) the manner of imposing penalty under sub-section (1) of section 124A;"</p> |
| 19. | 1972 | 13 | The Marine Products Export Development Authority Act, 1972 | <p>(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 pay 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.</p> <p>(B) In section 23, for the words "punishable with fine which may extend to five hundred rupees", the words "liable to pay penalty which may extend to ten thousand rupees" shall be substituted.</p> <p>(C) For sections 24 and 25, the following sections shall be substituted, namely:—</p> <p>"24. Penalties for obstructing a member or officer of Authority in the discharge of his duties and for failure to produce books and records.—Any person who—</p> <p>(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;</p> <p>(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 pay penalty which may extend to ten thousand rupees.</p> <p>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 for the contravention whereof has been provided for in sections 20, 23 and 24, shall</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | be liable to pay a 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 order 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 amount equivalent to twice the value of goods, whichever is higher, in respect of which such order has been made." |
| 20. | 1978 | 11 | The High Denomination Bank Notes (Demonetisation) Act, 1978 | <p>In section 10,—</p> <p>(i) in sub-section (1), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted;</p> <p>(ii) 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 "punishable with fine" shall be substituted;</p> <p>(iii) in sub-section (3), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted.</p> |
| 21. | 1981 | 14 | The Air (Prevention and Control of Pollution) Act, 1981 | <p>(A) In section 21, for sub-section (1), the following shall be substituted, namely:—</p> <p>"(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:</p> <p>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 application of the provisions of this sub-section."</p> <p>(B) After section 21, the following section shall be inserted, namely:—</p> <p>"21A. Power to issue guidelines.—</p> <p>(1) Notwithstanding anything contained in section 21, 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</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>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.</p> |
| | | | | <p>(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)."</p> |
| | | | | <p>(C) For sections 37 to 41, the following sections shall be substituted, namely:—</p> |
| | | | | <p>'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 or non-compliance, be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> |
| | | | | <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p> |
| | | | | <p>38. Penalties for certain acts.—(1) Whoever—</p> |
| | | | | <p>(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;</p> |
| | | | | <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;</p> |
| | | | | <p>(c) damages any works or property belonging to the Board;</p> |
| | | | | <p>(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;</p> |

| (1) | (2) | (3) | (4) | (5) |
|-----|-----|-----|-----|---|
| | | | | <p>(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;</p> <p>(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,</p> <p>shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p> <p>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 pay the penalty equal to one month of his basic salary:</p> <p>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.</p> <p>(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 pay the penalty equal to one month of his basic salary:</p> <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> <p>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</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>provided for in this Act, shall be liable to pay the 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 pay an additional penalty which may extend to ten thousand rupees every day during which such contravention continues.</p> |
| | | | | <p>39A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under sections 37, 38 and 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:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> |
| | | | | <p>(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 in accordance with the provisions of sections 37, 38 or 39, as the case may be:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> |
| | | | | <p>(3) The amount of penalty imposed under the provisions of sections 37, 38 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).</p> |
| | | | | <p>39B. Appeal.—(1) Any person aggrieved by the order passed by the adjudicating officer under sections 37, 38 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).</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(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.</p> |
| | | | | <p>(3) The National Green 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.</p> |
| | | | | <p>(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.</p> |
| | | | | <p>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 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).</p> |
| | | | | <p>39D. Offences for failure to comply with the 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 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.</p> |
| | | | | <p>(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.</p> |
| | | | | <p>(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</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>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.</p> |
| | | | | <p>(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:</p> |
| | | | | <p>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.</p> |
| | | | | <p>(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 be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> |
| | | | | <p><i>Explanation.</i>—For the purposes of this section,—</p> |
| | | | | <p>(a) "company" includes body corporate, firm, trust, society and any other association of individuals;</p> |
| | | | | <p>(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.'</p> |
| | | | | <p>(D) In section 43, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—</p> |
| | | | | <p>"(aa) adjudicating officer or any officer authorised by him in this behalf;"</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(E) In section 53, in sub-section (I), after clause (g), the following clause shall be inserted, namely:—</p> |
| | | | | <p>"(h) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (I) of section 39A;"</p> |
| 22. | 1981 | 61 | <p>The National Bank for Agriculture and Rural Development Act, 1981</p> | <p>In section 56, for sub-section (2), the following sub-sections shall be substituted, namely:—</p> <p>"(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 pay a 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.</p> <p>(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.</p> <p>(4) Any penalty imposed by the National Bank under this section shall be 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:</p> <p>Provided that no such direction shall be made to the court by the National Bank or by any officer authorised by the National Bank in this behalf.</p> <p>(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.</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(6) No complaint shall be filed against any person in any court in respect of any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p>(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)."</p> |
| 23. | 1986 | 10 | The Spices Board Act, 1986 | <p>(A) In section 27, in the long line, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the words "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(B) Section 28 shall be omitted.</p> <p>(C) In section 29, for the words "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 "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(D) In section 30, for the words "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 "penalty which may extend to fifty thousand rupees and for subsequent offence, penalty which may extend to one lakh rupees" shall be substituted.</p> |
| 24. | 1986 | 29 | The Environment (Protection) Act, 1986 | <p>(A) In section 2, after clause (c), the following clause shall be inserted, namely:—</p> <p>'(ca) "Fund" means the Environmental Protection Fund established under section 16;'</p> <p>(B) In section 10, for sub-sections (2) to (4), the following sub-sections shall be substituted, namely:—</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>"(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 pay the penalty provided under section 14B.</p> |
| | | | | <p>(3) If any person wilfully 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 pay the penalty provided under section 14B.</p> |
| | | | | <p>(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of that Code."</p> |
| | | | | <p>(C) After section 14, the following sections shall be inserted, namely:—</p> |
| | | | | <p>"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 pay the penalty in respect of each such contravention or non-compliance, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p> |
| | | | | <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of fifty thousand rupees for every day during which such contravention continues.</p> |
| | | | | <p>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 pay penalty in respect of each such contravention or non-compliance which shall not be less than ten thousand rupees but which may extend to five lakh rupees.</p> |

| (1) | (2) | (3) | (4) | (5) |
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(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an 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 pay the penalty in respect of each such contravention or non-compliance which shall not be less than five thousand rupees but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of 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 pay the 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 or non-compliance under sub-section (1), the company shall be liable to pay an 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 provisions 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 pay the 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

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>exercised all due diligence to prevent such contravention.</p> |
| | | | | <p>(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 pay the penalty equal to one month of his basic salary:</p> |
| | | | | <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> |
| | | | | <p>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 the penalty in the manner, as may be prescribed:</p> |
| | | | | <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> |
| | | | | <p>(2) The adjudicating officer may—</p> |
| | | | | <p>(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;</p> |
| | | | | <p>(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.</p> |
| | | | | <p>(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 the 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 15B, as the case may be.</p> |
| | | | | <p>(4) The adjudicating officer, while adjudicating the quantum of penalty under</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | 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) any 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 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) Any person 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 National Green 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 |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | 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 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 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 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. |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <i>Explanation.</i> —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. |
| | | | | 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— |
| | | | | (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 purposes of the Air (Prevention and Control of Pollution) Act 1981 (14 of 1981), and 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 or 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 |

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| | | | | Union territory administrations, which has been credited to the Fund. |
| | | | | <p>16A. Accounts and audit of Fund.— <i>(1)</i> 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.</p> <p><i>(2)</i> 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.</p> |
| | | | | <p>16B. Annual Report.—The Central Government shall prepare its annual report in relation to Environmental Protection Fund 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 forward a copy thereof, within four months from the last date of the previous financial year, to the Central Government which shall cause the annual report and the audit report given by the Comptroller and Auditor-General of India to be laid before each House of Parliament.’</p> |
| | | | | <p><i>(E)</i> In section 19, after clause <i>(a)</i>, the following clause shall be inserted, namely:—</p> |
| | | | | <p>"<i>(aa)</i> adjudicating officer or any officer authorised by him in this behalf;"</p> |
| | | | | <p><i>(F)</i> For section 24, the following section shall be substituted, namely:—</p> |
| | | | | <p>"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."</p> |
| | | | | <p><i>(G)</i> In section 25, in sub-section <i>(2)</i>, after clause <i>(g)</i>, the following clauses shall be inserted, namely:—</p> |
| | | | | <p>"<i>(ga)</i> the manner of holding inquiry and imposing penalty by the adjudicating officer under sub-section <i>(1)</i> and other factors for determining quantum of penalty</p> |

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| | | | | <p>under clause (f) of sub-section (4), of section 15C;</p> <p>(gb) the other amount under clause (c) of sub-section (2) of section 16;</p> <p>(gc) the other purposes under clause (c) of sub-section (3) of section 16;</p> <p>(gd) the manner of administration of Fund under sub-section (4) of section 16;</p> <p>(ge) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under sub-section (I) of section 16A;</p> <p>(gf) form for preparing Annual Report of the Fund under section 16B;"</p> |
| 25. | 1987 | 53 | The National Housing Bank Act, 1987. | <p>(A) After section 33B, the following section shall be inserted, namely:—</p> <p>"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 Reserve Bank under section 33, the Reserve Bank may, if satisfied, 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."</p> <p>(B) In section 49,—</p> <p>(i) sub-sections (2) and (2B) shall be omitted;</p> <p>(ii) in sub-section (3), clause (aa) shall be omitted;</p> <p>(iii) sub-section (4) shall be omitted.</p> <p>(C) In section 52A,—</p> <p>(I) in the marginal heading, for the word "fine", the word "penalty" shall be substituted;</p> <p>(II) in sub-section (I),—</p> <p>(i) in clause (a), for the words "five thousand", the words "twenty-five thousand" shall be substituted;</p> <p>(ii) in clause (b),—</p> <p>(a) the words, brackets and letters "or clause (aa)" shall be omitted;</p> <p>(b) for the words "five lakh", the words "ten lakh" shall be substituted;</p> <p>(c) for the words "twenty-five thousand", the</p> |

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| | | | | words "one lakh" shall be substituted; |
| | | | | <i>(III)</i> after sub-section <i>(I)</i> , the following sub-sections shall be inserted, namely:— |
| | | | | <i>(IA)</i> 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 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. |
| | | | | <i>(IB)</i> 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. |
| | | | | <i>(IC)</i> 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. |

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| | | | | <p>(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 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.";</p> <p>(IV) in sub-section (2),—</p> <p>(i) for the word, brackets and figure "sub-section (1)", the words "this section" shall be substituted;</p> <p>(ii) for the words "housing finance institution" at both the places where they occur, the words "person or housing finance institution" shall be substituted;</p> <p>(V) in sub-section (3),—</p> <p>(i) for the words "served on the housing finance institution", the words "served on the person or housing finance institution" shall be substituted;</p> <p>(ii) for the words "failure of such housing finance institution", the words "failure of such person or housing finance institution" shall be substituted;</p> <p>(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;</p> <p>(VI) in sub-section (4), after the words "payable by the", the words "person or" shall be inserted.</p> |
| 26. | 1988 | 59 | The Motor Vehicles Act, 1988 | <p>(A) In section 192A, in sub-section (1),—</p> <p>(i) for the words "and a fine of ten thousand rupees", the words "or a fine of</p> |

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| | | | | <p>ten thousand rupees, or with both" shall be substituted;</p> <p>(ii) the proviso shall be omitted.</p> <p>(B) In section 200,—</p> <p>(i) for the marginal heading, the following marginal heading shall be substituted, namely:—</p> <p>"Compounding of offences.";</p> <p>(ii) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(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, section 184 to the extent of use of handheld communication devices, 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."</p> <p>(C) In section 215, in sub-section (3), the following proviso shall be inserted, namely:—</p> <p>"Provided that the Central Government may, by notification in the Official Gazette, constitute District Road Safety Committee for such district in such State, where the State Government has not constituted the Committee, consisting of a Chairman and such other members as it considers necessary, and on such terms and conditions as it may determine."</p> |
| 27. | 1989 | 24 | The Railways Act, 1989 | <p>In section 144, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) No person shall be permitted to beg in any railway carriage or upon any part of the railway."</p> |

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| 28. | 1991 | 6 | The Public Liability Insurance Act, 1991 | <p>(A) In section 2,—</p> <p>(i) clause (ha) shall be numbered as clause (hb) thereof and before clause (ha) as so renumbered, the following clause shall be inserted, namely:—</p> <p>'(ha) "property" includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;'</p> <p>(ii) after clause (j), the following clause shall be inserted, namely:—</p> <p>"(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."</p> <p>(B) In section 3, for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p>"(I) 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—</p> <p>(a) death due to fatal accident;</p> <p>(b) medical expenses incurred due to total or partial disability;</p> <p>(c) loss of wages due to partial disability;</p> <p>(d) other injury or sickness;</p> <p>(e) damage to private property; or</p> <p>(f) such other loss or damage, as may be prescribed."</p> <p>(C) In section 4,—</p> <p>(a) for sub-section (I), the following shall be substituted, namely:—</p> <p>"(I) Every owner of any undertaking shall take out, before he</p> |

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| | | | | <p>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 as referred to in sub-section (1) of section 3.</p> <p><i>Explanation.</i>—For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under—</p> <p>(i) the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);</p> <p>(ii) the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981),</p> <p>shall be treated as a separate unit:</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of the <i>Jan Vishwas (Amendment of Provisions) Act, 2022</i>, shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from the commencement of that Act.";</p> <p>(b) for sub-section (2A), the following shall be substituted, namely:—</p> <p>'(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.</p> <p><i>Explanation.</i>—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.'</p> |

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

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

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

"(IA) There shall be credited to the Relief Fund established under sub-section (I)—

(a) the amount as 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 section 14, the following section shall be substituted, namely:—

"14. Penalty for contravention.— (I) Where any person contravenes any of the provisions of sub-section (I), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be

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| | | | | liable to pay the 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." |
| | | | | (H) For section 15, the following sections shall be substituted, namely:— |
| | | | | "15. Penalty for non-compliance of directions.—(1) Where any person does not comply with any directions issued under section 12, he shall be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees. |
| | | | | (2) Where any person continues non-compliance under sub-section (1), he shall be liable to pay an 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 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 pay 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 pay an 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, |

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| | | | | to hold an inquiry in the manner, as may be prescribed and to impose the penalty: |
| | | | | 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 in accordance with the provisions of sections 14 and 15: |
| | | | | Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter. |
| | | | | 15B. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under sections 14 or 15, 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 National Green 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." |
| | | | | (1) Section 16 shall be omitted. |

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| | | | | <p>(J) For section 17, the following sections shall be substituted, namely:—</p> |
| | | | | <p>'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 the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:</p> |
| | | | | <p>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.</p> |
| | | | | <p>(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 pay the penalty equal to one month of his basic salary:</p> |
| | | | | <p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p> |
| | | | | <p>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 section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.</p> |
| | | | | <p>17B. Offence for failure to pay the penalty or additional penalty.—(1) Where any person fails to pay the penalty or additional penalty imposed for—</p> |
| | | | | <p>(a) contravention or continued contravention under sections 14 or 17, as the case may be;</p> |
| | | | | <p>(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.</p> |
| | | | | <p>(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</p> |

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| | | | | <p>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:</p> |
| | | | | <p>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.</p> |
| | | | | <p>(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.</p> |
| | | | | <p><i>Explanation.</i>—For the purposes of this section,—</p> |
| | | | | <p>(a) "company" means any body corporate and includes a firm or other association of individuals;</p> |
| | | | | <p>(b) "director" in relation to a firm, means a partner in the firm.'</p> |
| | | | | <p>(K) In section 23, in sub-section (2),—</p> |
| | | | | <p>(i) for clause (a), the following clause shall be substituted, namely:—</p> |
| | | | | <p>"(a) such amount under sub-section (2A) of section 4;"</p> |
| | | | | <p>(ii) after clause (e), the following clauses shall be inserted, namely:—</p> |
| | | | | <p>"(ea) amount or relief and any other loss or damage under sub-section (1) of section 3;</p> |
| | | | | <p>(eb) such other person under sub-section (1A) of section 6;</p> |
| | | | | <p>(ec) manner of allocation of fund for restoration of damage under sub-section (9) of section 7;</p> |
| | | | | <p>(ed) any other amount from</p> |

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| | | | | <p>other sources under clause (d) of sub-section (IA) of section 7A;</p> <p>(ee) manner of holding inquiry under sub-section (I) of section 15A;"</p> <p>(L) The Schedule shall be omitted.</p> |
| 29. | 1995 | 7 | The Cable Television Networks (Regulation) Act, 1995 | <p>(A) For sections 16 to 18, the following section shall be substituted, namely:—</p> <p>"16. Penalty for contravention of provisions of this Act.—(I) Whoever contravenes any of the provisions of this Act shall be punishable,—</p> <p>(a) for the first offence, with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent offence, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both;</p> <p>(c) for any violation thereafter, by cancellation of registration granted, for such period,</p> <p>by the designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (I):</p> <p>Provided that no such penalty shall be imposed without giving a reasonable opportunity of being heard.</p> <p>(3) Any person aggrieved by any penalty imposed by order under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p> <p>Provided that no such appeal shall be admissible after thirty days of imposition of penalty:</p> <p>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."</p> <p>(B) In section 22, in sub-section (2), after clause (da), the following clause shall be inserted, namely:—</p> |

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| 30. | 1999 | 47 | The Trade Marks Act, 1999 | <p>"(db) the period and designated officer under sub-section (I) of section 16;"</p> <p>(A) Section 106 shall be omitted.</p> <p>(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 a penalty of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p>(C) Sections 108 and 109 shall be omitted.</p> <p>(D) after section 112, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"112A. Adjudication of penalties.—</p> <p style="padding-left: 80px;">(I) The Registrar may, by an order, impose penalty on a person for any contravention or default, the manner and conditions of recovery of penalty under the provisions of this Act shall be such as may be prescribed.</p> <p style="padding-left: 80px;">(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p style="padding-left: 80px;">(3) Where the person fails to comply with the order made under sub-section (I), within a period of ninety days from the date of receipt of the order, he shall be punishable with a fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</p> <p style="padding-left: 40px;">(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 80px;">"(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 pay a penalty of ten thousand rupees:</p> <p style="padding-left: 120px;">Provided that the penalty under this section shall be levied by such authority as authorised under the Customs Act, 1962 (52 of 1962) for this purpose."</p> <p style="padding-left: 40px;">(F) In section 157, in sub-section (2), after clause (xxiii), the following clause shall be inserted, namely:—</p> <p style="padding-left: 80px;">"(xxiiia) the manner and conditions of recovery of penalty under sub-section (I) of section 112A;"</p> |

| (1) | (2) | (3) | (4) | (5) |
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| 31. | 1999 | 48 | The Geographical Indications of Goods (Registration and Protection) Act, 1999 | <p>(A) After section 37, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"37A. Adjudication of penalties.—(1) The Registrar may, by an order, impose penalty, on a person for any contravention or default under the provisions of this Act, the manner and conditions of recovery of penalty, shall be such as may be prescribed.</p> <p style="padding-left: 40px;">(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p style="padding-left: 40px;">(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of receipt of the order, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees, or with both."</p> <p>(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 a penalty, of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p>(C) Sections 43 and 44 shall be omitted.</p> <p>(D) In section 87, in sub-section (2), after clause (o), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(oa) the manner and conditions of recovery of penalty under sub-section (1) of section 37A;"</p> |
| 32. | 2000 | 21 | The Information Technology Act, 2000 | <p>(A) In section 2, in sub-section (1), in clause (e), for the long line, the following shall be substituted, namely:—</p> <p style="padding-left: 40px;">"the State Government, and in any other case—</p> <p style="padding-left: 80px;">(1) relating to relevant provision, or a computer resource, which is controlled by the respective Ministry or Department of the Central Government, such Ministry or Department; or</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | (II) not covered under sub-clause (I), the Central Government;". |
| | | | | (B) 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 pay penalty which may extend to five lakh rupees" shall be substituted. |
| | | | | (C) 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. |
| | | | | (D) In section 45, 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:— |
| | | | | "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." |
| | | | | (E) In section 46, in sub-section (I), for the words "under this Chapter", the words "under this Act" shall be substituted. |
| | | | | (F) Section 66A shall be omitted. |
| | | | | (G) 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 pay penalty which may extend to twenty-five lakh rupees" shall be substituted. |
| | | | | (H) 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 pay penalty which may extend to twenty-five lakh rupees" shall be substituted. |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(I) 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.</p> <p>(J) In section 70B, in sub-section (7), for the words "one lakh", the words "one crore" shall be substituted.</p> <p>(K) 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.</p> <p>(L) In section 72A, for the words "punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both", the words "liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p> |
| 33. | 2002 | 60 | The Metro Railways (Operation and Maintenance) Act, 2002 | <p>(A) In section 6, in sub-section (2),—</p> <p>(a) in clause (h), the word "and" occurring at the end shall be omitted;</p> <p>(b) after clause (i), the following clause shall be inserted, namely:—</p> <p>"(j) levy and collect penalties under this Act."</p> <p>(B) In section 59, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) If any metro railway official or authorised person is in a state of intoxication while on duty, he shall be punishable with penalty which may extend to ten thousand rupees."</p> <p>(C) In section 63, for the words "imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "penalty which may extend to five thousand rupees" shall be substituted.</p> <p>(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 "one year, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted.</p> <p>(E) In section 69, for sub-section (4), the following sub-section shall be substituted, namely:—</p> |

| (1) | (2) | (3) | (4) | (5) | | | | | | | | | | |
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| | | | | <p>"(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 rail official authorised by the metro rail administration in this behalf may apply to the 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."</p> <p>(F) For section 70, the following section shall be substituted, namely:—</p> <p>"70. Needlessly interfering with means of communication in a train.—If any 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 punishable with penalty which may extend to ten thousand rupees."</p> <p>(G) Section 80 shall be omitted.</p> <p>(H) In section 82, in sub-section (1), for the words and figures "sections 59, 61, 65 to 79", the words and figures "sections 61, 65 to 68, 71 to 79" shall be substituted.</p> | | | | | | | | | | |
| 34. | 2003 | 15 | The Prevention of Money-laundering Act, 2002 | <p>In THE SCHEDULE, in PART A,—</p> <p>(i) for PARAGRAPH 21, the following PARAGRAPH shall be substituted, namely:—</p> <p>"PARAGRAPH 21</p> <p>OFFENCES UNDER THE TRADE MARKS ACT, 1999 (47 OF 1999)</p> <table border="1"> <thead> <tr> <th data-bbox="762 1688 842 1718">Section</th> <th data-bbox="890 1688 1018 1718">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="762 1733 804 1762">103</td> <td data-bbox="890 1733 1283 1794">Penalty for applying false trade marks, trade descriptions, etc.</td> </tr> <tr> <td data-bbox="762 1800 804 1830">104</td> <td data-bbox="890 1800 1283 1895">Penalty for selling goods or providing services to which false trade mark or false trade description is applied.</td> </tr> <tr> <td data-bbox="762 1901 804 1930">105</td> <td data-bbox="890 1901 1283 1962">Enhanced penalty on second or subsequent conviction.</td> </tr> <tr> <td data-bbox="762 1968 804 1998">120</td> <td data-bbox="890 1968 1283 2029">Punishment of abetment in India of acts done out of India.";</td> </tr> </tbody> </table> | Section | Description | 103 | Penalty for applying false trade marks, trade descriptions, etc. | 104 | Penalty for selling goods or providing services to which false trade mark 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."; |
| Section | Description | | | | | | | | | | | | | |
| 103 | Penalty for applying false trade marks, trade descriptions, etc. | | | | | | | | | | | | | |
| 104 | Penalty for selling goods or providing services to which false trade mark 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."; | | | | | | | | | | | | | |

| (1) | (2) | (3) | (4) | (5) | | | | |
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| | | | | <p>(ii) for PARAGRAPH 22, the following PARAGRAPH shall be substituted, namely:—</p> <p style="text-align: center;">"PARAGRAPH 22</p> <p style="text-align: center;">OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000</p> <p style="text-align: center;">(21 OF 2000)</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Section</th> <th style="text-align: left;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">75</td> <td>Act to apply for offence or contravention committed outside India.";</td> </tr> </tbody> </table> <p>(iii) PARAGRAPH 25 shall be omitted;</p> <p>(iv) PARAGRAPH 27 shall be omitted.</p> | Section | Description | 75 | Act to apply for offence or contravention committed outside India."; |
| Section | Description | | | | | | | |
| 75 | Act to apply for offence or contravention committed outside India."; | | | | | | | |
| 35. | 2006 | 34 | The Food Safety and Standards Act, 2006 | <p>(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 "fine which may extend to three lakh rupees" shall be substituted.</p> <p>(B) In section 61, for the words "imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees", the words "fine which may extend to ten lakh rupees" shall be substituted.</p> <p>(C) In section 63, for the words "imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees", the words "fine which may extend to five lakh rupees" shall be substituted.</p> | | | | |
| 36. | 2006 | 38 | The Government Securities Act, 2006 | <p>In section 30, in sub-section (I), for the words "with imprisonment for a term which may extend to six months, or with fine, or with both", the words "with fine" shall be substituted.</p> | | | | |
| 37. | 2006 | 41 | The Cantonments Act, 2006 | <p>(A) Section 156 shall be omitted.</p> <p>(B) In section 185, for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(I) No person employed in any essential service under a Board in a 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."</p> <p>(C) In section 285, for the word "five thousand rupees, or with imprisonment for a term</p> | | | | |

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which may extend to six months, or with both", the words "seven thousand and five hundred rupees" shall be substituted.

(D) In section 286, in the long line, for the words "two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees", the words "three thousand rupees, and, in the case of a subsequent offence with fine which may extend to five thousand rupees" shall be substituted.

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

"287. Seizure and confiscation of things for offences under sections 285 and 286.—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, seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 or section 286 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 or section 286 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."

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(F) In section 289, in sub-section (5), for the words "punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months", the words "punishable, in the case of a first offence, with a fine which may extend to five thousand rupees and, in the case of a subsequent offence, with a fine which may extend to ten thousand rupees" shall be substituted.

(G) In section 300, in sub-section (I), for the words "punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year", the words "punishable with fine which may extend to six thousand rupees" shall be substituted.

(H) For section 314, the following section shall be substituted, namely:—

"314. Arrest without warrant.—Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of the provision of clause (a) of section 304:

Provided that in the case of a breach of such provisions, no person shall be arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address given, the burden of proof of which shall lie on the arresting officer, and no person arrested shall be detained after his name and address have been ascertained."

(I) In section 331, for the word and figures "Schedule IV", the words, brackets, letter and figures "clause (a) of section 304" shall be substituted.

(J) In section 332, for sub-section (I), the following sub-section shall be substituted, namely:—

"(I) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under clause (a) of section 304:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible."</p> <p>(K) Schedule IV shall be omitted.</p> |
| 38. | 2007 | 51 | The Payment and Settlement Systems Act, 2007 | <p>(A) In section 26,—</p> <p>(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 a penalty as may be imposed in accordance with the provisions of section 30" shall be substituted;</p> <p>(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 a penalty as may be imposed in accordance with the provisions of section 30" shall be substituted.</p> <p>(B) In section 30, in sub-section (1),—</p> <p>(i) after the word, brackets and figure "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted;</p> <p>(ii) for the words "five lakh", the words "ten lakh" shall be substituted.</p> |
| 39. | 2009 | 7 | The Collection of Statistics Act, 2008 | <p>(A) In section 15, for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(1) Whoever, acts in contravention of or 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 and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>company, with a fine which may extend to five thousand rupees."</p> <p>(B) Sections 16 to 22 shall be omitted.</p> |
| 40. | 2010 | 1 | The Legal Metrology Act, 2009 | <p>(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 twenty-five thousand rupees and for the second offence with fine which may extend to two lakh fifty thousand rupees and for the third and subsequent offence, with fine which may extend to five lakh rupees" shall be substituted.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(E) In section 31, for the words "five thousand rupees and for the second or subsequent offence, with imprisonment for a term 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.</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>(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.</p> <p>(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.</p> <p>(H) In section 48,—</p> <p>(a) in sub-sections (1) and (2), for the words and figures "sections 27 to 39" at both the places where they occur, the words and figures "sections 27 to 39, section 41" shall be substituted;</p> <p>(b) in sub-section (3), after the words and figures "sections 33 to 37", the word and figure "section 41," shall be inserted."</p> |
| 41. | 2012 | 12 | The Factoring Regulation Act, 2011 | <p>(A) For sections 21 and 22, the following sections shall be substituted, namely:—</p> <p>"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 a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which 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.</p> |

| (1) | (2) | (3) | (4) | (5) |
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| | | | | <p>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 offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.</p> |
| | | | | <p>(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.</p> |
| | | | | <p>(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:</p> |
| | | | | <p>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:</p> |
| | | | | <p>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.</p> |
| | | | | <p>(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."</p> |

| (1) | (2) | (3) | (4) | (5) |
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| 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 a penalty which may extend to one lakh rupees, or in the case of a company, with a penalty which may extend to ten lakh rupees" shall be substituted. |

STATEMENT OF OBJECTS AND REASONS

The corner stone of democratic governance lies in the Government trusting its own people and institutions. A web of outdated rules and regulations causes trust deficit. It has been the endeavour of the Government to achieve the principle of 'Minimum Government Maximum Governance', redefining the regulatory landscape of the country under the Ease of Living and Ease of Doing Business reforms.

2. Reducing compliance burden gives impetus to business process reengineering and improves Ease of living of people. Series of measures such as simplifying, digitising and rationalising compliances are being taken to achieve these goals. India needs to shed the baggage of antiquated laws that adversely affect developmental trajectory. With the advent of technology and changes in the socio-economic scenario, it is essential to unshackle the bygone mindset in this *Amrit Kaal* of independent India.

3. The Government is committed to make India the most preferred global investment destination by boosting investor confidence. The fear of imprisonment for minor offences is a major factor hampering the growth of the business ecosystem and individual confidence. Decriminalisation of large number of minor offences by replacing them with monetary penalties have been identified. The endeavour is not only to make lives and businesses easier but also to reduce judicial burden. Settlement of large number of issues, by compounding method, adjudication and administrative mechanism, without involving courts, will enable persons to remedy minor contraventions and defaults, sometimes committed unknowingly by them, and save time, energy and resources.

4. Besides decriminalisation of minor offences, the Bill also envisages rationalisation of monetary penalties, depending on the gravity of offence, bolstering the trust-based governance. Yet another novelty involved in the proposal is increase of ten per cent. of the minimum amount of fine and penalty levied, after the expiry of every three years, once the Bill becomes a law.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 21st December, 2022.

PIYUSH GOYAL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

In the Bill, in the Schedule,—

(a) in serial number 5, clause (F) empowers the Central Government to make rules regarding manner of conducting enquiry by the adjudicating officer and the manner in which an appeal may be preferred before the Agricultural Marketing Adviser;

(b) in serial number 11, sub-clauses (d), (e), (f) of clause (A) empowers the Central Government to make rules for levy of penalty by the authorised officer for violation of the offences enumerated in the said clauses and the manner in which an appeal may be preferred before the appellate authority;

(c) in serial number 14, sub-clause (b) of clause (A) and clause (B) empowers the Central Government to make rules regarding form and manner of preferring appeal against the order of the Principal Officer of the Mercantile Marine Department;

(d) in serial number 18, clause (E) empowers the Central Government to make rules regarding manner of imposing penalty;

(e) in serial number 21, clause (C) empowers the Central Government to make rules regarding manner of holding inquiry and imposing penalties;

(f) in serial number 24, clause (D) empowers the Central Government to make rules, *inter alia*, regarding the manner of holding inquiry and imposing penalty by the adjudicating officer and other factors for determining quantum of penalty; the manner of administration of Fund; form for maintenance of accounts of the Fund and for preparation of annual statement of accounts and for form for preparing annual report of the Funds;

(g) in serial number 28, clause (B) empowers the Central Government to make rules regarding the amount or relief and such other loss or damage; clause (D) empowers the Central Government to make rules to prescribe such other person; clause (E) empowers the Central Government to make rules regarding the manner of allocation of fund for restoration of damage; clause (F) empowers the Central Government to prescribe the any other amount from such sources; and clause (H) empowers the Central Government to make rules regarding the manner of holding inquiry;

(h) in serial number 29, clause (A) empowers the Central Government to make rules regarding the period and designated officer;

(i) in serial number 30, clause (D) empowers the Central Government to make rules regarding manner and conditions for recover of penalty;

(j) in serial number 31, clause (A) empowers the Central Government to make rules regarding manner and conditions for recovery of penalty.

2. The matters in respect of which notifications may be issued and rules may be made in accordance with the provisions of the Bill are generally matters of procedures and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

(25 OF 1867)

* * * * *

Appeal.

8C. (1) Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its members:

37 of 1978.

Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.

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PART IV

PENALTIES

Penalty for printing contrary to rule in section 3.

12. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Penalty for keeping press without making declaration required by section 4.

13. Whoever shall keep in his possession any such press as aforesaid, in contravention of any of the provisions contained in section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Punishment for making false statement.

14. Any person who shall, in making any declaration or other statement under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a Magistrate, be punished by fine not exceeding thousand rupees, and imprisonment for a term not exceeding six months.

Penalty for printing or publishing newspaper without conforming to rules.

15. (1) Whoever shall edit, print or publish any newspaper without conforming to the rules hereinbefore laid down, or whoever shall edit, print or publish, or shall cause to be edited, printed or published, any newspaper, knowing that the said rules have not been observed with respect to that newspaper, shall, on conviction before a Magistrate, be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months or both.

(2) Where an offence is committed in relation to a newspaper under sub-section (1), the Magistrate may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the newspaper.

15A. If any person who has ceased to be a printer or publisher of, any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees.

Penalty for failure to make a declaration under section 8.

16. If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

Penalty for not delivering books or not supplying printer with maps.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

16A. If any printer of any newspaper published in India neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.

Penalty for failure to supply copies of newspapers gratis to Government.

16B. If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11 B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.

Penalty for failure to supply copies of newspapers to Press Registrar.

17. Any sum forfeited to the Government under section 16 may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

Recovery of forfeitures and disposal thereof and of fines.

45 of 1860.

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19K. If the publisher of any newspaper—

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

Penalty for contravention of section 19D or section 19E, etc.

* * * * *

(c) 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 punishable with fine which may extend to five hundred rupees.

19L. If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he 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.

Penalty for improper disclosure of information.

45 of 1860.

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EXTRACTS FROM THE INDIAN POST OFFICE ACT, 1898

(6 OF 1898)

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CHAPTER X

PENALTIES AND PROCEDURE

Offences by officers of the Post Office

Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.

49. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

(a) is in a state of intoxication while so employed, or

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered, or

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or

(d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.

50. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for making false entry in register kept by person employed to carry or deliver any postal articles.

51. Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away of postal articles.

52. Whoever, being an officer of the Post Office, commits theft in respect of or dishonestly misappropriates, or for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

53. Whoever, being an officer of the Post Office, contrary to this duty, opens, or causes or suffers to be opened, any postal article in course of transmission by post, or willfully details or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine or both:

Penalty for opening, detaining or delaying postal articles.

Provided that nothing in this Section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the Central Government or the direction of a competent Court.

54. Whoever, being an officer of the Post Office,—

(a) fraudulently puts any wrong official mark on a postal article, or

(b) fraudulently alters, removes or causes to disappear an official mark which is on a postal article, or

(c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act,

Penalty for fraud in connection with official marks and for receipt of excess postage.

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

55. Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents.

56. Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the government of the postage on such postal article shall be punishable with imprisonment for a term which may extend to two years and shall also be punishable with fine.

Penalty for fraudulently sending unpaid postal articles.

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57. [*Punishment of offences committed in a tribal area, Acceding State or other Indian State.*] Omitted by the Finance Act, 1950 (25 of 1950), s. 11 and the Fourth Schedule.

Other Offences

58. (1) Whoever—

(a) conveys otherwise than by post, a letter within the exclusive privilege conferred on the Central Government by Section 4, or

(b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid, or

(c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post,

Penalty for contravention of Section 4.

shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for contravention of Section 5.

59. (1) Whoever, in contravention of the provision of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of rules under section 16.

60. Whoever, being appointed to sell postage stamps,—

(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(b) commits a breach of any other rule under Section 16, shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravention of section 19, 19A or 20.

61. (1) whoever, in contravention of the provisions of section 19 or section 19A or section 20, sends or tenders or makes over in order to be sent by post any postal article or anything, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 19A or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring post office letter boxes.

62. Whoever places in or against any letter box provided by the Post Office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid or commits a nuisance in or against any such letter box, or does any thing likely to injure any such letter box or its appurtenance or contents, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Penalty for affixing without authority thing to, or painting, tarring or disfiguring post office or post office letter-boxes.

63. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.

Penalty for making false declaration.

64. Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for master of ship failing to comply with the provisions of section 40 or 41.

65. Whoever, being the master of a ship,—

(a) fails to comply with the provisions of section 40, or

(b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer-in-charge of the Post Office at a port of arrival, as required by section 41,

shall be punishable with fine which may extend to one thousand rupees.

66. (1) Whoever, being either the master of ship arriving at any port in India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Central Government by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

Penalty for detention of letters on board vessel arriving in port.

(2) Whoever, being such master or other person as aforesaid, detains any such postal articles as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.

67. Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of the Central Government or the direction of a competent Court, detains the mail or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees:

Penalty for detaining mails or opening mail bag.

Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1898, or any other law for the time being in force.

5 of 1898.

68. Whoever, fraudulently retains or willfully secretes or makes away with, or keeps or detains, or when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for retaining postal articles wrongly delivered or mail bags.

69. Whoever, not being an officer of the Post Office, willfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Penalty for unlawfully diverting letters.

Provided that nothing in this Section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General

70. Whoever, abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Penalty for abetting or attempting to commit, offences under Act.

71. In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

Property in cases of offences to be laid in the Post Office.

72. No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

Authority for prosecutions under certain sections of Act.

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EXTRACTS FROM THE BOILERS ACT, 1923

(5 OF 1923)

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|--------------------------------------|---|---|---|---|---|
| | * | * | * | * | * |
| Minor penalties. | 22. Any owner of a boiler who refuses or without reasonable excuse neglects— | | | | |
| | * | * | * | * | * |
| | (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16, | | | | |
| | shall be punishable with fine which may extend to five thousand rupees. | | | | |
| Penalties for illegal use of boiler. | 23. Any owner of a boiler who, 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, shall be punishable with fine which may extend to one lakh rupees, and, in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for each day after the first day in regard to which he is convicted of having persisted in the offence. | | | | |
| Other penalties. | 24. Any person who— | | | | |
| | (a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one State to another without such transfer having been reported as required by section 6, or | | | | |
| | (b) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or | | | | |
| | * | * | * | * | * |
| | (d) fails to report an accident to a boiler or steam-pipe when so required by section 18, or | | | | |
| | shall be punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both. | | | | |
| | * | * | * | * | * |

EXTRACTS FROM THE INDIAN FOREST ACT, 1927

(16 OF 1927)

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| | * | * | * | * | * |
| Acts prohibited in such forests. | 26. (1) Any person who— | | | | |
| | * | * | * | * | * |
| | (d) trespasses or pastures cattle, or permits cattle to trespass; | | | | |
| | (e) causes any damage by negligence in felling any tree or cutting or dragging any timber; | | | | |
| | shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid. | | | | |
| | * | * | * | * | * |
| Penalties for acts in contravention of notification under section 30 or of rules under section 32. | 33. (1) Any person who commits any of the following offences, namely:— | | | | |
| | * | * | * | * | * |
| | (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion; | | | | |
| | (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; | | | | |

(g) permits cattle to damage any such tree;
shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

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EXTRACTS FROM THE AGRICULTURAL PRODUCE
(GRADING AND MARKING) ACT, 1937
(1 OF 1937)

* * * * *

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees. Penalty for unauthorised marking with grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees. Penalty for counterfeiting grade designation mark.

5A. Whoever sells any scheduled article which is migraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees. Penalty for selling migraded articles.

5B. (1)* * * * * * Power to prescribe compulsory grade designations in respect of certain articles.

(4) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5C. No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by— Institution of prosecution.

(a) the Central Government or the State Government or any officer authorised by it in writing; or

(b) the person aggrieved; or

(c) a recognised consumer association, whether the person aggrieved is a member of that association or not.

Explanation.—For the purposes of this section, "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.

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EXTRACTS FROM THE DRUGS AND COSMETICS ACT, 1940
(23 OF 1940)

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30. (1) * * * * * * Penalty for subsequent offences.

(2) Whoever, having been convicted of an offence under section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees or with both.

* * * * *

Compounding of certain offences.

32B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under clause (b) of sub-section (1) of section 13, section 28 and section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to that Government of such sum as that Government may, by rules made in this behalf, specify:

2 of 1974.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded:

Provided further that in cases of subsequent offences, the same shall not be compoundable.

* * * * *

EXTRACT FROM THE PUBLIC DEBT ACT, 1944

(18 OF 1944)

* * * * *

Penalty.

27. (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority under this Act in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

(2) No Court shall take cognizance of any offence under sub-section (1) except on the complaint of the Bank.

* * * * *

EXTRACTS FROM THE RUBBER ACT, 1947

(24 OF 1947)

Power to prohibit or control imports and exports of rubber.

11. (1) * * * * *

(3) If any person contravenes any order made under sub-section (1) he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878., as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year or with fine or with both.

* * * * *

Power to fix maximum and minimum prices for sale of rubber.

13. (1) * * * * *

(3) If any person buys or sells, or agrees to buy or sell, rubber at a price which is more than the maximum price, or less than the minimum price, fixed under sub-section (1) in that behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

* * * * *

Penalties.

26. (1) If any person—

(a) contravenes any provision of this Act, other than section 11 or section 13, or any rule made under this Act, or

(b) in any report or return to be furnished under this Act, makes any statement which is false and which he knows to be false or does not believe to be true, or

(c) obstructs any officer of the Board in the discharge of any duty imposed on or entrusted to him by or under this Act, or

(d) having the control or custody of any account book or other record, fails to produce such book or record when required by any authorised officer to do so, he shall be 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.

* * * * *

EXTRACTS FROM THE PHARMACY ACT, 1948
(8 OF 1948)

26A. (1) * * * * * Inspection.

(3) Any person wilfully obstructing an Inspector in the exercise of powers conferred on him by or under this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.

* * * * *

CHAPTER V
MISCELLANEOUS

41. (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 five hundred rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both: Penalty for falsely claiming to be registered.

Provided that it shall be a defence to show that the name of the accused is entered in the register of another State and that at the time of the alleged offence under this section an application for registration in the State had been made.

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42. (1) * * * * * Dispensing by unregistered persons.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both.

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EXTRACTS FROM THE INDUSTRIES (DEVELOPMENT AND REGULATION)
Act, 1951
(65 OF 1951)

* * * * *

24. (1) If any person contravenes or attempts to contravene or abets the contravention of— Penalties.

(i) the provisions of sub-section (1) or sub-section (4) of section 10 or of sub-section (1) of section 11 or of section 11A or of sub-section (1) of section 13 or of sub-sections (2), (2A), (2D), (2F) and (2G) of section 29B, or

(ii) any direction issued under section 16 or sub-section (3) of section 18B, or
(iii) any order made under section 18G, or

(iv) any rule the contravention of which is made punishable under this section, he shall be 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 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.

* * * * *

Penalty for false statements.

24A. If any person,—

(a) when required by this Act or by any order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false or does not believe to be true; or

(b) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any order made under this Act to maintain or furnish;

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

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EXTRACTS FROM THE CINEMATOGRAH ACT, 1952

(37 OF 1952)

* * * * *

Penalties for contraventions of this Part.

7. (1) If any person—

(a) exhibits or permits to be exhibited in any place—

(i) any film other than a film which has been certified by the board as suitable for unrestricted public exhibition or for public exhibition restricted to adults or to members of any profession or any class of persons and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,

(ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

(iii) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or

(b) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way, any film after it has been certified, or

(c) fails to comply with the provision 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 punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided further that a court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees:

Provided further that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate, or any Judicial 2 of 1974.

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:

Provided also 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 on a film certified as "UA" under this Part.

* * * * *

8. (1) * * * * * Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

* * * * *

(c) the manner of making an application to the Board for a certificate and the manner in which a film has to be examined by the Board and the fees to be levied therefore;

* * * * *

14. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rule made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be 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.

* * * * *

Penalties for contraventions of this Part.

EXTRACTS FROM THE TEA ACT, 1953

(29 OF 1953)

* * * * *

38. Any person who—

(a) obstructs a member authorized by the Chairman in writing or an officer of the Board or a person authorised in this behalf by the Central Government or by the Board in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, or

(b) having the control or custody of any account book or other period, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for obstructing an officer or member of the board in the discharge of his duties and for failure to produce books and records.

39. Whoever knowingly plants tea or causes tea to be planted on any land in contravention of section 12 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Penalty for illicit cultivation.

40. Where any person has been convicted of any offence under section 39, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and in the event of the order not being 22 duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were an arrear of land revenue due on the tea estate on which the offence was committed.

Removal of tea planted without permission.

41. (1) If any person contravenes any order made under sub-section (1) or sub-section (3) of section 30, he shall be 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, and the property in respect of which the order has been contravened or such part thereof as to the Court may seem fit shall be forfeited to the Central Government.

Penalty for contravention of order relating to control of price and distribution.

(2) Any person who attempts to contravene or abets the contravention of, any order under sub-section (1) or sub-section (3) of section 30 shall be deemed to have contravened that order.

Other penalties.

42. 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 for the contravention whereof has been provided for in sections 36, 37, 38, 39 and 41 shall be 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 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.

* * * * *

EXTRACT FROM THE COPYRIGHT ACT, 1957

(14 OF 1957)

* * * * *

Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.

68. Any person who,—

(a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or

(b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

* * * * *

EXTRACTS FROM THE MERCHANT SHIPPING ACT, 1958

(44 OF 1958)

* * * * *

PART XVI

PENALTIES AND PROCEDURE

Penalties

Penalties.

436. (1) * * * * *

(2) The offences mentioned in the second column of the following table shall be punishable to the extent mentioned in the fourth column of the same with reference to such offences respectively.

| Serial | Offences | Section of this Act to which offence has reference | Penalties |
|--------|---|--|--|
| 1 | 2 | 3 | 4 |
| * | * | * | * |
| 16. | If any person in the case of any declaration made in the presence of or produced to a registrar under Part V or in any document or other evidence produced to such registrar— | General | Imprisonment which may extend to six months, or fine which may extend to one thousand rupees, or both. |

| 1 | 2 | 3 | 4 |
|-----|---|-----------|---|
| | <p>(a) willfully makes or assists in making or procures to be made, any false statement concerning the title to or ownership of or the interest existing in any ship or any share in a ship; or</p> <p>(b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false.</p> | | |
| 29. | If any owner, master or agent willfully disobeys any order under section 115. | 115 | Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both. |
| | * * | * | * * |
| 35. | <p>If any person—</p> <p>(a) forges or fraudulently alters any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate; or</p> <p>(b) fraudulently uses any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate which is forged or altered or does not belong to him.</p> | General | Imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or both. |
| | * * | * | * * |
| 43. | If any person commits a breach of any term of any award which is binding on him under sub-section (5) of section 150. | General | Imprisonment which may extend to one month, or fine which may extend to one thousand rupees, or both. |
| 44. | If a seaman or an owner contravenes section 151. | 151 | Imprisonment which may extend to six months, or fine which may extend to one thousand rupees, or both. |
| | * * | * | * * |
| 57. | <p>If a seaman or apprentice—</p> <p>(a) deserts his ship;</p> | 191(I)(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 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 |

| 1 | 2 | 3 | 4 |
|-----|---|-------------|---|
| | | | 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, and also to imprisonment which may extend to three months; |
| | (b) contravenes clause (b) of sub-section (I) of section 191. | 191 (I) (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 expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months |
| | * * | * | * * |
| 59. | If a seaman or apprentice is guilty of the offence specified in— | | |
| | * * | * | * * |
| | (iv) clauses (d) and (e) of section 194; | | imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both; |
| 60. | If any master fails to comply with section 197. | 197 | Imprisonment which may extend to one month, or fine which may extend to one hundred rupees, or both. |
| | * * | * | * * |
| 65. | If any person goes to sea in a ship contrary to sub-section (I) of section 205. | 205 (I) | Imprisonment which may extend to one month, or fine which may extend to two hundred rupees, or both. |
| 66. | (a) If any person willfully disobeys the prohibition obtained in clause (a) of section 206; | 206 (a) | Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both; |
| | * * | * | * * |
| 68. | If a master contravenes sub-section (I) of section 210. | 210(I) | Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both. |
| | * * | * | * * |

| 1 | 2 | 3 | 4 |
|-------|--|----------------------|---|
| 72. | If any person willfully destroys or mutilates or renders illegible any entry in any official log book or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book. | General | Imprisonment which may extend to one year. |
| | * | * | * |
| 84. | If the master, owner or agent of a special trade passenger or pilgrim ship, after having obtained any of the certificates mentioned in Part VIII, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, or special trade passengers or pilgrims or other matters to which the certificate relates. | General | Imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both. |
| | * | * | * |
| 108B. | If an Indian nuclear ship, fails to comply with sub-section (1) of section 344D. | 344D | The master or owner or agent shall be, liable to imprisonment which may extend to six months, or fine which may extend to ten thousand rupees, or both. |
| | * | * | * |
| 108E. | (a) If the master of a nuclear ship fails to give the notice required by sub-section (1) or sub-section (2) or sub-section (5) of section 344G; | 344G(1), (2) and (5) | Imprisonment which may extend to one year, or fine which may extend to ten thousand rupees, or both |
| | (b) if the master of a nuclear ship fails to comply with any directions issued under sub-section (3) or sub-section (5) of section 344G. | 344G(3) and (5) | Imprisonment which may extend to one year, or fine which may extend to ten thousand rupees, or both. |
| 109. | If a master or person in charge of a ship fails, without reasonable cause to comply with section 348. | 348 | Imprisonment which may extend to three months, or fine which may extend to three thousand rupees, or both. |
| | * | * | * |

| 1 | 2 | 3 | 4 |
|-------|---|---------------|--|
| 115D. | (i) * (ii) If any person wilfully destroys or mutilates or renders illegible or prevents the making of any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under section 356F. | * 356F | * The offender shall be liable to penalty of imprisonment which may extend to six months, or fine which may extend to ten thousand rupees, or both. |
| | * | * | * |
| 133. | If any person contravenes any of the provisions of section 428. | 428 | Imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both. |
| | * | * | * |
| 135. | If the owner or tindal fails to comply with sub-section (I) of section 430. | 430(I) | Imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both. |
| | * | * | * |
| 137. | If the owner fails to comply with sub-section (I) of section 434-A | 434A(I) | Imprisonment which may extend to six months, or fine which may extend to five thousand rupees, or both. |
| | * | * | * |
| 137J. | If any person contravenes the provisions of section 435S. | 435S | The offender shall be liable to imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both. |
| | * | * | * |

EXTRACT FROM THE DEPOSIT INSURANCE AND CREDIT
GUARANTEE CORPORATION ACT, 1961

(47 OF 1961)

* * * * *

47. (1) * * * * * Penalties.

(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 punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

* * * * *

EXTRACT FROM THE WAREHOUSING CORPORATIONS ACT, 1962

(58 OF 1962)

* * * * *

38. (1) Whoever, without the consent in writing of a Warehousing Corporation, uses the name of that Corporation in any prospectus or advertisement, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Offences.

(2) No court shall take cognizance of any offence under sub-section (1) otherwise than on a complaint in writing by an officer authorised in this behalf by the Warehousing Corporation concerned.

* * * * *

EXTRACT FROM THE FOOD CORPORATIONS ACT, 1964

(37 OF 1964)

* * * * *

41. (1) Whoever, without the consent in writing of a Food Corporation, uses its name in any prospectus or advertisement, 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. Offences.

(2) No court shall take cognizance of any offence under sub-section (1) except on a complaint in writing by an officer authorised in this behalf by the Food Corporation concerned.

* * * * *

EXTRACTS FROM THE PATENTS ACT, 1970

(39 OF 1970)

* * * * *

120. If any person falsely represents that any article sold by him is patented in India or is the subject of an application for a patent in India, he shall be punishable with fine which may extend to one lakh rupees. Unauthorised claim of patent rights.

Explanation 1.—For the purposes of this section, a person shall be deemed to represent—

(a) that an article is patented in India if there is stamped, engraved or impressed on, or otherwise applied to, the article the word "patent" or "patented" or some other word expressing or implying that a patent for the article has been obtained in India;

(b) that an article is the subject of an application for a patent in India, if there are stamped, engraved or impressed on, or otherwise applied to, the article the words "patent applied for", "patent pending", or some other words implying that an application for a patent for the article has been made in India.

Explanation 2.—The use of words "patent", "patented", "patent applied for", "patent pending" or other words expressing or implying that an article is patented or that a patent has been applied for shall be deemed to refer to a patent in force in India, or to a pending application for a patent in India, as the case may be unless there is an accompanying indication that the patent has been obtained or applied for in any country outside India.

Wrongful use of words "patent office".

121. If any person uses on his place of business or any document issued by him or otherwise the words "patent office" or any other words which would reasonably lead to the belief that his place of business is, or is officially connected with, the patent office, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Refusal or failure to supply information.

122. (1) If any person refuses or fails to furnish:—

(a) to the Central Government any information which he is required to furnish under sub-section (5) of section 100;

(b) to the Controller any information or statement which he is required to furnish by or under section 146,

he shall be punishable with fine which may extend to ten lakh rupees.

(2) If any person, being required to furnish any such information as is referred to in sub-section (1), furnishes information or statement which is false, and which he either knows or has reason to believe to be false or does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Practice by non-registered patent agents.

123. If any person contravenes the provisions of section 129, 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 the case of a second or subsequent offence.

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EXTRACTS FROM THE MARINE PRODUCTS EXPORT DEVELOPMENT
AUTHORITY ACT, 1972

(13 OF 1972)

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CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

Power to prohibit or control imports and exports of marine products.

20. (1) * * * * *

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. 52 of 1962.

* * * * *

CHAPTER VI

MISCELLANEOUS

23. Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees. Penalty for making false returns.

24. 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; or

(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,

Penalties for obstructing a member or officer of the Authority in the discharge of his duties and for failure to produce books and records.

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.

25. 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 for the contravention whereof has been provided for in sections 20, 23 and 24, 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, 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.

Other penalties.

* * * * *

EXTRACT FROM THE HIGH DENOMINATION BANK NOTES
(DEMONETISATION) ACT, 1978

(11 OF 1978)

* * * * *

10. (1) If any bank fails to prepare and present within the time and in the manner provided by section 5 any return referred to in that section, or presents any return under that section which is false in any material particular, the manager or other person in charge of the bank shall, unless he proves that the failure took place, or the false return was presented, without his knowledge or that he exercised all due diligence to prevent the same, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both. Penalties.

(2) Whoever knowingly makes in any declaration under section 7 any statement which is false or only partially true or which he does not believe to be true or contravenes any provision of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) An officer of a scheduled bank who makes payment out of the amount, being the exchange value of a high denomination bank note credited under sub-section (4) of section 7 to an account maintained with such bank shall unless such account is an account which has been opened after proper introduction, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

* * * * *

EXTRACTS FROM THE AIR (PREVENTION AND CONTROL
OF POLLUTION) ACT, 1981

(14 OF 1981)

* * * * *

Restrictions
on use of
certain
industrial
plants.

21. (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

47 of 1987.

* * * * *

CHAPTER VI

PENALTIES AND PROCEDURE

Failure to
comply with
the provisions
of section 21
or section 22
or with the
directions
issued under
section 31A.

37. (1) Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term 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 five 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.

Penalties for
certain acts.

38. 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, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(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 purpose of this Act, or

(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, or

(f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or

(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.

39. Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention. Penalty for contravention of certain provisions of the Act.

40. (1) Where an offence under this Act 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 the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

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.

(2) Notwithstanding anything contained in sub-section (1), 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 purpose of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

41. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by Government Departments.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government 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 officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

* * * * *

43. (1) No court shall take cognizance of any offence under this Act except on a complaint made by— Cognizance of offences.

(a) a Board or any officer authorised in this behalf by it; or

* * * * *

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

* * * * *

53. (1) The Central Government may, in consultation with the Central Board, by notification in the Official Gazette, make rules in respect of the following matters, namely:— Power of Central Government to make rules.

* * * * *

(g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of section 36.

* * * * *

EXTRACT FROM THE NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT ACT, 1981

(61 OF 1981)

* * * * *

Penalties.

56. (1) * * * *

(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 punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

* * * * *

EXTRACTS FROM THE SPICES BOARD ACT, 1986

(10 OF 1986)

* * * * *

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

27. Any person who—

(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(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 punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of order relating to control of price, etc.

28. (1) If any person contravenes any order made under section 16, he 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; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 16 shall be deemed to have contravened that order.

Penalties for contravention of section 11 or any order made under section 17.

29. If any person contravenes the provisions of section 11 or any order made under section 17 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be 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.

52 of 1962.

Other penalties.

30. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 26, 27, 28 and 29, shall be 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.

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EXTRACTS FROM THE ENVIRONMENT (PROTECTION) ACT, 1986

(29 OF 1986)

* * * * *

2. In this Act, unless the context otherwise requires,— Definitions.

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(e) “environmental pollution” means the presence in the environment of any environmental pollutant;

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10. (1) * * * * * Powers of entry and inspection.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance 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 or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

2 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law.

* * * * *

15. (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Penalty for contravention of the provisions of the Act and the rules, orders and directions.

(2) If the failure or contravention 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 may extend to seven years.

16. (1) Where any offence under this Act 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 the offence and shall be liable to be proceeded against and punished accordingly: Offences by companies.

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.

(2) Notwithstanding anything contained in sub-section (1), 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 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 corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Offences by Government Departments.

17. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government 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 officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

* * * * *

Effect of other laws.

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

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EXTRACTS FROM THE NATIONAL HOUSING BANK ACT, 1987

(53 OF 1987)

* * * * *

Penalties.

49. (1) *

(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 punishable with fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

* * * * *

(2B) 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, he shall be punishable with fine which may extend to five thousand rupees.

* * * * *

(3) If any person other than an auditor—

* * * * *

(aa) 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; or

* * * * *

(4) 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, any person guilty of such contravention or

default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one, with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.

* * * * *

52A. (1) Notwithstanding anything contained in section 49, if the contravention or default of the nature referred to in the said section is committed by a housing finance institution which is a company, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such company—

Power of National Housing Bank and Reserve Bank to impose fine.

(a) a penalty not exceeding five thousand rupees; or

(b) where the contravention or default is under sub-section (2A) or clause (a) or clause (aa) of sub-section (3) of that section, a penalty not exceeding five 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 twenty-five thousand rupees for every day, after the first, during which the contravention or default continues.

(2) For the purpose of imposing penalty under sub-section (1), the National Housing Bank or the Reserve Bank, as the case may be, shall serve a notice on the housing finance institution which is a company 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 housing finance institution.

(3) Any penalty imposed by the National Housing Bank or the Reserve Bank, as the case may be, under this section shall be payable within a period of thirty days from the date on which notice issued by the National Housing Bank or the Reserve Bank, as the case may be, demanding payment of the sum is served on the housing finance institution which is a company and, in the event of failure of such housing finance institution 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 or the head office of such housing finance institution is situated:

Provided that no such direction shall be made, except on an application made by an officer of the National Housing Bank or the Reserve Bank, as the case may be, authorised in this behalf, to the principal civil court.

(4) The court which makes a direction under sub-section (3), shall issue a certificate specifying the sum payable by the housing finance institution which is a company 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.

* * * * *

EXTRACTS FROM THE MOTOR VEHICLES ACT, 1988
(59 OF 1988)

* * * * *

192A. (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with imprisonment for a term which may extend to six months and a fine of ten thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:

Using vehicle without permit.

Provided that the court may for reasons to be recorded, impose a lesser punishment.

* * * * *

Composition of certain offences.

200. (1) Any offence whether committed before or after the commencement of this Act punishable under section 177, 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, section 184 only to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198, 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:

Provided that the State Government may, in addition to such amount, require the offender to undertake a period of community service.

Road Safety Councils and Committees.

215. (1) * * * * *

(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

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EXTRACT FROM THE RAILWAYS ACT, 1989

(24 OF 1989)

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Prohibition on hawking, etc., and begging.

144. (1) * * * * *

(2) If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment as provided under sub-section (1).

* * * * *

EXTRACTS FROM THE PUBLIC LIABILITY INSURANCE ACT, 1991

(6 OF 1991)

* * * * *

Definitions.

2. In this Act, unless the context otherwise requires,—

* * * * *

(ha) "Relief Fund" means the Environmental Relief Fund established under section 7A;

* * * * *

Liability to give relief in certain cases on principle of no fault.

3. (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 give such relief as is specified in the Schedule for such death, injury or damage.

* * * * *

Duty of owner to take out insurance policies.

4. (1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance whereby he is insured against liability to give relief under sub-section (1) of section 3:

Provided that any owner handling any hazardous substance immediately before the commencement of this Act shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from such commencement.

* * * * *

(2A) No insurance policy taken out or renewed by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

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

* * * * *

14. (1) Whoever contravenes any of the provisions of sub-section (1) or sub-section (2) or sub-section (2A) or sub-section (2C) of section 4 or fails to comply with any direction issued under section 12, he shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both.

Penalty for contravention of sub-section (1) or sub-section (2) of section 4 or failure to comply with directions under section 12.

(2) Whoever, having already been convicted of an offence under sub-section (1), is convicted for the second offence or any offence subsequent to the second offence, he 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 which shall not be less than one lakh rupees.

(3) Nothing contained in section 360 of the Code of Criminal Procedure, 1973, or in the Probation of Offenders Act, 1958, shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.

2 of 1974.
20 of 1958.

15. If any owner fails to comply with direction issued under section 9 or fails to comply with order issued under sub-section (2) of section 11, or obstructs any person in discharge of his functions under section 10 or sub-section (1) or sub-section (3) of section 11, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Penalty for failure to comply with direction under section 9 or order under section 11 or obstructing any person in discharge of his functions under section 10 or 11.

16. (1) Where any offence under this Act 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 the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

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.

(2) Notwithstanding anything contained in sub-section (1), 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 anybody corporate and includes a firm or other association of individuals;

(b) "director," in relation to a firm, means a partner in the firm.

Offences by
Government
Departments.

17. Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment 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.

* * * * *

Power to
make rules.

23. (1)* * * * *

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

* * * * *

THE SCHEDULE

[See section 3(1)]

(i) Reimbursement of medical expenses incurred up to a maximum of Rs. 12,500 in each case.

(ii) For fatal accidents the relief will be Rs. 25,000 per person in addition to reimbursement of medical expenses if any, incurred on the victim up to a maximum of Rs. 12,500.

(iii) For permanent total or permanent partial disability or other injury or sickness, the relief will be (a) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 12,500 in each case and (b) cash relief on the basis of percentage of disablement as certified by an authorised physician. The relief for total permanent disability will be Rs. 25,000.

(iv) For loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs. 1,000 per month up to a maximum of 3 months:

Provided the victim has been hospitalised for a period exceeding 3 days and is above 16 years of age.

(v) Up to Rs. 6,000 depending on the actual damage, for any damage to private property.

EXTRACTS FROM THE CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995

(7 OF 1995)

* * * * *

CHAPTER IV

OFFENCES AND PENALTIES

Punishment
for contraven-
tion of
provisions of
this Act.

16. (1) Whoever contravenes any of the provisions of this Act shall be punishable,—

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the contravention of section 4A shall be a cognizable offence under this section.

17. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was 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 the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any 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 negligence 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 corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

18. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by any authorised officer.

Cognizance of offences.

* * * * *

22. (1)*

* * * * *

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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(da) the specifications of interference standards for interfering with any telecommunication system under section 10;

* * * * *

EXTRACTS FROM THE TRADE MARKS ACT, 1999

(47 OF 1999)

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106. If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from any premises referred to in section 81 or sells or exposes for sale or has in his possession for sale or for any purpose of trade or manufacture piece goods or cotton yarn or cotton thread which is not marked as required by that section, every such piece and every such bundle of yarn and all such thread and everything used for the packing thereof shall be forfeited to Government and such person shall be punishable with fine which may extend to one thousand rupees.

Penalty for removing piece goods, etc., contrary to section 81.

107. (1)*

* * * * *

Penalty for falsely representing a trade mark as registered.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

* * * * *

108. If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Trade Marks Office, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for improperly describing a place of business as connected with the Trade Marks Office.

Penalty for falsification of entries in the register. **109.** If any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

* * * * *

Power to require information of imported goods bearing false trade marks. **140. (1)** * * * * *
 (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 punishable with fine which may extend to five hundred rupees.

* * * * *

Power to make rules. **157. (1)** * * * * *
 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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(xxxiii) the form in which and the particulars to be included in the application to the High Court under sub-section (1) of section 97;

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EXTRACTS FROM THE GEOGRAPHICAL INDICATIONS OF GOODS
 (REGISTRATION AND PROTECTION) ACT, 1999
 (48 OF 1999)

* * * * *

Penalty for falsely representing a geographical indication as registered. **42. (1)** * * * * *
 (2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

* * * * *

Penalty for improperly describing a place of business as connected with the Geographical Indications Registry. **43.** If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Geographical Indications Registry, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsification of entries in the register. **44.** If any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

* * * * *

EXTRACTS FROM THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

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|-------------|--------------|---|---|---|---|
| * | * | * | * | * | |
| 2. | <i>(1)</i> | In this Act, unless the context otherwise requires,— | | | Definitions. |
| * | * | * | * | * | |
| | <i>(e)</i> | "appropriate Government" means as respects any matter,— | | | |
| | <i>(i)</i> | enumerated in List II of the Seventh Schedule to the Constitution; | | | |
| | <i>(ii)</i> | relating to any State law enacted under List III of the Seventh Schedule to the Constitution, | | | |
| | | the State Government and in any other case, the Central Government; | | | |
| * | * | * | * | * | |
| 33. | <i>(1)</i> * | | | | Surrender of licence. |
| | <i>(2)</i> | Where any Certifying Authority fails to surrender a licence under sub-section <i>(1)</i> , the person in whose favour a licence is issued, shall be guilty of an offence and shall be punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both. | | | |
| * | * | * | * | * | |
| 44. | | If any person who is required under this Act or any rules or regulations made thereunder to— | | | Penalty for failure to furnish information, return, etc. |
| | <i>(a)</i> | furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding one lakh and fifty thousand rupees for each such failure; | | | |
| | <i>(b)</i> | file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for every day during which such failure continues; | | | |
| | <i>(c)</i> | maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding ten thousand rupees for every day during which the failure continues. | | | |
| 45. | | Whoever contravenes any rules or regulations made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees. | | | Residuary penalty. |
| 46. | <i>(1)</i> | For the purpose of adjudging under this Chapter whether any person has committed a contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section <i>(3)</i> , appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government. | | | Power to adjudicate. |
| * | * | * | * | * | |
| 66A. | | Any person who sends, by means of a computer resource or a communication device,— | | | Punishment for sending offensive messages through communication service, etc. |
| | <i>(a)</i> | any information that is grossly offensive or has menacing character; or | | | |
| | <i>(b)</i> | any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, | | | |

enmity, hatred or ill will, persistently by making use of such computer resource or a communication device;

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

Explanation.—For the purpose of this section, terms "electronic mail" and "electronic mail message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video and any other electronic record, which may be transmitted with the message.

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|--|---|---|---|---|---|
| | * | * | * | * | * |
| Preservation and retention of information by intermediaries. | 67C. (1) * | * | * | * | * |
| | (2) any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine. | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Power of Controller to give directions. | 68. (1) * | * | * | * | * |
| | (2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both. | | | | |

| | | | | | |
|---|---|---|---|---|---|
| | * | * | * | * | * |
| Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security. | 69B. (1) * | * | * | * | * |
| | (4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which any extend to three years and shall also be liable to fine. | | | | |

Explanation.—For the purposes of this section,—

(i) "computer contaminant" shall have the meaning assigned to it in section 43;

(ii) "traffic data" means any data identifying or purporting to identify any person, computer system or computer network or location to or from which the communication is or may be transmitted and includes communications origin, destination, route, time, data, size, duration or type of underlying service and any other information.

| | | | | | |
|--|---|---|---|---|---|
| | * | * | * | * | * |
| Indian Computer Emergency Response Team to serve as national agency for incident response. | 70B. (1) * | * | * | * | * |
| | (7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both. | | | | |

| | | | | | |
|--|------------|---|--|--|--|
| Penalty for Breach of confidentiality and privacy. | 72. | Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, | | | |
|--|------------|---|--|--|--|

document or other material to any other person shall be 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.

72A. Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Punishment for disclosure of information in breach of lawful contract.

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EXTRACTS FROM THE METRO RAILWAYS
(OPERATION AND MAINTENANCE) ACT, 2002
(60 OF 2002)

* * * * *

6. (1) * * * * *

Powers of metro railway administration.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power to —

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(h) lay down or place electric supply lines for conveyance and transmission of energy and to obtain license for that purpose; and

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CHAPTER XI

OFFENCES AND PENALTIES

59. (1) * * * * *

Drunkenness or nuisance on metro railway.

(2) If any metro railway official is in a state of intoxication while on duty, he shall be punishable with fine which may extend to two hundred and fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

* * * * *

63. If any passenger travels on the roof of a train or persists in travelling in any part of a train not intended for the use of passengers or projects any part of his body out of a train 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, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.

Penalty for travelling on roof, etc., of a train.

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65. If any metro railway official, when on duty endangers the safety of any passenger,—

Endangering the safety of passengers by metro railway official.

(a) by any rash or negligent act or omission; or

(b) by disobeying any rule, regulation or order which such official was bound by the terms of his employment to obey, and of which he had notice,

he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to six thousand rupees, or with both.

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Travelling without proper pass or ticket or beyond authorised distance.

69. (1) * * * * *

(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 for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment for a term which may extend to one month.

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Needlessly interfering with means of communication in a train.

70. If any 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 train for communication between passengers and metro railway official in charge of the train, or misuses alarm bell of the train, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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Penalty for making a false claim for compensation.

80. If any person requiring compensation from the metro railway administration under Chapter X makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

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Power of arrest without warrant.

82. (1) If a person commits any offence mentioned in sections 59, 61, 65 to 79, he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid:

Provided that where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

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EXTRACTS FROM THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

(15 OF 2003)

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THE SCHEDULE

[See section 2(y)]

[PART A PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

(45 OF 1860)

* * * * *

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. |
| 107 | Penalty for falsely representing a trademark as registered. |
| 120 | Punishment of abetment in India of acts done out of India. |

PARAGRAPH 22

OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

| Section | Description of offence |
|---------|---|
| 72 | Penalty for breach of confidentiality and privacy. |
| 75 | Act to apply for offence or contravention committed outside India |

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PARAGRAPH 25

OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

(29 OF 1986)

| Section | Description of offence |
|------------------------|--|
| 15 read with section 7 | Penalty for discharging environmental pollutants, etc., in excess of prescribed standards. |
| 15 read with section 8 | Penalty for handling hazardous substances without complying with procedural safeguards. |

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PARAGRAPH 27

OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(14 OF 1981)

| Section | Description of offence |
|---------|---|
| 37 | Failure to comply with the provisions for operating industrial plant. |

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EXTRACTS FROM THE FOOD SAFETY AND STANDARDS ACT, 2006

(34 OF 2006)

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Punishment
for unsafe
food.

59. Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,—

(i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;

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Punishment
for false
information.

61. If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

* * * * *

Punishment
for carrying
out a business
without
licence.

63. If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.

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EXTRACTS FROM THE GOVERNMENT SECURITIES ACT, 2006

(38 OF 2006)

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Contravention
and penalties.

30. (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

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EXTRACTS FROM THE CANTONMENTS ACT, 2006

(41 OF 2006)

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Blood Bank.

156. Subject to the provisions of any Act made in this regard and the rules and regulation made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

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Special conditions regarding essential services

185. (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, 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 he shall be punishable with imprisonment which may extend to one month; and the conditions of service specified herein shall, invariably be mentioned in the appointment letter of the persons employed to said services.

Conditions of service of safai karamcharis and others.

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CHAPTER XII

SPRITUOUS LIQUOR AND INTOXICATING DRUGS

285. If within a cantonment, or within such limit sad joining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Unauthorised sale of spirituous liquor or intoxicating drug.

286. If within a cantonment, or within any limits defined under section 285—

(a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or

(b) the wife or servant of any such person or of a soldier,

Unauthorised possession of spirituous liquor.

has in his or her possession, except on behalf of the Central Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees.

287. (1) Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

(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 or section 286 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 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.

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CHAPTER XIII

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

General Nuisances

Penalty for causing nuisances.

289. (1)* * * * *

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.

* * * *

Penalty for loitering and importuning for purposes of prostitution.

300. (1) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

* * * *

Powers and duties of police officers

Arrest without warrant.

314. Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(a) in the case of a breach of any such provisions as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 300 except—

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

* * * *

Prosecutions

Prosecutions.

331. Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

Composition of offence.

332. (1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.

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SCHEDULE IV

(See section 314)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

PART A

| Section | Subject |
|--------------|---|
| 174 | Making or selling of food, etc., or washing of clothes, by infected person. |
| 289(I)(a)(i) | Drunkenness, etc |

PART B

| | |
|-----------------|--|
| 183(I) | Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary. |
| 259 | Destroying, etc., name of street or number affixed to building. |
| 282 | Feeding animal on faith, etc. 289(I)(a)(ii) Using threatening or abusive words, etc. |
| 289(I)(a)(iii) | Indecent exposure of person, etc. |
| 289(I)(a)(iv) | Begging. 289(I)(a)(v) Exposing deformity, etc. |
| 289(I)(a)(vii) | Gaming. |
| 289(I)(a)(xii) | Destroying notice, etc. |
| 289(I)(a)(xiii) | Displaces, damages, alters, pavements, gutter, storm water drain. |
| 289(I)(f) | Keeping common gaming-house, etc. |
| 289(I)(g) | Beating drum, etc. |
| 289(I)(h) | Singing, etc., so as to disturb public peace or order. |
| 290(6) | Setting loose, or setting on, ferocious dog. |
| 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. |
| * | * |

EXTRACTS FROM THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007

(51 OF 2007)

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CHAPTER VII

OFFENCES AND PENALTIES

26. (1) * * * * * Penalties.

(3) If any person fails to produce any statement, information, returns or other documents, or to furnish any statement, information, returns or other documents, which under section 12 or under section 13, it is his duty to furnish or to answer any question

relating to the operation of a payment system which is required by an officer making inspection under section 14, he shall be 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.

* * * * *

(6) If any provision of this Act is contravened, or if any default is made in complying with any other requirement of this Act, or of any regulation, order or direction made or given or condition imposed thereunder and in respect of which no penalty has been specified, then, the person guilty of such contravention or default, as the case may be, shall be 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.

* * * * *

30. (1) Notwithstanding anything contained in section 26, if a contravention or default of the nature referred to in sub-section (2) or sub-section (6) of section 26, as the case may be, the Reserve Bank may impose on the person contravening or committing default a penalty not exceeding five lakh rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more, and where such contravention or default is a continuing one, a further penalty which may extend to twenty-five thousand rupees for every day after the first during which the contravention or default continues.

Power of Reserve Bank to impose fines.

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EXTRACTS FROM THE COLLECTION OF STATISTICS ACT, 2008

(7 OF 2009)

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CHAPTER VII

OFFENCES AND PENALTIES

15. (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 and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

Penalty for neglect or refusal to supply particulars.

* * * * *

16. Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.

Penalty for making false statement.

17. Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for mutilation or defacement of information schedule.

18. Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for obstruction of employees.

19. Whoever—

(a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(b) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof,

Penalty for other offences.

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

20. If any person employed in the execution of any duty or functions under this Act,—

(a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act,

Penalty for failure to carry out duties and functions by employees.

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

21. Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of employee.

22. Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

General penalty.

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EXTRACTS FROM THE LEGAL METROLOGY ACT, 2009

(1 OF 2010)

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CHAPTER V

OFFENCES AND PENALTIES

25. Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to 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.

Penalty for use of non-standard weight or measure.

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Penalty for manufacture or sale of non-standard weight or measure.

27. Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,—

(a) does not conform to the standards of weight or measure specified by or under this Act; or

(b) which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act, except where he is permitted to do so under this Act,

shall be punished with a fine which may extend to 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.

Penalty for making any transaction, deal or contract in contravention of the prescribed standards.

28. Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to 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.

Penalty for quoting or publishing, etc., of non-standard units.

29. Whoever violates section 11 shall be punished with fine which may extend to 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.

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Penalty for non-production of documents, etc.

31. Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

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Penalty for sale or delivery of commodities, etc., by non-standard weight or measure.

34. Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with 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.

Penalty for rendering services by non-standard weight, measure or number.

35. Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with 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.

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Compounding of offences.

48. (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

(2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 52:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

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EXTRACTS FROM THE FACTORING REGULATION ACT, 2011
(12 OF 2012)

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CHAPTER VI

OFFENCES AND PENALTIES

21. 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 punishable with fine which may extend to five thousand rupees for every day during which the default continues.

Penalties.

22. (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupees for every day during which the default continues.

Penalties for non-compliance of direction of Reserve Bank.

(2) For the purpose of adjudging the penalty under sub-section (1), 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 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.

(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.

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EXTRACT FROM THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES,
BENEFITS AND SERVICES) ACT, 2016

(18 OF 2016)

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41. Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be 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.

Penalty for non-compliance with intimation requirements.

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LOK SABHA

A

BILL

to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business.

(Shri Piyush Goyal, Minister of Commerce and Industry, Consumer Affairs, Food and Public Distribution and Textiles)