

Note on amendment to A & N Islands (Protection of Aboriginal Tribes) Regulation, 1956 referred to the Ministry of Home Affairs.

The existing penal provision of section-8 provides for punishment, which may extend to one year or with fine which may extend to Rs. 1000/- or with both for contravention of provisions of the section 6 of the Regulation. The text of section-8 of the Regulation is reproduced below :-

- (i) Whoever, in contravention of the provisions of section-6, acquires any interest in or in any product of, or crop raised on, any land, or carries on any trade or business, in a reserved area, shall be punishable with imprisonment which may extend to one year, all with fine which extend to on thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner as the Chief Commissioner may, after taking into consideration the circumstances of the case, direct.
- (ii) Whoever, in contravention of a notification issued under section 7, enters a reserved area shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.
- (iii) Whoever, does anything in contravention of any of the conditions or restrictions subject to which a pass has been granted to him under section-7, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees or with both.

As per existing provisions of section-8 of the Regulation, the quantum of punishment both imprisonment and fine is left at the discretion of the trial court and the punishment awarded in the cases relating to violation of the provisions of the tribal regulation did not have much impact on the offenders. Therefore, this Administration formulated a proposal for prescribing minimum punishment, that is, imprisonment for one year extendable upto 3 years and fine of Rs. 5000/- extendable upto Rs. 10,000/- in place of imprisonment extendable upto one year and fine extendable upto Rs. 5000/- so as to have deterrent effect on the offenders and sent to the Govt. of India, Ministry of Home Affairs vide this administrations letter No. 1-143/91-TW dated 19.11.91 (copy enclosed). The above proposal for amendment alongwith the other proposals of the Administration was considered by the Expert Group constituted by the Ministry of Home Affairs and it was accepted with certain modifications as given below:-

“In place of punishment upto three years the punishment may be for a minimum period of one year extendable upto two years only ‘and’ a fine of Rs.2000/- in place of Rs.5000/- extendable upto Rs.10,000/- ‘or’ may be replaced by ‘and’ as above”.