

According to the modifications suggested by the Govt. of India, the notification relating to amendment to section -8 of the Regulation was drafted and sent to Govt. of India.

Notwithstanding the amendment having been accepted by the Expert Committee, the Ministry has made the following observations vide their letter No. U-11023/7/99-UTL dated 1.12.2000.

" It is proposed that the penal provision of fine up to Rs. 1000/- which was fixed way back in 1956 is no longer sufficient and the same may be enhanced to Rs. 2000/- and the minimum period of imprisonment may be extended from one year to two years. The matter has been examined in consultation with the Ministry of Law, Justice and Company Affairs who have observed that such a minimum period of imprisonment is normally provided in the law aimed at removing social evils such as in dowry prohibitions or in law aimed at protecting society from danger of Narcotics Drugs and Psychotropic substances. Secondly, the proposed punishment of two years will make the offence cognizable under Criminal Procedure Court and the Police will be in a position to arrest the alleged persons.

In view of the above, you are requested to reconsider the aforesaid proposal in the light of the connected consequence and ensure that it meets your intentions. Please also send a statement indicating the cases booked during the last ten years; and the punishment awarded year-wise.

The view point of the Administration on the above observations is given below :-

Even though the PAT Regulation is not a law aimed at removing social evils, it is all the same necessary to prescribe minimum punishment, both imprisonment and fine under the PAT Regulation so as to have deterrent effect on the offenders. While sending the draft amendment notification, the attention of the Govt. of India has not been drawn to the proposed amendment having been approved by the expert group constituted by the Ministry of Home Affairs. So we could write back to the Govt. of India inviting their attention to the draft amendment having been accepted by the expert group so as to enable them to take a decision in terms of the recommendation of the expert group.

The existing penal provision of the Regulation is also cognizable under Criminal Procedure Court (CPC) and the Police is competent to arrest the offenders.

The information with regard to number of cases booked during the last 10 years and punishment awarded year-wise is being collected from IGP, A & N Islands.