

- (2) Whoever, in contravention of a notification issued under section-7, enters a reserved area shall be punishable with the imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.
- (3) Whoever, does anything in contravention of any of the conditions of 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. Consequently the violation of provisions of the Regulation continued unabated, causing disruption of life of the tribals in the reserved area. 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 up to Rs. 10,000/- in place of imprisonment extendable upto Rs.5000/-, so as to have deterrent effect on the offenders and sent to Govt. of India, Ministry of Home Affairs vide this Admn's letter No. 1-143/91-TW dated 19th Nov., 1991 at pages 3-4/c. 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 mentioned in CS's DO letter No. 7-44/97- Legal dated 12th Feb., 1998 at page 5/c. The relevant accepted amendment to the Regulation vide Sl. No. 6 at page 6/c is reproduced below: -

"A & N Islands (Protection of Aboriginal Tribes)
Regulation 1956"

The amendments suggested by the Administrator, Andaman & Nicobar Islands have been accepted with the following modification:-

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".