

(i) A fine of Rs.2000/- has been fixed without minimum or maximum

and

(ii) Imprisonment and fine both as a legal provision for punishment.

Ministry of Home Affairs examined the proposal in consultation with Ministry of Law, Justice and Company Affairs vide their letter No.11023/7/99-UTL dated 1.12.2000. The said Ministry observed that:

(i) Minimum imprisonment is provided in the laws aimed at eradication of social evils like dowry prohibition etc.

and

(ii) Provision of imprisonment of two years makes the offence as cognizable under Criminal Procedure Code.

Therefore, Ministry of Home Affairs asked A & N Administration to reconsider the proposal.

Accordingly, the proposal of amendment was examined by the Administration in consultation with Secretary (Law) and the following amendment proposal was sent to Ministry of Home Affairs by us with the approval of Lt. Governor :

(iii) Imprisonment which may extend up to one year

and

(iv) Fine which may extend up to Rs.10,000/-.

The higher amount of fine was suggested with the intention to have deterrent effect.

Now, Ministry of Home Affairs vide their letter No. U-11023/7/99-UTL dated 1st October, 2002 has sought reasons for dropping minimum fine of Rs.2000/ as recommended by Expert Group under Ministry of Home Affairs.

As noted above the Expert Group had not suggested a minimum fine but had fixed a fine of Rs. 2000/. Further the observation of Ministry of Law, Justice and Company Affairs as communicated by Ministry of Home Affairs also did not contain the comments on the minimum fine.

As the Ministry of Home Affairs appears to have a strong inclination for minimum fine of Rs.2000/, we may modify our proposal accordingly as under :