

F8P

32

*In place of punishment upto three years the punishment may be for a minimum period of one year extendable upto tow 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 "*

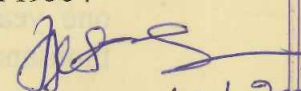
Accordingly a draft Notification was prepared and sent to Govt. of India ( a copy of the draft Notification is placed at page 8-9/C). Subsequently the Government of India, Ministry of Home Affairs vide their letter dated 1<sup>st</sup> December 2000 at page 2/C informed that the amendment has been examined in consultation with the Ministry of Law ,Justice and Company Affairs and it was observed by them that such a minimum period of imprisonment is normally provided in the law aimed at removing social evils such as dowry prohibition etc and suggested that the proposal relating to amendment could be reconsidered.

The above observation of the Ministry of Law was examined in consultation with the Law Department of the Secretariat and a reply was sent to Govt. of India vide this Administration letter dated 21<sup>st</sup> <sup>H04,</sup> 2001 <sup>at pages 30-37/c</sup> justifying the minimum punishments proposed to be prescribed so as to have deterrent effect on the offenders, even if the PAT is not a law aimed at removing social evils, but the Govt. of India did not agree and again asked this Administration to reconsider the whole matter vide their letter dated 10<sup>th</sup> July, 2001 at page 64/C. Accordingly the issue was reconsidered taking into account the number of cases registered for violation of the law and quantum of punishment award from 1991 to 2000. It was found that the existing provision of imprisonment which may extend to one year or with fine which may extend to Rs.1000/ or both existing under section 8 of the PAT Regulation 1956 is adequate. In this connection, the notes dated 9.10.2001 recorded at para 64/N by Secretary(TW) are reproduced below

"In view of the position mentioned at para 52, the argument of increasing the quantum of punishment is not convincing enough and one Year prescribed appears to be reasonable enough. "

In view of the above position the Hon'ble Lt. Governor may be requested to ratify the decision on for dropping the amendment of section 8 of the PAT Regulation 1956 .

Submitted please.

  
A. L. SINGH  
R.O. (TW)  
Research Officer (TW)  
(C. F. No. : TI-275)

Director (TW)