

(from pre-page)

91) The proposal to amend Section 8 of the Andaman & Nicobar Islands(Protection of Aboriginal Tribes) Regulation, 1956 was taken up with the Ministry of Home Affairs, Government of India by this Administration in 1991. It was proposed that ***"the penal provision be amended so that imprisonment will be for a period of one year extendable upto three years or a fine of minimum of Rs.5000/- extendable upto Rs.10,000/- or both"*** (page 4/c). This proposal was sent after it was discussed in several meetings and with the approval of the Lt. Governor. Thereafter, the amendment was accepted by the Expert Group of MHA, Govt of India with certain modification that ***"In place of punishment upto three years the punishment may be for a period of one year in place of Rs.5000/- extendable upto Rs.10,000/- 'or' may be replaced by 'and' as above"*** (page 6/c).

92) The matter was referred back by the MHA with the observation that ***"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 prohibition 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."*** (page 2/c). The clarifications along with a statement indicating the cases booked during the last ten years; and the punishment awarded year-wise sought by MHA, was forwarded to the Ministry vide our letter dated 21<sup>st</sup> May, 2001(page 36/c). The MHA vide their letter dated 10<sup>th</sup> July, 2001 observed that .....***"during the past 10 years no imprisonment has been made for a period of one year or above under the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. In view of this it would not be justifiable to amend the Regulation to provide for a severe punishment of minimum period of imprisonment of one year extendable upto 3 years which is normally awarded in law aimed at removing social evils. It is, therefore, requested that the whole matter may please be reconsidered and a reasonable punishment may please be proposed which may be justifiable and rational in the circumstances and situation prevalent in the Union territory."*** (page 64/c). The issue was examined vide para 52/n, where it is stated that ***"the statement showing cases under the A&N Islands(PAT) Regulation, 1956 for the last 10 years is from 1991 to 2001 page 11-35/c, furnished by the Police Department, there were***