

Ref:- Sl. No. 14(R)-115/C

(119) P.U.C is a letter dated 1<sup>st</sup> October, 2002 in reply to this Administration's letter dated 30<sup>th</sup> July, 2002 at page 99-100/C regarding amendment of penal provisions under section 8 (1) & (2) (3) of the Andaman & Nicobar Islands (PAT) Regulation 1956. The Govt. of India have asked for the reasons for dropping the minimum provision of fine of Rs. 2000/-, which was recommended by the Expert Group, in the revised draft amendment proposed now. The draft amendment Notification relating to the penal provisions could be seen at page 101/C.

120 Initially the Administration had proposed that the existing provision of imprisonment of one year and a fine of Rs. 1000/- under section 8 of the Regulation may be replaced by minimum imprisonment of one year extendable up to 3 years or a fine of Rs. 5000/- extendable up to Rs. 10,000/- or both vide last, but one para of this Administration's letter dated 17.11.91 at pages 3-4/C. The above amendment was modified by the Expert Group as under:-

121 " In place of punishment upto 3 years the punishment may be for a minimum period of one year extendable upto 2 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 ".

122 Accordingly necessary amendment Notification was prepared and sent to Govt. of India vide pages 8-9/C.

123 Subsequently Govt. of India, MHA vide their letter dated 1<sup>st</sup> December, 2000 at page 2/C observed that minimum punishment 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 etc. A reply to this was sent to GOI vide this Administration's letter dated 21<sup>st</sup> May 2001 at pages 36-37/C, but the GOI did not accept the proposal vide their letter dated 10<sup>th</sup> July, 2001 at page 64/C. At one stage it was decided not to go for the proposed amendment of the Regulation vide our letter dated 17.10.2001 at page 66/C.

124 The proposal was taken up again with reference to GOI's letter dated 17.2.2001 at page 78/C. In this connection please refer to notes from para 82-107/N. The amendment now proposed is as under:

125 " In place of punishment up to three years the punishment may be for a period of one year in place of Rs. 5000/- extendable up to Rs. 10,000/- ' or ' may be replaced by ' and ' as above. ".