

Ref. : Director (TW)'s minutes at para 136/n on page 50/n.

137 This is in connection with amendment to Section 8 (1) (2) (3) relating to penalties for offenses committed under the A&N Islands (Protection of Aboriginal Tribes) Regulation, 1956.

138 As per approval accorded vide para 105/n by the Hon'ble Lt. Governor, A & N Islands, a proposal was sent to the Govt. of India, Ministry of Home Affairs, New Delhi, vide this Admn's letter No. 1-467/2001-TW/754 dated 30<sup>th</sup> July, 2002 at page 99-100/c to amend Section 8 (1) (2) & (3) of the Regulation. As could be seen from the amendment notification at page 101/c, it was proposed to enhance the provision relating to fine from the existing Rs. 1000/- to Rs. 10,000/- but the provision relating to imprisonment was retained as it is i.e., one year. In reply to the above proposal, the Govt. of India, Ministry of Home Affairs have now asked for the reasons for dropping the minimum fine of Rs. 2000/-.

139 In this context a reference is invited to the amendment recommended by the Expert Group of Ministry of Home Affairs vide page 6/c. Their recommendation is reproduced below :-

“ 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”.

140 It could be observed that the Expert Group had recommended minimum & maximum penalties, both in respect of imprisonment & fine. Subsequently, following consultation with the Ministry of Law, Justice & Company Affairs, the Ministry of Home Affairs vide their letter No. 11023/7/99-UT2 dated 1<sup>st</sup> Dec, 2000 at page 2/c asked this Admn. to reconsider the proposed amendment relating to minimum imprisonment as it is provided in a law aimed at removing Social evils.

141 While reconsidering that amendment the idea of minimum penalties, both in respect of imprisonment and fine was dropped altogether and it was decided to enhance the maximum limit of fine from the existing Rs 1000/- to Rs. 10,000/- so as to have deterrent effect on the law breakers while the provision of imprisonment, i.e., which may be extend to one year, was retained as it is (please refer to note at para 105/n).