

(145) May please peruse the notes above from para 119/N onwards. It is regarding the proposal for the amendment to the A & N Islands (Protection of Aboriginal Tribes) Regulation 1956.

(146) Administration had sent a proposal in 1991 to Ministry of Home Affairs for the amendment of the Section (8) of the said Regulation with the purpose to make penal provision a little more severe with a hope to have a deterrent effect. The amendment proposed (vide page 4/C) to the said Regulation included :

- (i) Minimum imprisonment of one year extendable up to 3 years.
- (ii) A fine of minimum Rs.5000/ extendable up to Rs.10,000/ /

or

- (iii) Both (i.e. (i) and (ii)) above)

(147) The Expert Group under the Ministry of Home Affairs accepted Administration's proposal with the following modifications as communicated by Ministry of Home Affairs vide their fax message No.U-11023/U/97-UTL dated nil (vide page 5/C):

- (i) Imprisonment for a minimum period of one year extendable up to 2 years (as against Administration's suggestions of minimum of one year extendable up to three years)

'and' (as against 'or' of the Administration's proposal)

- (ii) A fine of Rs.2000/- (as against Administration's suggestion of a minimum of Rs.5000/- extendable up to Rs.10,000/-)

(148) Careful study of the modification suggested by Expert Group of Ministry of Home Affairs reveals the inclusion of the following:

- (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.