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May please refer to notes from 145/n onwards. It is regarding the proposal for amendment to Section 8 (1)(2) & (3) relating to penalties for offences committed under the A & N Islands PAT Regulation, 1956.

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As per the approval accorded by Hon'ble Lt. Governor vide para 105/n on page 41/n, a proposal was sent to Govt. of India to amend the penalties, which included "imprisonment which may extend to one year and a fine which may extend to Rs. 10,000/-" vide Administration's letter No.1-467/2001-TW/754 dated 30th July, 2002 at page 99-100/c. In reply to the said letter the Ministry Home Affairs vide their letter dated 1.10.2002 (PUC) has asked for the reasons for dropping the minimum fine of Rs.2000/-, which was recommended by Expert Group.

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The proposal has been further examined in the context of the recommendations of the Expert Group at page 14/c received from the Govt. of India vide their letter dated Feb, 98 at page 10-A/c. The recommendations are produced below:

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"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."

In the light of the recommendations of the Expert Group and also the query of the Govt. of India vide PUC a revised amendment notification has been prepared and placed opposite. The amendment notification includes the provision for minimum fine of Rs. 2000/- extendable upto Rs. 10,000/- while there is no change in respect of the penalty relating to imprisonment i.e. which may extend to one year. The amendment notification has been vetted by the Law department vide their note at para 161/n.

It is therefore proposed that Hon'ble Lt. Governor may be requested to approve of the amendment notification so as to send it to Govt. of India, Ministry of Home Affairs for approval.

Research Officer (TW)

Director (TW

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