

CONTENTS

FOREWORD	...	...	V
PREFACE	...	...	VI
TABLE OF CASES	...	...	IX
TABLE OF STATUTES	...	...	XI

CHAPTERS

I: SEDITION: ITS PLACE IN INDIA	...	...	1
1. Definition and Place of Sedition in Indian Law	...	...	1
2. Justification for the Law	...	...	4
(1) <i>Sedition as a political crime</i>	...	...	4
(2) <i>Justification for making the provocation of class hatred and class enmity a crime</i>	...	...	7
(3) <i>Justification for making religious insult a crime</i>	...	...	8
(4) <i>Justification for making the questioning of the territorial integrity of India a crime</i>	...	...	8
II: HISTORICAL CONSIDERATIONS	...	...	9
1. The English Law and Its Introduction into India	...	...	9
(i) <i>The English Law</i>	...	...	9
(ii) <i>The introduction of the English Law of Sedition into India</i>	...	...	11
2. Doubt as to the Competence of Indian Legislature to enact a Law of Sedition	...	...	12
3. Probable Reasons for not Enacting a Section in Terms of the Suggestion of the Law Commission	...	...	13
4. Enactment of Section 124-A in the Penal Code and Its Revision	...	...	14
5. Class Hatred as a Crime	...	...	17
6. Religious Insult as a Crime	...	...	20
III: INTERPRETATION OF THE SEDITION LAWS: PRECONSTITUTION PERIOD	...	...	21
1. The Political Crime of Sedition	...	...	21
(a) <i>Under Act XXVII of 1870</i>	...	...	21
(b) <i>Under Act IV of 1898</i>	...	...	28
(c) <i>Opinion of the Press Laws Enquiry Committee in regard to constitutionality of section 124-A</i>	...	...	33
2. Interpretation of Section 153-A of the Penal Code	...	...	34
3. Interpretation of Section 295-A of the Penal Code	...	...	36
IV: POST-CONSTITUTIONAL CONTROVERSIES	...	...	38
1. Constitutional Provision and its Amendment	...	...	38
(a) <i>Doubts as to the validity of sections 124-A and 153-A before the Constitution First Amendment</i>	...	...	41
(b) <i>After the First Amendment to the Constitution</i>	...	...	43
2. Recommendation of the Press Commission	...	...	46
3. Liberal Trends	...	...	46
V: THE SUPREME COURT SPEAKS	...	...	48
1. Constitutionality of Section 124-A	...	...	48
2. Constitutionality of Section 295-A	...	...	52
3. Constitutionality of Section 153-A	...	...	54
VI: CRIMINAL LAW AMENDMENT ACT, 1961	...	...	57

VII: CONCLUSIONS (Chapters I to VI)	64
VIII: LAWS EMPOWERING FORFEITURE OF DOCUMENTS AND THEIR CONSTITUTIONALITY	60
1. State Government's Power to Forfeit Newspapers, Books and Documents for Seditious Content	66
2. Forfeiture of Postal Articles in Transit	70
3. Forfeiture When a Publication is Imported Across the Customs Border	72
4. Forfeiture under the Criminal Law Amendment Act, 1961	72
5. Recommendations of the Press Laws Enquiry Commit- tee and the Press Commission	73
(a) Regarding section 99-A of the Criminal Procedure Code... ..	73
(b) Power to intercept articles and packages in the postal transit or across customs frontier	74
6. Constitutionality of the Provisions	74
IX: ORDERS OF FORFEITURE AND THEIR REASONABLENESS	76
1. Constitutional Requirement of Reasonableness of the Orders	76
2. Position of the State and Central Governments	76
3. Area of Operation of the Orders	77
4. Contents of the Government Notification	78
(i) It must sufficiently describe the publication notified to be forfeited	78
(ii) If there are more volumes than one subjected to forfeiture, the notification must make a clear mention of them all	79
(iii) A book and a translation are to be separately considered... ..	79
(iv) Extracts from a notified book incorporated in another book have to be considered in the context of the book in which they are embodied	80
(v) The notification must contain the government's grounds of opinion for ordering forfeiture	80
X: THE JUDICIAL CORRECTIVE	83
1. Individual's Right to Move the High Court	83
2. Burden of Proof	83
3. Evidence to be Adduced	85
4. Position of High Courts	87
(a) Quashing the order	87
(b) Setting aside the order	88
(c) Finality of the High Court decision	89
XI: CONCLUSIONS (Chapters VIII to X)	91