

The Criminal Law Amendment Act, 1961

UNION OF INDIA

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Act 23 of 1961

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110.

Certain recent developments in the regions adjoining the borders of India and in other parts of the country likely to jeopardise the security of the country and its frontiers point in the necessity of placing curbs on such activities. The criminal Law Amendment Bill, 1960, accordingly seeks to provide for punishment to persons who may question the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of the country, and for other cognate matters. An Act to supplement the criminal law .Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:

1. Short title and extent

(1) This Act may be called The Criminal Law Amendment Act, 1961 .(2) It extends to the whole of India except the State of Jammu and Kashmir.

The Act has been extended to the Union territory of Goa, Daman and Diu by Regulation 11 of 1963, Section 3 and Sch.; Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987); Dadra and Nagar Haveli by Regulation 6 of 1963 and Pondicherry by Regulation 7 of 1963. It has also been extended to Sikkim by S.O.208(E)/75 and enforced w.e.f. 9.6.1975.

2. Questioning the territorial integrity or frontiers of India in a manner prejudicial to the interests of safety and security of India

.[(1)] [Section 2 renumbered as sub-Section (1) thereof by Act 9 of 1990, Section 2 (w.e.f. 17.4.1990).] Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India in a manner which is, or is likely to be, prejudicial to the interests of the safety or security of India, shall be punishable with

imprisonment for a term which may extend to three years, or with fine, or with both.(2)[Whoever publishes a map of India, which is not in conformity with the maps of India as published by the Survey of India, shall be punishable with imprisonment, which may extend to six months, or with fine, or with both.(3)No Court shall take cognizance of an offence punishable under sub-section (2), except on a complaint made by the Government.] [Inserted by Act 9 of 1990, Section 2 (w.e.f. 17.4.1990.)]

3. Statements, etc., in a notified area prejudicial to maintenance of public order, etc., therein or to safety or security of India and regulation of entry of persons in such area

(1)If the Central Government considers that in the interests of the safety or security of India or in the public interest, it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare any area adjoining the frontiers of India to be a notified area; and thereupon, for so long as the notification is in force, such area shall be a notified area for the purposes of this section.(2)Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.(3)On and after such day as may be specified in, and subject to any exemptions for which provision may be made by a notification issued under sub-section (1), no person who was not immediately before the said day a resident in the area declared to be a notified area by the notification, shall enter or attempt to enter that area or be therein except in accordance with the terms of a permit in writing granted to him by a person, not below the rank of a Magistrate of the first class, specified in the said notification.(4)Any police officer, not below the rank of Sub-Inspector of Police, may search any person entering or attempting to enter, or being in, or leaving, a notified area and any vehicle, vessel, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article:Provided that no woman shall be searched in pursuance of this sub-section except by a woman authorised in this behalf by the police officer.(5)If any person is in a notified area in contravention of the provisions of sub-section (3), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the notified area, not below the rank of Sub-Inspector of Police.(6)If any person enters or attempts to enter a notified area or is therein in contravention of any of the provisions of sub-section (3), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. Power to declare certain publications forfeited and to issue search warrants for the same

(1)Where any newspaper or book as defined in the Press and Registration of Books Act, 1867 (25 of 1867), or any other document, wherever printed, appears to the State Government to contain any matter the publication of which is punishable under section 2 or sub-section (2) of section 3, the State Government may, by notification in the Official Gazette, stating the grounds of its opinion,

declare every copy of the issue of the newspaper containing such matter and every copy of such book or other document to be forfeited to the Government, and thereupon any police officer may seize the same wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any copy of such book or other document may be or may be reasonably suspected to be. (2) The powers conferred by sub-section (1) on the State Government may also be exercised by the Central Government. (3) In sub-section (1), document includes also any painting, drawing or photograph, or other visible representation.

5. Application to High Court to set aside order of forfeiture

(1) Any person having any interest in any newspaper, book or other document in respect of which an order of forfeiture has been made under section 4 may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document in respect of which the order was made did not contain any matter of such a nature as is referred to in sub-section (1) of section 4. (2) The provisions of sections 99-C to 99-F of the [Code of Criminal Procedure, 1898 (5 of 1898)] [[Now see the Code of Criminal Procedure, 1973 (2 of 1974).]], shall apply in relation to an application under sub-section (1) as they apply in relation to an application under section 99-B of that Code and the reference in section 99-D to seditious or other matter of such a nature as is referred to in sub-section (1) of section 99-A of that Code shall be construed as reference to any matter of such a nature as is referred to in sub-section (1) of section 4 of this Act. (3) No order passed or action taken under section 4 shall be called in question in any Court otherwise than in accordance with the provisions of this section.