

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

*Explanation.*—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

**120B. Punishment of criminal conspiracy.**—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, <sup>1</sup>[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

## CHAPTER VI

### OF OFFENCES AGAINST THE STATE

**121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.**—Whoever wages war against the <sup>2</sup>[Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or <sup>3</sup>[imprisonment for life] <sup>4</sup>[and shall also be liable to fine].

<sup>5</sup>[*Illustration*]

<sup>6</sup>\*\*\*A joins an insurrection against the <sup>2</sup>[Government of India]. A has committed the offence defined in this section.

<sup>7</sup>\*

\*

\*

\*

\*

<sup>8</sup>[**121A. Conspiracy to commit offences punishable by section 121.**—Whoever within or without <sup>9</sup>[India] conspires to commit any of the offences punishable by section 121, <sup>10</sup>\*\*\* or conspires to overawe, by means of criminal force or the show of criminal force, <sup>11</sup>[the Central Government or any <sup>12</sup>[State] Government <sup>13</sup>\*\*\*], shall be punished with <sup>14</sup>[imprisonment for life], or with imprisonment of either description which may extend to ten years, <sup>15</sup>[and shall also be liable to fine].

*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.]

**122. Collecting arms, etc., with intention of waging war against the Government of India.**—Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the <sup>2</sup>[Government of India], shall be punished with

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation” (w.e.f. 1-1-1956).

2. Subs. by the A. O. 1950, for “Queen”.

3. Subs. by 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

4. Subs. by Act 16 of 1921, s. 2, for “and shall forfeit all his property”.

5. Subs. by Act 36 of 1957, s. 3 and the Second Sch., for “*Illustrations*”

6. The brackets and letter “(a)” omitted by s. 3 and the Second Sch., *ibid*.

7. *Illustration (b)* omitted, by the A. O. 1950.

8. Ins. by Act 27 of 1870, s. 4.

9. The words “British India” have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

10. The words “or to deprive the Queen of the sovereignty of the Provinces or of any part thereof” omitted by the A. O. 1950.

11. Subs. by the A. O. 1937, for “the G. of I, or any I. G”.

12. Subs. by the A. O. 1950, for “Provincial”.

13. The words “or the Government of Burma” omitted by the A. O. 1948.

14. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life or any shorter term” (w.e.f. 1-1-1956).

15. Ins. by Act 16 of 1921, s. 3.

<sup>1</sup>[imprisonment for life] or imprisonment of either description for a term not exceeding ten years, <sup>2</sup>[and shall also be liable to fine].

**123. Concealing with intent to facilitate design to wage war.**—Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the <sup>3</sup>[Government of India], intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**124. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.**—Whoever, with the intention of inducing or compelling the <sup>4</sup>[President] of India, or <sup>5</sup>[Governor <sup>6\*\*\*</sup>] of any <sup>7</sup>[State], <sup>8\*\*\*</sup> <sup>9\*\*\*</sup> <sup>10\*\*\*</sup> to exercise or refrain from exercising in any manner any any of the lawful powers of such <sup>11</sup>[President or <sup>5</sup>[Governor <sup>6\*\*\*</sup>]],

assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such <sup>11</sup>[President or <sup>5</sup>[Governor <sup>6\*\*\*</sup>]],

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

<sup>12</sup>[**124A. Sedition.**—Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, <sup>13\*\*\*</sup> the Government established by law in <sup>14</sup>[India], <sup>15\*\*\*</sup> shall be punished with <sup>16</sup>[imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

*Explanation 1.*—The expression “disaffection” includes disloyalty and all feelings of enmity.

*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

*Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.]

**125. Waging war against any Asiatic Power in alliance with the Government of India.**—Whoever wages war against the Government of any Asiatic Power in alliance or at peace with the <sup>3</sup>[Government of India] or attempts to wage such war, or abets the waging of such war, shall be punished with <sup>1</sup>[imprisonment for life], to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

---

1. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

2. Subs. by Act 16 of 1921, s. 2, for “and shall forfeit all his property”.

3. Subs. by the A. O 1950, for “Queen”.

4. Subs. by the *ibid.*, for “Governor General”.

5. Subs. by Act 3 of 1951, s. 3 and the Sch., for “Governor”.

6. The words “or Rajpramukh” omitted by the A. O. 1956.

7. Subs. by the A. O. 1950, for “Province” which had been subs. by the A. O. 1937, for “Presidency”.

8. The words “or a Lieutenant-Governor” omitted by the A. O. 1937.

9. The words “or a Member of the Council of the Governor General of India” omitted by the A.O. 1948.

10. The words “or of the Council of any Presidency” omitted by the A. O. 1937.

11. The words “Governor General, Governor, Lieutenant-Governor or Member of Council” have successively been amended by the A.O. 1937, the A. O. 1948 and the A. O. 1950 to read as above.

12. Ins. by Act 27 of 1870, s. 5 and subs. by Act 4 of 1898, s. 4, for s. 124A.

13. The words “Her Majesty or” omitted by the A.O. 1950. The words “or the Crown Representative” ins. after the word “Majesty” by the A. O. 1937 were omitted by the A. O. 1948.

14. The words “British India” have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

15. The words “or British Burma” ins. by the A. O. 1937 and omitted by the A. O. 1948.

16. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life or any shorter term” (w.e.f. 1-1-1956).

**126. Committing depredation on territories of Power at peace with the Government of India.**—Whoever commits depredation, or makes preparations to commit depredation, on the territories of any Power in alliance or at peace with the <sup>1</sup>[Government of India], shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

**127. Receiving property taken by war or depredation mentioned in sections 125 and 126.**—Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

**128. Public servant voluntarily allowing prisoner of state or war to escape.**—Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with <sup>2</sup>[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**129. Public servant negligently suffering such prisoner to escape.**—Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

**130. Aiding escape of, rescuing or harbouring such prisoner.**—Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with <sup>2</sup>[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

*Explanation.*—A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in <sup>3</sup>[India], is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

## CHAPTER VII

### OF OFFENCES RELATING TO THE ARMY, <sup>4</sup>[NAVY AND AIR FORCE]

**131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.**—Whoever abets the committing of mutiny by an officer, soldier, <sup>5</sup>[sailor or airman], in the Army, <sup>6</sup>[Navy or Air Force] of the <sup>1</sup>[Government of India] or attempts to seduce any such officer, soldier, <sup>5</sup>[sailor or airman] from his allegiance or his duty, shall be punished with <sup>2</sup>[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

<sup>7</sup>[*Explanation.*—In this section the words “officer”, <sup>8</sup>[“soldier”, <sup>9</sup>[“sailor”] and “airman”] include any any

---

1. Subs. by the A. O. 1950, for “Queen”.

2. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

3. The words “British India” have successively been subs. by the A. O. 1948, the A. O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

4. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “and Navy”.

5. Subs. by s. 2 and the First Sch., *ibid.*, for “or sailor”.

6. Subs. by s. 2 and the First Sch., *ibid.*, for “or Navy”.

7. Ins. by Act 27 of 1870, s. 6.

8. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “and soldier”

9. Ins. by Act 35 of 1934, s. 2 and Sch.

person subject to the <sup>1</sup>[Army Act, <sup>2</sup>[the Army Act, 1950 (46 of 1950)], <sup>3</sup>[the Naval Discipline Act, <sup>4\*\*\*</sup>the <sup>4\*\*\*</sup>the <sup>5</sup>Indian Navy (Discipline) Act, 1934 (34 of 1934)] <sup>6</sup>[the Air Force Act or <sup>7</sup>[the Air Force Act, 1950 (45 of 1950)]]], as the case may be[.]

**132. Abetment of mutiny, if mutiny is committed in consequence thereof.**—Whoever abets the committing of mutiny by an officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or with <sup>11</sup>[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.**—Whoever abets an assault by an officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India], on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**134. Abetment of such assault, if the assault committed.**—Whoever abets an assault by an officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India], on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**135. Abetment of desertion of soldier, sailor or airman.**—Whoever, abets the desertion of any officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**136. Harboursing deserter.**—Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India], has deserted, harbours such officer, soldier, <sup>8</sup>[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

*Exception.*—This provision does not extend to the case in which the harbour is given by a wife to her husband.

**137. Deserter concealed on board merchant vessel through negligence of master.**—The master or person in charge of a merchant vessel, on board of which any deserter from the Army, <sup>9</sup>[Navy or Air Force] of the <sup>10</sup>[Government of India] is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

**138. Abetment of act of insubordination by soldier, sailor or airman.**—Whoever abets what he knows to be an act of insubordination by an officer, soldier, <sup>8</sup>[sailor or airman], in the Army, <sup>9</sup>[Navy or Air Force], of the <sup>10</sup>[Government of India], shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

---

1. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “Articles or War for the better government of Her Majesty’s Army, or to the Articles of War contained in Act No. 5 of 1869”.

2. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Army Act, 1911”.

3. Ins. by Act 35 of 1934, s. 2 and the Sch.

4. The words “or that Act as modified by” omitted by the A. O. 1950.

5. Now *see* the Navy Act, 1957 (62 of 1957).

6. Subs. by Act 14 of 1932, s. 130 and the Sch., for “or the Air Force Act”.

7. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Air Force Act, 1932”.

8. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “or sailor”.

9. Subs. by s. 2 and the First Sch., *ibid.*, for “or Navy”.

10. Subs. by the A. O. 1950, for “Queen”.

11. Subs. by Act 26 of 1955, s. 117 and the Sch., for “transportation for life” (w.e.f. 1-1-1956).

<sup>1</sup>**138A.** [*Application of foregoing sections to the Indian Marine Service.*] Rep. by the Amending Act, 1934 (35 of 1934), s. 2 and Sch.

**139. Persons subject to certain Acts.**—No person subject to <sup>2</sup>[the Army Act, <sup>3</sup>[the Army Act, 1950 (46 of 1950)], the Naval Discipline Act, <sup>4</sup>[<sup>5</sup>\*\*\* <sup>6</sup>[the Indian Navy (Discipline) Act, 1934 (34 of 1934)], <sup>7</sup>[the Air Force Act or <sup>8</sup>[the Air Force Act, 1950 (45 of 1950)]]], is subject to punishment under this Code for any of the offences defined in this Chapter.

**140. Wearing garb or carrying token used by soldier, sailor or airman.**—Whoever, not being a soldier, <sup>9</sup>[sailor or airman] in the Military, <sup>10</sup>[Naval or Air] service of the <sup>11</sup>[Government of India], wears any garb or carries any token resembling any garb or token used by such a soldier, <sup>9</sup>[sailor or airman] with the intention that it may be believed that he is such a soldier, <sup>9</sup>[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

## CHAPTER VIII

### OFFENCES AGAINST THE PUBLIC TRANQUILITY

**141. Unlawful assembly.**—An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is—

*First.*—To overawe by criminal force, or show of criminal force, <sup>12</sup>[the Central or any State Government or Parliament or the Legislature of any State], or any public servant in the exercise of the lawful power of such public servant; or

*Second.*—To resist the execution of any law, or of any legal process; or

*Third.*—To commit any mischief or criminal trespass, or other offence; or

*Fourth.*—By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

*Fifth.*—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

*Explanation.*—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

**142. Being member of unlawful assembly.**—Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

**143. Punishment.**—Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

**144. Joining unlawful assembly armed with deadly weapon.**—Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

---

1. Ins. by Act 14 of 1887, s. 79.

2. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “any Articles of War for the Army of Navy of the Queen, or for any part of such Army or Navy”.

3. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Army Act, 1911”.

4. Ins. by Act 35 of 1934, s. 2 and the Sch.

5. The words “or that Act as modified by” omitted by the A. O. 1950.

6. Now see the Navy Act, 1957 (62 of 1957).

7. Subs. by Act 14 of 1932, s. 130 and Sch., for “or the Air Force Act”.

8. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the Indian Air Force Act, 1932”.

9. Subs. by Act 10 of 1927, s. 2 and the First Sch., for “or sailor”.

10. Subs. by s. 2 and the First Sch., *ibid.*, for “or Naval”.

11. Subs. by the A. O. 1950, for “Queen”.

12. Subs., *ibid.*, for “the Central or any Provincial Government or Legislature”.

**145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.**—Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**146. Rioting.**—Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

**147. Punishment for rioting.**—Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**148. Rioting, armed with deadly weapon.**—Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.**—If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

**150. Hiring, or conniving at hiring, of persons to join unlawful assembly.**—Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

**151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.**—Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

*Explanation.*—If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

**152. Assaulting or obstructing public servant when suppressing riot, etc.**—Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed.**—Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

<sup>1</sup>[**153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.**—(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

---

1. Subs. by Act 35 of 1969, s. 2, for section 153A.