

(Chapter VI.—Of Offences against the State.)

CHAPTER VI.

OF OFFENCES AGAINST THE STATE.

Waging or attempting to wage war or abetting waging of war against the Government of India.

121. Whoever wages war against the ¹[Government of India], or attempts to wage such war, or abets the waging of such war, shall be punished with death, or ^{11 imprisonment for life} transportation for life, ²[and shall also be liable to fine].

Illustrations.

(a) A joins an insurrection against the ¹[Government of India]. A has committed the offence defined in this section.

Conspiracy to commit offences punishable by section 121.

⁴[**121A.** Whoever within or without ⁵[the States] conspires to commit any of the offences punishable by section 121, ⁶* * * or conspires to overawe, by means of criminal force or the show of criminal force ⁷[the Central Government or any ⁸[State] Government ⁹* * *], shall be punished with ^{12 imprisonment for life} transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years, ¹⁰[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.]

Collecting arms, etc., with intention of waging war against the Government of India.

122. 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 ¹[Government of India], shall be punished with ^{13 imprisonment for life} transportation for life or imprisonment of either description for a term not exceeding ten years, ²[and shall also be liable to fine].

Concealing with intent to facilitate design to wage war.

123. Whoever, by any act, or by any illegal omission, conceals the existence of a design to wage war against ¹[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

¹ Subs. by the A. O. 1950 for "Queen".

² Subs. by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), s. 2, for "and shall forfeit all his property".

³ Illustration (b) rep. by the A. O. 1950.

⁴ S. 121A ins. by the Indian Penal Code Amendment Act, 1870 (27 of 1870), s. 4.

⁵ Subs. by the A. O. 1950 for "the Provinces" which had been subs. by the A. O. 1948 for "British India".

⁶ The words "or to deprive the Queen of the sovereignty of the Provinces or of any part thereof" as amended by the A. O. 1937 and A. O. 1948 for the original words, were rep. by the A. O. 1950.

⁷ Subs. by the A. O. 1937 for "the G. of I. or any L. G.".

⁸ Subs. by the A. O. 1950 for "Provincial".

⁹ The words "or the Govt. of Burma" rep. by the A. O. 1948.

¹⁰ Ins. by the Indian Penal Code (Amendment) Act, 1921 (16 of 1921), s. 3.

11. Subs. by I. A. 26/55, Sec. 117 & Sch. I S. No. 7.

12. Subs. by I. A. 26/55, Sec. 117 & Sch. I S. No. 8.

13. Subs. by I. A. 26/55, Sec. 117 & Sch. I S. No. 9.

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

124. Whoever, with the intention of inducing or compelling the ^{by R. Rajamunni} 1[President] of India, or Governor of any 2[State], 3* * * 4* * * 5* * * to exercise or refrain from exercising in any manner any of the lawful powers of such 6[President or Governor],

Inserted
I A 3/57

Assaulting
President,
Governor,
etc. with
intent to
compel or
restrain the
exercise of
any lawful
power.

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 6[President or Governor],

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

7[124A. 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, 8* * * the Government established by law in 9[the States], 10* * shall be punished with ^{11 imprisonment for life} transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Sedition.

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.]

¹ Subs. by the A. O. 1950 for “Governor General”.

² Subs. by the A. O. 1950 for “Province” which had been subs. by the A. O. 1937 for “Presidency”.

³ The words “or a Lieutenant-Governor” rep. by the A. O. 1937.

⁴ The words “or a Member of the Council of the Governor General of India” rep. by the A. O. 1948.

⁵ The words “or of the Council of any Presidency” rep. by the A. O. 1937.

⁶ The original words “Governor General, Governor, Lieutenant-Governor or Member of Council” have successively been amended by the A. O. 1937, A. O. 1948 and A. O. 1950 to read as above.

⁷ Subs. by the Indian Penal Code Amendment Act, 1898 (4 of 1898), s. 4, for the original s. 124A which had been ins. by the Indian Penal Code Amendment Act, 1870 (27 of 1870), s. 5.

⁸ The words “Her Majesty or” were rep. by the A. O. 1950. The words “or the Crown Representative” ins. after the word “Majesty” by the A. O. 1937 were rep. by the A. O. 1948.

⁹ Subs. by the A. O. 1950 for “the Provinces” which had been subs. by the A. O. 1948 for “British India”.

¹⁰ The words “or British Burma” ins. by the A. O. 1937 were rep. by the A. O. 1948.

¹¹ Subs. by I. A. 26/55, s. 117 & Sch. & S. No. 10.

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Waging war against any Asiatic Power in alliance with the Government.

125. Whoever wages war against the Government of any Asiatic Power in alliance or at peace with the ¹[Government] or attempts to wage such war, or abets the waging of such war, shall be punished with ³imprisonment 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.

Committing depredation on territories of Power at peace with the Government.

126. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any Power in alliance or at peace with the ¹[Government], 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.

Receiving property taken by war or depredation mentioned in sections 125 and 126.

127. 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.

Public servant voluntarily allowing prisoner of State or war to escape.

128. 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 ³imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Public servant negligently suffering such prisoner to escape.

129. 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.

Aiding escape of, rescuing or harbouring such prisoner.

130. 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 ³imprisonment 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 ²[the States], is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

¹ Subs. by the A. O. 1950 for "Queen".

² Subs. by the A. O. 1950 for "the Provinces" which had been subs. by the A. O. 1948 for "British India".

³ Subs. by I. A. 26/55, S. 117 & Sch. & S. NO. 11.