

CHAPTER 6 - OFFENCES AGAINST THE STATE

Section.121 provides whoever

- wages war against Government of India or
- attempts to wage such war
- abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.

In **state (NCT of Delhi) versus Navjot Sandhu**, Supreme Court held that to constitute offence of waging war under section 121 of the code, the intention and purpose of the warlike operations directed against the government is **sine qua non.**

Section.121A provides punishment for conspiracy to commit offences punishable by Sec.121

Section.122 provides punishment for collecting arms, etc, with intention of waging War against the Government of India.

Section 124A (sedition) provides that whoever by

- words either spoken or written or
- by sign or
- by visible representation or
- otherwise

Brings or attempts to bring into

- hatred or contempt or
- Excites or attempts to excite disaffection towards the government established by law in India, Which may extend to three years, to which fine may be added, or with fine.

The expression disaffection includes disloyalty and all feelings of enmity.

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, comment or disaffection, do not constitute an offence under this section.

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.

In **Kedarnath versus state**, Supreme Court held that Section 124A does not violate Article 19(1)(a) or the constitution as it is a reasonable restriction.

Section 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 1[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 India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Parole always bounds a person under certain boundary, if goes beyond, then it is (O) under section 224.

CHAPTER 7 (O) RELATING TO ARMY, NAVY AND AIR FORCE

Section 131 - Mutiny – An act of group of people, especially sailors, soldiers, refusing to obey the person who is in command.

Section 136 – Harboursing Deserter

CHAPTER 8 (O) AGAINST THE PUBLIC TRANQUILITY

Section 141: defines an unlawful assembly while **Section 142** States as to who can be said to be a member of an unlawful assembly **Section 143** provides punishment to a member of an unlawful assembly.

The ingredients of unlawful assembly are:

1. An assembly of five or more persons.
2. The common object of that assembly.
 - I. To overawe by criminal force or show of criminal force.
 - a. The central government or state government.
 - b. The Parliament or the Legislature of state.
 - c. any public servant in exercise of lawful power, or
 - II. To resist the execution of any law or legal process, or
 - III. To commit Mischief, criminal trespass or any other offence, or
 - IV. By means of criminal force or show criminal force -
 - a. To take or obtain possession of any property, or
 - b. To deprive any person of any incorporeal right, or
 - c. To deprive any person of the right of way or of the use of water or other incorporeal right of which he is in possession or enjoyment
 - d. To enforce any right or supposed right.
 - V. By means of criminal force or show of criminal force to compel any person
 - a. To do what he is not legally bound to do, or
 - b. To omit what he is legally entitled to do.