

Please analyse the sections 120A & 120B of the IPC & tell what are the positive & negative aspects of these provisions.

Ans :- Law on Conspiracy

Section 120A of the Indian Penal Code (IPC) defines criminal conspiracy; Section 120B prescribes the punishment for it.

Section 120A ⇒

An "agreement" between two or more persons to commit a criminal offense constitutes the offence of criminal conspiracy.

Only an agreement without the actual criminal offense is necessary & sufficient to establish the charge of conspiracy.

Section 120B ⇒

Punishments for two categories of criminal conspiracies.

① It carries a sentence of 2 years or more, including life imprisonment & death penalty for committing serious offences.

② a criminal conspiracy to commit offences that carry a jail term of less than 2 years, fine or both

Positive aspects of this provision

⇒ This provision tries to stop recognise the conspirators & stop the offense at the agreement level.

⇒ This provision helps to find the whole group behind this conspiracy & to give them rigorous punishment.

Negative Aspects of these provisions

⇒ Agreement or meeting of minds is one of the hardest one to prove because offender by himself does not agree to a fact that he is involved with someone.

⇒ Without the support of each of the conspirators, the offence could not have been committed by just one person, but however, it is not necessary for all the conspirators to know each other.

⇒ For example in Rajiv Gandhi Assassination case - individual acts were committed from procuring materials to the assassination itself in stages without all the conspirators meeting or knowing each other.

⇒ The present provisions are inadequate to deal with the modern conditions because it was designed by the British to deal with the rising nationalists.