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CRIMINAL CONSPIRACY - THE LAW & ITS RELEVANCE

By Dr. Parul Dixit

The criminal law punishes not only completed crimes but also acts which are short of completion and therefore not a crime in itself. This category of uncompleted crimes is often called “inchoate crimes.” Anticipatory, incipient, incomplete, and preliminary crimes are all other words for inchoate crimes that imply an inclination to commit a crime even though the crime is never completed. The word “inchoate” means underdeveloped or unripened. In this regard, incomplete criminal conduct raises a debate as to whether it is appropriate to punish someone who has not yet harmed anyone or to set free that person who was determined to commit a crime. The term inchoate crimes refers to acts engaged in toward the commission of a criminal act, or which amount to indirect participation in a criminal act. These types of acts are illegal because it is in the public’s best interest to deter people from engaging in crime-promoting activity. Technically, inchoate crimes are incomplete crimes, in the sense that they involve such acts as Planning and preparing to commit a crime, Attempt to commit a crime, Conspiracy to commit a crime, Aiding and abetting a crime, Solicitation to commit a crime.

Under the Common Law, the Law of criminal conspiracy was introduced as a Civil Injury which was later made punishable by the Act of Parliament. Because of the social need to prevent crimes before they occur, the common law long ago established three separate and distinct categories of inchoate crimes- the crimes of attempt, conspiracy and solicitation. The Star Chamber¹ congealed it in a more defined way and the crime of criminal conspiracy was made punishable

¹The English Court, that sat at Royal Palace of Westminster and their jurisdiction included forgery, perjury, riots, libel and conspiracy.

even without the commission of any overt act (actus reus) . The modern Law on conspiracy was developed by the Star Chamber in the famous case of *Polluter*².

In the *Polluter's case*, the defendants conspired and falsely brought a case of robbery, against a single person, named 'Stone'. In place of the evidence presented in front of the grand jury, it held Stone innocent and acquitted him of all charges laid out by the defendants. Further, it was in the countersuit filed by Stone that the court laid down the principle, what we know today as criminal conspiracy.

The court affirmed that the mere presence of conspiracy played out by the defendants, irrespective of whether Stone was falsely convicted or acquitted, lays down the gist of the offence and therefore can be considered as a crime and taken towards an indictment.

English Law defines Criminal Conspiracy as “ *If two or more persons agree together to do something contrary to law, or wrongful and harmful towards another person, or to use unlawful means in the carrying out of an object not otherwise unlawful, the person who so agrees commits the crime of conspiracy.*”³

In the case of *Mulcahy V. Regina*⁴ the House of Lords opined *When two or more agree to carry a criminal scheme into effect, the very plot is the criminal act itself, the conspiracy.*

Generally all inchoate crimes were originally incorporated in Indian Penal Code of 1860. For example preparation, abetment, conspiracy and attempt. But criminal conspiracy was not originally in the Indian penal code of 1960. It was incorporated in 1913 under chapter V A in Indian Penal code of 1860. The Law of criminal Conspiracy is given under Indian Penal Code

² (1611) 9 Co. Rep. 55

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³ Halsbury's Law of England, (3rd Ed.) vol. 10.p. 310-11.

⁴ (1868) LR HL 306

under Section 107, Abetment⁵. According to the definition of Abetment given under Section 107 of Indian Penal Code, conspiracy could only be punished when an act or omission took place in order to the doing of conspired act. The Conspiracies were not substantive offence by that time whereas the experiences exhibited that dangerous conspiracies were designed and posted undue danger to the administration, but it could not be nibbed in the bud because of the inadequacy of legal provision. In order to fill this gap in Section 107, Section 120A & 120B were added to the Indian Penal Code by the Criminal Law Amendment Act, 1913.

Section 120A of the Indian Penal Code defines criminal conspiracy as follows:-

“When two or more per-sons agree to do, or cause to be done,—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agree-ment 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.

The Amendment of 1913 was designed to assimilate Indian law to the English Law, and now after the amendment conspiracy is not only a form of abetment but also a substantive offence and as such it can be imputed even if nothing more than mere sharing of thought have taken place.

⁵ A person abets the doing of a thing, who- *First-* Instigates any person to do that thing; or *Secondly-* Engages with one or more other persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or *Thirdly-* Intentionally aids, by any or illegal omission, the doing of that thing.

In order to understand the crime of Conspiracy as given under Abetment and under the amended section 120A, a further elaborate discussion is needed. For the purpose of convenience it has been discussed under the following two heads-

➤ABETMENT

➤CRIMINAL CONSPIRACY

ABETMENT

Abetment refers to indirect participation in committing a crime . The offender in such a case helps the commission of the crime by aiding, instigating or participating in preparing the design to commit the crime. It is a crime apart provided the abetment is done for the purpose of committing a crime.⁶

English Law

According to the English Law criminals are classified under the following heads:-

- (a) A Principal of the first degree
- (b) A Principal of the second Degree
- (c) An accessory before the fact
- (d) An accessory after the fact

⁶ Gurbachan Singh v. Satpal Singh, (1990) 1 SCC 445: 1990 SCC (Cri) 151: AIR 1990 SC 209

Inciting the commission of a crime is a crime apart. There may be cases in which the abettor is solely liable, even though the person abetted may be wholly innocent. If the crime which was abetted is committed, the law of principal and accessory comes into play.⁷

(a) A Principal of the first degree:- A Principal of the first degree is the person who perpetrates the crime and commits it by himself or through someone who can not be imputed due to lack of intention. A Restaurant owner, for example, gives some poisonous drink, to his chef, to be given to one of the guests, and the guest dies. In this case the owner of the Restaurant, and not the chef, is the principal in the first degree.

(b) A Principal of the Second Degree:- To charge a person as the principal of the second degree it must be established that he had aided or assisted the principal criminal, or the one who himself commits the crime. According to section 8 of the Accessories and Abettors Act ,1861, any one who aid,abet, counsel or procures the commission of any misdemeanour⁸, shall be liable to be tried as principal offender. The prime test of indictability for a subordinate principal is that he should be rendering aid, assistance or encouragement for the commission of crime.

(c) Accessory before the fact:- An accessory before-the-fact is a person who aids, abets, or encourages another to commit a crime but who is not present at the scene. An accessory before the fact, like an accomplice may be held criminally liable to the same extent as the principal. The primary difference between principal of the second degree and accessory before the fact is the presence of the former and the absence of the latter from the crime scene when the felony was committed. For example, if A instigates B to kill C and B under a misconception of fact kills D, A can be convicted as an accessory before the fact.

⁷ Kenny's Outlines of Criminal Law, 19th Edn., p. 110, fn. 4.

⁸ English law divides crimes as (A) Indictable offences (Which are commenced by Jury trial and are of three types (i) treason (ii) felony (iii) misdemeanour) & (B) petty offences which are tried by justice of peace. Treason is referred to crimes against the State, Felony are grave offences like murder, rape etc. and Misdemeanor are less grave than misdemeanour, like conspiracy, libel etc.

(d) Accessory after the fact:- An accessory after the fact is the person who knowingly provides shelter or comfort to a felon. Under Indian Penal Code, accessories after the facts are covered under harbourers. In the case of *R. v. Levy*⁹ After the arrest of A, for possessing a mould for coining counterfeit coins, B cleared all the evidence from A's shop. B was rightfully convicted as an accessory after the fact. A wife however is not charged as an accessory after the fact, under English or Indian penal laws. So if a wife gives shelter to the husband after he has committed a crime, she does not incur any liability, the husband on the contrary does not enjoy any such privilege.

Indian Law

Originally the Indian Penal Code made conspiracy punishable only in two forms, Conspiracy by amendment and Conspiracy involved in certain other offences. In the former case actus reus must also have taken place in order to the indictment of the crime, whereas in the latter case only the proof of membership is enough to establish the charge of conspiracy and is culpable.

In order to understand the difference between the above two lets first examine the provisions under the Indian Penal Code.

Abetment is defined under section 107 of the Indian Penal Code:-

“ A person abets the doing of a thing who:

Firstly : *Instigates any person to do that thing or;*

Secondly : *engages with one or more other person or persons in any conspiracy for the doing of that thing: if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or*

Thirdly : *Intentionally aids, by any act or illegal omission, the doing of that thing.”*

So, Abetment is constituted through;

⁹ (1912) 1 KB 158

- Instigation

- Conspiracy

- Intentional aiding

Abetment by Instigation:- Generally it can be said that a person can influence the other person in two possible ways, positive and negative. An abetment is necessarily a negative influence or instigation and hence calls for criminal liability, irrespective of the fact that the act abetted be committed or not. The offence of abetment by instigation relies on the intention of the individual who abets and not upon the act which is finished by the individual who has abetted. The abetment might be by instigation, connivance or purposeful aid. However, the words articulated in an angry state or omission without any intention cannot be termed as instigation.

For an individual to be called liable for Abetment, and so as to proceed against an individual for a criminal offence, prosecution must claim the component of mens rea. Negligence or carelessness can't be named to be abetment in order to punish the alleged accused.

In *R. v. Mohit Panday*¹⁰ The connivance producing the effect of incitement was held to be Abetment through instigation. In this leading case a woman was led to commit *Sati*¹¹. A group of people then followed her to the funeral pyre and kept chanting 'Ram' 'Ram'. The accused also asked the woman to chant 'Ram' 'Ram', and thereby inducing her to kill herself by jumping into the fire.

In *Prem Narayan v. State*¹² It was ruled that there must be reasonable certainty in interpreting the meaning of the words used for instigation or incitement. The murder in the instant case was

¹⁰ (1871) 3 NWPR 316

¹¹ the act or custom of a Hindu widow burning herself to death or being burned to death on the funeral pyre of her husband

¹² AIR 1957 All 177.

incited by the words, “ mar do saale ko, mauka acha hai, kya dikhat hai, maar saale ko”, the charge of abetment was rightly made out.

In *Pawan Kumar v. State of H.P.*¹³ the victim committed suicide after being harassed by the accused. In this case a girl ended her life allegedly being teased by a boy. Father of the victim reported eve teasing to the pradhan of the village on many occasions before. It was held by the Supreme Court,

“The active acts of the accused have led the deceased to put an end to her life....The accused has played an active role in tarnishing the self esteem and self-respect of the victim which drove her to commit suicide. The cruelty meted out to her, in fact, induced her to extinguish her life spark.”

(ii) **Abetment by Conspiracy:-** In *Mulcahy v. R.*¹⁴ the House of Lords stated,

‘ A conspiracy consists not merely in the intention of two or more persons but in the agreement of two or more to do an unlawful act by unlawful means. So long as such a design rests in intention, it is only indictable. When two or more agree to carry it into effect, the very plot is an act in itself and the act of each of the parties promise against promise actus contra actum capable of being enforced if lawful, punishable if for a criminal object or for the use of criminal means’

Under the Indian penal code, An agreement between two or more persons to do an illegal act, or to do a legal act by illegal means, is called criminal conspiracy. Thus if a person engages with one or more persons or in any conspiracy for the doing of a thing and some act or illegal omission takes place in pursuance thereof, he can be punished not only as an instigator but also as a conspirator.

¹³ (2017) 8 SCC 497

¹⁴ (1868) LR 3 HL 306.

The Supreme Court in *State v. Anup Kumar Srivastava*¹⁵ opined that agreement to a conspiracy can be inferred from previous and subsequent circumstances, as the evidence to prove it, is very difficult and rarely available. The court also cautioned that even in cases where the alleged illegal act has been committed, it must seek the proof that they were committed in furtherance of the agreement between the conspirators and not otherwise.

In the case of *Charandas Swami v. State of Gujarat*¹⁶ the High Court after considering the facts on record, justly established the proximity between the parties and opined that, “*there was clear evidence warranting interference of conspiracy hatched amongst the accused to commit the murder of the accused*” The Supreme Court also gave a concurring judgement in the matter and opined that, “*no other conclusion except that of the complicity of the accused to have agreed to commit an offence is evident*”.

According to Explanation 5 to section 108 to constitute the offence of abetment by conspiracy, it is not necessary that the abettor must commit the offence with the principal perpetrator of the crime. His association in the conspiracy in furtherance of which the crime was committed is sufficient.

In the case of *Faguna Nath v. State of Assam*¹⁷ The complainant was carrying two carts full of paddy for sale. An Inspector A threatened the complainant to seize the paddy if he fails to bribe him. The appellant also supported the Inspector. The High Court while prosecuting them under Section 161 and 165 A, respectively, acquitted A but convicted the appellant. The Supreme Court on appeal acquitted the appellant also on the ground that since the primary accused is also acquitted, the abettor should also be acquitted.

(iii) Abetment by intentional aiding :- If a person intends to facilitate the commission of an offence, he will be said to abet the offence by aiding. Explanation 2 of Section 107 provides that

¹⁵ (2017) 15 SCC 560

¹⁶ (2017) 7 SCC 177.

¹⁷ AIR 1959 SC 673

a person is said to aid the doing of a thing if either prior to the commission of the act or at the time of the commission of the act, he does anything in order to facilitate the commission of the act. For example a wife keeps the door of her house open for her paramour to enter and hurt her husband, she will be held guilty of the offence of abetment by intentional aiding. Here it is important to note that mere proof that the alleged offence could not have been committed without the interposition of the abettor is not sufficient to impute the abettor, unless intentional aiding and active complicity to the alleged offence could also be shown.

In the case of *Gurmej kaur v. State*¹⁸ The wife asked her paramour to teach a lesson to her husband and thereupon he took out a pistol and fired and thereby killed her husband. It was held that in these circumstances it cannot be inferred that the wife instigated her paramour to use the firearm and kill the deceased

Another important aspect is that mere silence or inaction does not render the person liable under abetment by aiding, unless of course there is a duty to do something, and the person commits illegal omission of his duties.

In the case of **Prahlad Das & others v. State of M.P. & Others** The court opined that Abetment by aid implies that the abettor, prior to or at the time of at the time of commission of an act, in fact, facilitated the commission thereof.

In the case of *Emperor v. Bepin Behari Ganguly*¹⁹ In a meeting some revolutionary songs were sung but the president of the meeting was never shown to have encouraged the singer to sing them, nor did he persuade him to do that. There was no particular evidence of any conspiracy either. In this case the Court held that no case of abetment can be made out only because the president was keeping silent at such activities.

¹⁸ 1995 SCC (Cri) 167

¹⁹ AIR 1932 Cal 834

In another case of *Sarju Prasad v. Emperor*²⁰ the omission on the part of the alleged accused to interfere and take any action against someone, does not make him an abettor. Mere silence and omission to raise alarm does not render the spectator as an abettor.

CRIMINAL CONSPIRACY

Originally the Indian Penal Code made a conspiracy punishable under section 107, by way of abetment or conspiracies involved in certain specific offences. To punish an abettor for a conspiracy some act or illegal omission was required to have taken place for the indictment, no such act or omission was required for the implication in other specific offence. However, in 1870 the law of conspiracy was widened by adding section 121-A to the Indian Penal Code.²¹ A conspiracy to commit an offence under Section 121 Indian Penal Code, to overawe the government by means of criminal force is punishable. But to constitute a conspiracy in such a case it is not necessary that any act or illegal omission should have taken place.²²

The Law of criminal conspiracy was extended by the Criminal Law Amendment Act of 1913, which inserted a separate Chapter VA consisting of only two sections 120A and 120B. The requirement to extend the scope of the law of conspiracy was given in the statement of object and reasons thus:-

“Experience has shown that dangerous conspiracies are entered into India, which have for their object aims other than the commission of the offences specified in Section 121A of the I.P.C. and that the existing law is inadequate to deal with modern conditions. The present Bill is designed to assimilate the provision of the Indian Penal Code to those of the English Law with the additional safeguard that, in the case of a conspiracy other than a conspiracy to commit an offence, some overt act is necessary to bring the conspiracy within the purview of the criminal law. The Bill makes criminal conspiracy a substantive offence....”

²⁰ AIR 1914 Oudh 262

²¹ Inserted by Act XXVII of 1870; S.4.

²² Jhabvala v. Emperor, 1933 A.L.J. 799

Despite the apparent and noticeable overlapping between the provisions of Section 120A and section 107 (Abetment) , the legislature did not think it necessary to amend the earlier Chapter in any way. Now whether or not some act or illegal omission takes place, he is guilty of a criminal conspiracy as soon as he becomes a party to the agreement to commit the offence and is punishable under sub-section (1) or sub-section (2) of section 120B, as the case may be. So far as conspiracies to commit serious offences are concerned, section 120B(1) puts a criminal liability to the conspiracy in exactly the same position as an abettor of the offence for the purpose of punishment. It is, however, very difficult to charge a person for conspiracy to commit an offence which devoids *actus reus* (overt act) . However , in 1870 the law of conspiracy was widened by adding section 121-A to the Indian Penal Code.²³ A conspiracy to commit an offence under Section 121 Indian Penal Code , to overawe the government by means of criminal force is punishable. But to constitute a conspiracy in such a case it is not necessary that any act or illegal omission should have taken place.²⁴

One must also bear in mind that if certain persons are induced to do an unlawful act without disclosing the plot of the conspiracy, they can not be held to be the conspirators, though they can be held guilty of that specified unlawful act which they committed in pursuance to the inducement and by their own free will. Moreover the agreement to do an illegal act which encompasses the definition of conspiracy, continues as long as the members remain in consensus and act in furtherance of their accord.

The opinion of Willis J. is worth mentioning here, which he delivered in the case of *Denis Dowling Mulcahy v R.*²⁵ :-

“ A conspiracy consists not merely in the intention of two or more, but in the agreement of two or more to do an unlawful act or to do a lawful act by unlawful means. So long as such a design rests in the intention only, it is not indictable. When two or more agree to carry it into

²³ Inserted by Act XXVII of 1870; S.4.

²⁴ Jhabvala v. Emperor, 1933 A.L.J. 799

²⁵ LR 3HL 305, 317

effect, the very plot is an act in itself, and the act of each of the parties promise against promise, actus contra actum, capable of being enforced, if lawful, punishable if for a criminal object or for the use of criminal means.”

There is no doubt that, after the enactment of Chapter VA, abetment by conspiracy is of little practical use, and is redundant as a criminal law concept. It may be noted, that in England there is no separate mention of conspiracy as a species of abetment. Therefore, in the 42nd report, the Law Commission had recommended the omission of the second paragraph of section 107 and all subsequent references in Chapter V of the Code of abetment by conspiracy.

Ingredient of Criminal Conspiracy:-

Three elements are necessary to constitute the offence of criminal conspiracy, they are,

- (a) Two or more persons
- (b) Agreement between such persons
- (c) To do illegal act or legal act by illegal means

Let us examine the elements of criminal conspiracy with reference to decided cases.

- (a) **Two or more persons:-** According to the definition given under section 120A of the IPC at least two persons are required to constitute conspiracy. One person cannot be held guilty of conspiracy as he can not conspire with his own self. To establish a charge under section 120B, there has to be meeting of two minds at least, as a man can not conspire of his own²⁶ Under English law a man and his wife can not be conspirators but under Indian law a man and his wife can be held guilty of conspiracy. Thus the primary requisition of establishing a charge of conspiracy is meeting of two minds and communication between them. In the case of *Topandas v. State*²⁷ The court opined that according to the definition of

²⁶ R. v. Mc Donnell, (1965) 3 WLR 1138

²⁷ (1955) 25 SCR 881

criminal conspiracy in section 120A of the Indian Penal Code two or more persons must be party to such an agreement and one person alone can never be held guilty of criminal conspiracy for the simple reason that one can not conspire with oneself. In this very case four persons were charged under section 120B, I.P.C. ,out of which three were acquitted of the charge, in such case only one individual can not be held guilty of the offence of criminal conspiracy.

A person may be indicted alone for conspiring with people who are unknown, dead, uncaught, incapable of committing the crime or immune or have been pardoned²⁸

(b) Agreement between such persons:- Mere intention can not be termed as agreement. A conspiracy is a volatile entity and it may change its character from time to time. People may join hands for some time or for some particular tasks and may move out of the conspiracy playing their parts. Therefore anyone joining the conspiracy need not concert with all the others, it is sufficient if he concerts with one or two. In the Indian law a distinction is made between an agreement to commit an offence and an agreement of which either the object or the means are illegal. In the former case the agreement itself is a substantive crime whereas in the latter case some over act is required to establish conspiracy. In the case of *State of Maharashtra v. Somnath Thapa*²⁹ Supreme Court explained the ingredients of conspiracy thus:- “ *to establish a charge of conspiracy, knowledge about indulgence in either an illegal act or a legal act by illegal means is necessary*”

(c) Illegal act or legal act by illegal means:- Agreement a criminal conspiracy

²⁸ Granville Williams, Textbook of Criminal Law, (2nd ed. 1983) p. 420 to 438

²⁹ 1996 Cri LJ 2448

entered into between two or more persons must be to do illegal act or legal acts by illegal means. According to section 43 of IPC everything which is an offence or which is prohibited by law is illegal. A criminal conspiracy may persist as long as the persons in agreement continue to act in pursuance of the agreement. A conspiracy can be terminated by accomplishment of the object, abandonment or being detected by the law enforcing agency. In the case of *State of Bombay v. S. Sakharam Jadav*³⁰ Around 12 members of Harijan community, being unhappy over the introduction of Panchayat system and survey measurement, conspired and killed family members of the chairman of the Panchayat. All members were held liable for conspiracy and murder.

In the case of *Noor Mohammad v. State*³¹, the court held that The very fact of the conspiracy constitutes the offence and it is immaterial whether anything has been done in pursuance of the unlawful agreement.

In the case of *Union of India v. Prafulla K. Sonal*³² The court held that even if there is concurrence in the intention of the accused persons to do an illegal act it is not enough for the purpose of establishing a charge of conspiracy. In other words, where there is no meeting of minds there cannot be a conspiracy.

The Supreme Court in the case of *State of Andhra Pradesh v. Subbaiah*³³ held that;

“Conspiracy to commit an offence is itself an offence and a person can be separately charged with respect to such a conspiracy. There is no analogy between S. 120B and S. 109, Indian Penal Code. There may be an element of abetment in a conspiracy; but the conspiracy is something more than an abatement. Offences created by Ss. 109 and 120B, Indian Penal

³⁰ AIR 1957 Bom 226

³¹ 1970 SCC (Cri) 274.

³² 1979 SCC (Cri) 609.

³³ 1961 (20 SCJ) 686

Code, are quite distinct and there is no warrant for limiting the prosecution to only one element of conspiracy, that is, abetment when the allegation is that what a person did was something over and above that.”

In the case of *Major EG Barsay v. State*³⁴ The court held that It is not an ingredient of the offence under this section that all the parties should agree to do a single illegal act. It may comprise the commission of a number of acts. Where the accused are charged with having conspired to do three categories of illegal acts, the mere fact that all of them could not be convicted separately in respect of each of the offences has no relevance in considering the question whether the offence of conspiracy has been committed. They can all be held guilty of the offence of conspiracy to do illegal acts, though for individual offences all of them may not be liable.

In the case of *Dalmia Rk. v. Delhi Administration*³⁵ The court held that It is not necessary that each member of the conspiracy must know all the details of the conspiracy.

An offence under this section consists in the conspiracy without any reference to the subject-matter of the conspiracy and it is not necessary to establish the offence that there must have been a definite purpose about which the parties are negotiating or which they have conspired.


In the case of *Param Hans v. State of Bihar*³⁶ The Supreme Court observed that it is difficult to support the charges of conspiracy with direct evidence. The only way by which one can prove conspiracy is that the prosecution needs to establish the link between the different chain of events.

The Supreme Court in the case of *State v. Nalini*³⁷ (Rajiv Gandhi assassination case) dealt at length with the law of conspiracy. It was held that knowledge about conspiracy would not

³⁴ AIR 1961 SC 1762

³⁵ (1962) II Cr LJ 805.

³⁶ 1987 AIR 955, 1987 SCR (2) 405

³⁷ (1999) 5 SCC 253.

make an accused a conspirator. Also that to provide harbour to the main accused did not show sufficient evidence that there was a conspiracy. To prove conspiracy some prior meeting of mind is required. Wadhwa J. in this case laid down the following broad principles governing the law of conspiracy:-

1- Offence of criminal conspiracy is an exception to the general law where intent alone does not constitute a crime. It is the intention to commit the crime and join hands with people sharing the same intention, which puts the members under the charge of conspiracy.

2- Acts subsequent to achieving the desired objective of the conspiracy does not impute a person for the charge of conspiracy, they may however be charged for harbouring the offenders.

3- Conspiracy being done in a clandestine manner ,are inferred from the circumstances and conduct of the accused.

4- Conspiracy may be enrolled in a series of events and therefore all the participants need not be part of all the events.

5- To prove the charge of conspiracy it is not necessary that the intended crime was committed or not.

6- The conspirators may join any conspiracy at different times and for different roles.

7- A conspiracy can also be termed as a partnership in crime and therefore the participants are mutually held responsible for the acts of other members.

CONCLUSION

Although there is a close association between conspiracy with incitement, abetment and criminal conspiracy, the Criminal Law Amendment Act 1913 was passed as an emergent piece of legislation, to take within its purview all the cases of urgent nature which might result in hazardous situations if not nibbed in the bud itself. This is also alleged many times as an instrument of oppression, in the hands of the government . There is no doubt that such a legislation might prove to be oppressive and rudimentary if not barringly used. It may be

suggested therefore that the law of conspiracy should be re-examined and statutory modifications be made to bring the provision in line with the freedoms of the individuals.

