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# Criminal Conspiracy

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## ABSTRACT

*A criminal conspiracy is an agreement between two or more people to commit an unlawful act, or to achieve a lawful end through unlawful means. This agreement can be explicit or implied, and it involves a meeting of the minds between the co-conspirators to work together towards the commission of a crime. Criminal conspiracy laws vary by jurisdiction, but they are generally intended to hold individuals accountable for the planning and coordination of criminal acts, even if those acts are never carried out. Conspiracies can involve a wide range of criminal activities, from drug trafficking and fraud to terrorism and organized crime. Prosecuting a criminal conspiracy typically requires evidence of the agreement, as well as proof of the defendant's involvement and intent. This can involve witness testimony, surveillance recordings, communications intercepts, and other forms of evidence. Penalties for conspiracy can be severe and may include fines, imprisonment, or both. Additionally, individuals convicted of conspiracy may be held liable for the criminal acts committed by their co-conspirators, even if they did not personally participate in those acts.*

**Keywords:** Criminal Conspiracy, India.

## I. INTRODUCTION

Criminal conspiracy, often depicted as the clandestine underbelly of organized crime, is a pervasive and intricate facet of the criminal justice landscape. It embodies the covert agreements and surreptitious alliances forged among individuals with the shared intention to commit unlawful acts or achieve lawful ends through illicit means. At its core, a criminal conspiracy encapsulates the convergence of intent and action, as individuals come together with a common purpose to perpetrate criminal activities. This collusion transcends geographical boundaries and spans a spectrum of illicit endeavors, ranging from drug trafficking and financial fraud to acts of terrorism and political subversion. Whether hatched in dimly lit backrooms or orchestrated through digital channels, conspiracies breed distrust and deception, leaving a trail of havoc in their wake. Understanding the dynamics of criminal conspiracy is paramount for law enforcement agencies, prosecutors, and policymakers tasked with safeguarding public safety and upholding the rule of law. Unravelling the intricate web of conspiratorial plots demands meticulous investigation, strategic intelligence-gathering, and robust legal frameworks

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designed to hold perpetrators accountable for their nefarious deeds

Elements of a criminal conspiracy include:

1. **Agreement:** There must be an agreement or understanding between two or more individuals to engage in unlawful conduct. This agreement can be spoken, written, or inferred from the actions of the parties involved.
2. **Intent:** Each participant in the conspiracy must have the intent to commit the underlying unlawful act. It is not necessary for all participants to have the same level of intent or knowledge of the full scope of the conspiracy, as long as they knowingly participate in furthering its objectives.
3. **Overt Act:** In many jurisdictions, there must be an overt act taken in furtherance of the conspiracy. This act does not necessarily have to be unlawful itself, but it must be a step towards the completion of the planned criminal activity.

## **II. CAUSES OF CRIMINAL CONSPIRACY**

The causes of criminal conspiracy are multifaceted and can stem from various social, economic, and psychological factors. Causes:

1. **Economic Gain:** One of the primary motives behind criminal conspiracy is the pursuit of economic gain. Individuals may conspire to engage in activities such as fraud, embezzlement, or drug trafficking in order to acquire wealth or resources illegally. Economic disparities, lack of legitimate opportunities, and greed can drive individuals to participate in conspiratorial schemes to improve their financial standing.
2. **Power and Control:** Some conspiracies are driven by a desire for power, influence, or control. Individuals or groups may conspire to manipulate political processes, undermine rival factions, or dominate certain industries or territories. This quest for power and control can fuel conspiracies ranging from political corruption to organized crime syndicates vying for dominance.
3. **Ideological Beliefs:** Conspiracies may also arise from ideological beliefs or extremist ideologies. Individuals or groups committed to particular political, religious, or social causes may conspire to advance their agendas through unlawful means, including acts of terrorism, subversion, or sabotage. Ideological fervor and a sense of righteousness can justify conspiratorial actions in the minds of the perpetrators.
4. **Perceived Injustice or Grievances:** Feelings of injustice, oppression, or marginalization can contribute to the formation of conspiratorial groups seeking to address perceived

grievances. This can be observed in movements advocating for social or political change through clandestine means, as well as in acts of rebellion or insurgency against perceived oppressive regimes.

5. **Psychological Factors:** Individual psychological factors such as a propensity for risk-taking, thrill-seeking behaviour, or a lack of empathy can predispose individuals to engage in criminal conspiracy. Psychopathic or sociopathic tendencies, coupled with a disregard for societal norms and ethical constraints, may facilitate participation in conspiratorial activities.
6. **Social Networks and Peer Pressure:** Peer pressure, social networks, and interpersonal relationships can play a significant role in fostering criminal conspiracy. Individuals may be influenced or coerced by peers, family members, or mentors to participate in illicit activities as a means of gaining acceptance, validation, or protection within their social circles.
7. **Systemic Failures and Corruption:** Weak governance, institutional corruption, and systemic failures in law enforcement or regulatory oversight can create conducive environments for criminal conspiracy to thrive. When institutions tasked with upholding the rule of law are compromised or ineffective, conspirators may exploit loopholes and vulnerabilities to perpetrate unlawful acts with impunity.
8. **Cultural and Historical Context:** Cultural norms, historical grievances, and societal attitudes towards authority and legality can shape the prevalence and dynamics of criminal conspiracy within a given context. Historical legacies of oppression, colonialism, or social inequality may contribute to a culture of mistrust, dissent, or resistance, fuelling conspiratorial narratives and actions.

### **III. TYPES OF CRIMINAL CONSPIRACIES**

Criminal conspiracies manifest in various forms, each tailored to the specific objectives and circumstances of the conspirators involved. Types of criminal conspiracies:

1. **Drug Trafficking Conspiracies:** These involve agreements among individuals or groups to manufacture, distribute, or sell illegal drugs such as cocaine, heroin, methamphetamine, or marijuana. Drug trafficking conspiracies often span multiple jurisdictions and can involve complex networks of suppliers, distributors, and traffickers.
2. **Financial Fraud Conspiracies:** In financial fraud conspiracies, individuals conspire to

deceive investors, financial institutions, or government agencies for monetary gain. This may include schemes such as securities fraud, Ponzi schemes, insider trading, or embezzlement, where conspirators manipulate financial markets or misappropriate funds through deceitful practices.

3. **Terrorist Conspiracies:** Terrorist conspiracies involve individuals or groups planning, coordinating, or carrying out acts of violence or terrorism to instill fear, intimidate populations, or advance ideological agendas. These conspiracies may include attacks on civilians, government institutions, or symbolic targets, and can involve both domestic and international actors.
4. **Organized Crime Conspiracies:** Organized crime conspiracies encompass a wide range of illicit activities orchestrated by criminal syndicates or gangs. These may include activities such as extortion, racketeering, human trafficking, arms smuggling, and prostitution. Organized crime groups often operate hierarchically, with leaders orchestrating criminal enterprises and subordinates carrying out their directives.
5. **Political Conspiracies:** Political conspiracies involve efforts to manipulate or undermine governmental processes or institutions for personal or ideological gain. This may include election fraud, bribery, corruption, or espionage aimed at influencing political outcomes or gaining illicit advantages within the political sphere.
6. **Cybercrime Conspiracies:** With the rise of technology, cybercrime conspiracies have become increasingly prevalent. These involve individuals or groups collaborating to engage in illegal activities such as hacking, identity theft, data breaches, or cyber espionage. Cybercriminals may operate anonymously or under pseudonyms, leveraging digital platforms to perpetrate their schemes.
7. **White-Collar Crime Conspiracies:** White-collar crime conspiracies typically involve professionals or individuals in positions of trust conspiring to commit non-violent crimes for financial gain. This may include schemes such as bribery, money laundering, tax evasion, or corporate fraud, where conspirators exploit their access to resources, information, or authority.

#### **IV. LEGAL FRAMEWORK**

In India, criminal conspiracy is addressed under the Indian Penal Code (IPC) and other specific laws. The primary provision related to criminal conspiracy in the IPC is outlined in Section 120A and Section 120B. Additionally, various other laws deal with conspiracy in specific

contexts. Here are the relevant sections:

1. Indian Penal Code (IPC):

- Section 120A: Defines criminal conspiracy as when two or more persons agree to do, or cause to be done:
  - An illegal act, or
  - An act which is not illegal by illegal means.
- Section 120B: Provides the punishment for criminal conspiracy, stating that whoever is a party to a criminal conspiracy to commit an offense punishable with death, imprisonment for life, or rigorous imprisonment for a term of two years or more, shall be punished with imprisonment of either description for a term not exceeding six months or with fine or with both.

2. Prevention of Corruption Act, 1988:

- Section 7: Deals with public servants taking gratification other than legal remuneration in respect of an official act.
- Section 8: Deals with taking gratification in order, by corrupt or illegal means, to influence a public servant.

3. Unlawful Activities (Prevention) Act, 1967:

- Section 18: Deals with punishment for conspiracy.
- Section 19: Deals with punishment for harbouring or concealing terrorists.
- Section 20: Deals with punishment for being a member of a terrorist gang or organization.

4. Narcotic Drugs and Psychotropic Substances Act, 1985:

- Section 27A: Deals with punishment for financing illicit traffic and harboring offenders.
- Section 29: Deals with punishment for abetment and criminal conspiracy.

5. The Arms Act, 1959:

- Section 9-B: Deals with punishment for contravention of section 7 or section 8 with the assistance of persons in India or any abettor or conspirator outside India.

## **V. JUDICIAL CASES**

1. State of Maharashtra v. Som Nath Thapa (1996) 4 SCC 659 In this case, the Supreme

Court of India discussed the essential ingredients of criminal conspiracy under Section 120B of the Indian Penal Code (IPC) and emphasized the requirement of an agreement between two or more persons to commit an unlawful act or achieve a lawful end through unlawful means.

2. *Kehar Singh & Ors. v. State (Delhi Admn.)* 1988 AIR 1883, 1988 SCR Supl. (3) 251 This landmark case, commonly known as the "Indira Gandhi Assassination Case," involved charges of conspiracy to assassinate the Prime Minister of India, Indira Gandhi. The Supreme Court upheld the conviction of the accused under Section 120B of the IPC, emphasizing the importance of proving a meeting of minds and common intention among the conspirators.
3. *Babulal Parate v. State of Bombay* AIR 1960 SC 51 This case dealt with the scope of criminal conspiracy under Section 120B of the IPC and clarified that mere knowledge or passive acquiescence in the commission of an offense by others does not constitute conspiracy. Active participation or agreement to commit the unlawful act is essential to establish conspiracy.
4. *Salem Advocate Bar Association v. Union of India* (2005) 6 SCC 344 In this case, the Supreme Court of India examined the constitutionality of certain provisions of the Prevention of Terrorism Act, 2002 (POTA), including those related to conspiracy. The court discussed the balance between individual liberties and national security concerns, particularly in cases involving alleged terrorist conspiracies.
5. *Iqbal Singh Marwah v. Meenakshi Marwah* (2005) 4 SCC 370 This case dealt with the interpretation of Section 498A of the IPC, which relates to cruelty by husband or relatives of the husband. The Supreme Court clarified that to establish criminal conspiracy under Section 120B of the IPC in dowry harassment cases, there must be evidence of a meeting of minds to commit the offense.
6. *State of Bihar v. P. P. Sharma* (1992): Citation: AIR 1992 SC 1265 In this case, the Supreme Court discussed the doctrine of common intention in the context of criminal conspiracy. The court emphasized that each member of a conspiracy is vicariously liable for the acts committed by other members in furtherance of the conspiracy, provided those acts fall within the common intention of the conspirators.

## VI. CONCLUSION

Criminal conspiracy represents a complex and pervasive phenomenon rooted in a multitude of

social, economic, and psychological factors. From economic motives to ideological beliefs, and from perceived injustices to systemic failures, the causes of conspiracy are diverse and interconnected. Individuals or groups conspire to achieve various ends, ranging from economic gain and power to ideological objectives and social change. The prevalence of criminal conspiracy underscores the importance of robust legal frameworks, effective law enforcement, and proactive measures to address underlying societal vulnerabilities. Prevention efforts should focus on addressing root causes such as economic disparities, social injustices, and systemic failures, while promoting ethical values and fostering a culture of accountability. Moreover, combating criminal conspiracy requires collaboration and coordination among law enforcement agencies, policymakers, civil society organizations, and international partners. Enhanced intelligence gathering, strategic interventions, and targeted enforcement actions are essential to disrupt conspiratorial networks and hold perpetrators accountable for their actions. Ultimately, by understanding the complex interplay of factors that contribute to criminal conspiracy, societies can work towards mitigating its impact, safeguarding public safety, and upholding the rule of law. Through concerted efforts to address underlying causes and strengthen resilience against conspiratorial threats, communities can strive towards a more just, secure, and cohesive future.

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