**VAID ICS LAW**

**DAILY ANSWER WRITING PROGRAMME**

**Model Answer**

**UPCS-J/APO/Other Judicial exams**

**Qn .** **Explain the law relating to constructive criminality and bring out the distinction between "common intention" and "common object**".

**Model Answer:**

Constructive criminality refers to the legal principle where individuals who are part of a group or association can be held criminally liable for the actions of the group, even if they did not directly commit the offense themselves. This principle is often applied in cases of group criminal activity, **such as riots, mob violence, or conspiracy.**

The two main legal doctrines that apply to constructive criminality are "common intention" and "common object."

**Related case laws:**

* Chandra Pratap Singh Vs State of MP ( 2023)
* Nanak Chanda vs State of Punjab

**Common Intention:**

Common intention refers to the shared purpose or plan among a group of individuals to commit a criminal act. Each member of the group is held responsible for the offense if it was committed in furtherance of the common intention, regardless of whether they personally carried out the act.

This principle is enshrined in **Section 34 of the Indian Penal Code (IPC**), which states that when a criminal act is done by several persons in furtherance of a common intention of all, each of such persons is liable for that act as if it were done by them individually.

Example: In the case of **Barendra Kumar Ghosh vs. King Emperor (1925**), the accused were charged with murder. They formed a group to carry out the murder, and even though not all of them directly participated in the killing, they were held liable because of their common intention to commit the crime.

**Common Object:**

Common object refers to the shared objective or goal of a group of individuals, even if there is no pre-arranged plan or agreement on how to achieve that objective. Under this principle, if a member of the group commits an offense in furtherance of the common object, all members of the group can be held liable.

This principle is covered under **Section 149 of the Indian Penal Code**, which states that if an offense is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offense, is a member of the same assembly, is guilty of that offense.

Example: In the case of **State of U.P. v. Dan Singh (1964**), the accused were part of an unlawful assembly that attacked a police station, resulting in the death of a police constable. Even though not all members directly participated in the killing, they were held liable because their common object was to attack the police station, and the murder was committed in furtherance of that object.

**Conclusion :**

While both common intention and common object hold individuals accountable for group criminal activities, common intention requires a pre-planned agreement to commit a crime, whereas common object can apply even if there was no such agreement as long as the offense was committed in furtherance of a shared objective of the group.

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| **Other related case laws:**  **Jogendra Nahak v. State of Orissa (AIR 1999 SC 2565):** This case reiterates the principle that for the invocation of Section 34 of the Indian Penal Code (IPC), common intention must be established. Section 34 deals with acts done by several persons in furtherance of common intention.  **State of Kerala v. Ayyappan and Others (2000 Cri LJ 2560):** In this case, it was held that the existence of a common object is an essential requirement for invoking Section 149 of the IPC. Section 149 deals with unlawful assembly.  **Muthappa Rai v. State of Karnataka (2002 Cri LJ 1844**): Here, the Supreme Court held that mere presence in an unlawful assembly does not necessarily make a person liable for the acts committed by other members of the assembly unless there is common intention or common object.  **Budhan Choudhry v. State of Bihar (1955 SCR 1045**): This case is foundational in establishing the difference between common intention and common object. It was held that common intention presupposes prior concert or pre-arranged plan, whereas common object does not necessarily require prior concert.  **Mohd. Akhtar Hussain and Ors. v. State of Karnataka (2007)** 12 SCC 191: In this case, the Supreme Court clarified that the common object of an unlawful assembly can be inferred from the nature of the assembly, the arms carried by the members, and the behavior of the members. |

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Note : the model answer is not the exact answer u r supposed to write in real exam. U hv to concise /incorporate the points as per demand of the question & word limit.