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ABSTRACT

Criminal law penalises not merely executed offences but also offences that are not finished. The class of unfinished crimes is often referred to as "inchoate crimes". In such a case, it becomes a complicated task to discern the intent, or 'mens rea', of a person who did not commit an offence yet was meaning to do so. In this context, unfulfilled illicit behaviour raises the issue of whether it is appropriate to impose punishment on an individual who has caused no harm or to release someone who was intent on perpetrating an offence, and it becomes crucial to understand the provisions for these crimes and their impact.

This analysis of inchoate offences and the legal paradigm which criminalises them has been discussed in the following paper. The paper also makes an outline of the development of inchoate offences, along with, the specific provisions of the Indian Penal Code, 1860 which pertain to them. This paper then examines the Bhartiya Nyaya Sanhita which has been introduced in the Lok Sabha of the Indian Parliament in 2023 and draws a comparison between the provisions of the Indian Penal Code, 1860, and the Bhartiya Nyaya Sanhita, 2023, and scrutinises any changes that will be brought in the legal system with regard to such offences through the implementation of the new 2023 bill.

INDEX

ABSTRACT.....	1
INTRODUCTION.....	3
STATEMENT OF PROBLEM.....	4
RESEARCH METHODOLOGY	5
THE CRIMINAL INCOMPLETENESS OF INCHOATE OFFENCES.....	6
SCEPTICISM IN CRIME- MENS REA AND ACTUS REUS.....	6
PROXIMITY: THE PERSON OR THE ACT?	7
CONTEMPORARY TIMES: THE IPC PERSPECTIVE.....	9
THE SPECIFICS OF INCHOATE OFFENCES	9
PROVISIONS UNDER THE IPC.....	12
<i>ABETMENT</i>.....	12
<i>CONSPIRACY</i>.....	13
<i>ATTEMPT</i>	14
INCIPIENT CRIME DEFENCES.....	15
THE NEW BILL: LENIENCY OR CONSISTENCY?	17
NEW BILL VS. OLD ACT	17
CONCLUSION.....	19

INTRODUCTION

The term 'crime' brings to mind a distinct and constricted scale of wrongful acts, which lead to legally validated punishments, and includes the acts which (with the knowledge and intention) causes culpable damage to any other person or their property. However, the scope of Criminal Law has always been broad and all-encompassing, including very significant crimes—often without causing injury to the other party- under its ambit. These crimes include “Inchoate Offences”, or crimes that criminalise behaviour before it really causes an injury in order to avoid injury from occurring. In these situations, the person receives penalties for something other than the primary offence. The actions initiated to execute the offence are what are illicit and therefore punished. The behaviour isn't considered to have been as heinous as the final offence the person intended to commit. As a result, the penalty for such offences is less severe than the actual offence.

Legislators throughout administrations have significantly broadened the definition of incipient crime in recent years. The idea of inchoate crimes is not new; for instance, the system of common law has long considered attempts, incitements, and conspiracies to commit other crimes to be crimes in and of themselves. However, the scope of these conventional, broad transgressions is constrained. They often only catch a small range of behaviour and call for the purpose that the relevant ultimate harm take place. Several new inchoate crimes—offenses that seek to avoid an ultimate harm by criminalising action before it is actually caused—have lately been developed by legislators in numerous countries. This occurrence has alarmed numerous viewers. They are concerned that such crimes outlaw behaviour which is not deserving of being convicted and penalties, that the effect they have on citizens and their freedoms is unjustified and that their precautionary goals could be better served by using legal means other than the criminal justice system.

The inchoate offences of "attempt, conspiracy, and incitement" are what are referred to as the general inchoate offences; however, they are not stand-alone offences. It is not unlawful to merely "attempt." There is also no crime for merely "incitement" or "conspiracy." Instead, the terms "attempt," "conspiracy," and "incitement" are used to define crimes like "attempted murder," "conspiracy to commit theft," "incitement to assault," and others. Given this, it can be hypothesised that "inchoate liability", or "inchoate offences" are appropriate titles in order to categorise the guidelines for the conduct of "attempt, conspiracy, and incitement".

STATEMENT OF PROBLEM

Recent inchoate offences have a variety of functions and consequently take on a variety of aspects. Some are made to deal with threats that make the news, like terrorism, sex abusers and criminal syndicate organisations. Therefore, organising to execute particular offences, bolstering specific kinds of illicit conduct, and joining or participating in particular forms of illicit groups are now considered criminal offences by the law. Others are made to handle threats that are less serious. For instance, legislators have expanded the definitions of threat and possessing hazardous goods like arms or criminal tools. They also discreetly altered certain classic crimes in an "inchoate mode," which does not necessitate the happening of any pertinent final injury.

Therefore, this paper aims to analyse the historical developments made in favour of inchoate offences in Criminal Law, while also scrutinising just what inchoate offences are, along with their provisions under the Indian Penal Code. It is imperative to be in tune with the contemporary and legal standing of the state in which an individual persists, and this paper aims to discern the legislative changes, if any, pertaining to the future of Inchoate Offences as crimes under the

new Bharatiya Nyaya Sanhita Bill, and, if they do, the way they differ from the IPC.

RESEARCH METHODOLOGY

This paper primarily employs qualitative research techniques to fulfil the aims of the research. For the purpose of examining the topics primarily focused on in this paper, numerous books and statutes were analysed, for answering three research questions which arose out of the topic:

1. i) What are inchoate offences, how are they different from other offences, and how did the idea of inchoate offences develop??
2. ii) In the Indian context, what does the IPC say about inchoate offences?
3. iii) How does the new Bhartiya Nyaya Sanhita affect the accountability which arises from committing inchoate offences?

To reach satisfactory outcomes for these questions, Information on the features of the different ideas concerning inchoate offences and previous judgements was collected from articles, books, etc. for a more effective comparison. Moreover, the effect of these concepts on the functioning of the law in the particular nation was scrutinised to understand whether the purpose for which the specific provisions were brought about are actually pragmatic or whether the provisions create an unnecessary stronghold on the public with the way they have been charged over the years through the common law system.

THE CRIMINAL INCOMPLETENESS OF INCHOATE OFFENCES

There are a total of four phases to committing any offence according to criminal law: the development of the “mental component”, or “mens rea”¹; planning for execution of the offence; taking action based on these preparations; the act being committed that causes a legal prohibited event². Depending on the stage of the crime's commission, different legal systems may decide to punish the offender. This decision will be made based on how much importance the legal system places on deterring and preventing crime. There are times when a person encourages another to commit a crime on his or her behalf. This should relieve such a person from criminal responsibility, as by encouraging someone else to commit the crime, the “actus reus” becomes absent in the person. While “mens rea” alone cannot be made the basis for punishment to an individual, there are certain situations where a guilty intent alone constitutes a punishable offence. To be able to discuss these situations, it is imperative to analyse the role of “mens rea” and “actus reus” in the constitution of an offence.

Scepticism in Crime- Mens Rea and Actus Reus

The presence of a guilty intention, with knowledge of the consequences of the guilty act, of an offence is frequently referred to as mens rea. It can encompass what was formerly referred to as "malice aforethought," or deliberate but unintentional planning or intent, as well as something negligent but less intentional, like rashness or inattention. "Absolute liability" refers to a crime where a guilty verdict can be obtained without any evidence of mens rea. But what about a conviction with only evidence of the mens rea and, without any actus reus³ (guilty act)? This is where inchoate crimes emerge. There are three

¹ ‘Mens rea’ (*LII / Legal Information Institute*) <www.law.cornell.edu/wex/mens_rea> accessed 5 October 2023.

² Singh, Gurpal, and G. I. S. Sandhu. *RGNLU Law Review* VI, no. I (2016): 1–16. https://doi.org/2016_RLR_1

³ ‘Actus reus’ (*LII / Legal Information Institute*) <www.law.cornell.edu/wex/actus_reus> accessed 5 October 2023.

major types of Inchoate crimes (which will be explained in further detail later in the paper), wherein the actual act is not required for the accused to be proven guilty, which are abetment, conspiracy, and attempt. In such cases, if there is proof of involvement in a crime committed by someone else, or an unsuccessful attempt to execute an offence, or there is planning by a group of people to commit an illicit act, then the perpetrators need not actually follow through with the act to be convicted, they would be liable beforehand due to their involvement in such an activity.

Proximity: The Person or the Act?

In the legal realm, the word proximity has peculiar interpretations, depending on the area of law that is being examined. In the Law of Torts, for example, “proximity” pertains to the relationship that both parties legally have, to understand whether the defendant had a particular duty of care towards the plaintiff⁴. However, in the Law of Crimes, this term focuses on the act committed, rather than the person committing the act, and clarifies whether the act done was closely related to the final crime, which was intended to be committed by the accused, or by some other person⁵.

This test/rule of proximity states that an action or series of actions constitutes a plan if the perpetrator has carried out the entirety, or at least the most significant steps, but the repercussion, that is a crucial element of the crime, has not occurred. An act or a number of acts must be sufficiently close to the accomplishment of the intended substantive offence in order to qualify as an attempt to commit an offence. In other words, a single act or a string of related acts must be closely related to the offence in question and not remotely related. An action or series of

⁴ Justice Derrington, ‘Proximity, the Standard of Care and Damage: Relating the Elements of Negligence’ (*Australasian Legal Information Institute (AustLII)*)

<<http://classic.austlii.edu.au/au/journals/UQLawJl/1991/6.pdf>> accessed 7 October 2023.

⁵ [Author removed at request of original publisher], ‘8.1 Attempt’ (*University of Minnesota Publishing Services*, 17 December 2015) <<https://open.lib.umn.edu/criminallaw/chapter/8-1-attempt/>> accessed 7 October 2023.

measures defines a plan if the perpetrator has carried out the entirety, or at least the most significant steps, but the repercussion, that is a crucial element of the crime, has not occurred.

The defendants in the Mohd. Yakub⁶ case were detained by Central Excise agents for trying to sneak the metal silver away from India. They were detained by customs agents after bringing silver ingots in a truck. It was discovered that the defendants had left some compact but weighty packages lying around. A mechanised ship or craft was also audible at the same time. The accused was found guilty by the trial court of trying to smuggle silver out of India. The tribunal of ASJ found them not guilty under the Foreign Exchange Regulation Act⁷ and the Customs Act⁸ because their actions merely involved preparation. The High Court rejected the prosecution's appeal against the conviction.

However, the Supreme Court overturned the conviction after the State filed an appeal, concluding that the defendant had broken the law by trying to ship silver out of India by sea. Justice Sarkaria and Justice Chinappa Reddy each rendered a separate but related decision. Justice Chinappa Reddy's main argument against the proximity rule focuses on intention rather than time and action, while Justice Sarkaria weighed "proximity" as a matter of the real physical closeness rather than proximity that is focused on intent and what is meant by the crime's goal.

Therefore, an act or a number of acts must come sufficiently related to the achievement of the aimed important crime in order to qualify as an attempt to commit an offence. In other words, a single act or a string of related acts must be closely related to the offence in question and not remotely related. They are crimes that criminalise behaviour before it really causes a harm in order to avoid that harm from occurring. However, the closeness of the incomplete act to the

⁶ State of Maharashtra v. Mohd. Yakub, 5 SCC 133

⁷ The Foreign Exchange Regulations Act, 1973 (Act 46 of 1973)

⁸ The Customs Act, 1962 (Act 52 of 1962)

final act intended has to be examined to be able to determine culpability in the specific cases.

CONTEMPORARY TIMES: THE IPC PERSPECTIVE

Lawmakers across jurisdictions have significantly broadened the definition of incipient crime in recent years. The idea of inchoate crimes is not new; for instance, the common law tradition has long considered attempts, incitements, and conspiracies to commit other crimes to be crimes in and of themselves. However, the scope of these conventional, broad transgressions is constrained. They often only catch a small range of behaviour and call for the purpose that the relevant ultimate harm take place.

The Specifics of Inchoate Offences

Prior to the legal system's recent addition of the list of inchoate crimes, it was widely held in juridical institutions that any offence automatically entailed criminal culpability for attempting it. Although it became apparent that there had been an imminent danger to security and the rule of law much earlier, in the fifteenth century in England⁹, it was necessary to include an inventory of inchoate offences. In the era of anarchy, there had been only one accepted solution to this issue. English jurists believed that a stricter approach to the punishment of crimes was necessary for the purpose of averting such flagrant transgressions of the law. Gradually, as cases of similar nature in this sphere were dealt with, the whole concept of 'Inchoate Offences' began to evolve. In the contemporary times, the concept has grown enough to be able to specify certain types (with their essentials) and defences available within the ambit of "Inchoate Offences"¹⁰.

⁹ Tom Stenson, 'Inchoate Crimes and Criminal Responsibility Under International Law' (*University of Pennsylvania*) <https://archive.law.upenn.edu/journals/jil/jilp/articles/1-1_Stenson_Thomas.pdf> accessed 2 October 2023.

¹⁰ *ibid.*

There are three major types of offences which have been categorised as inchoate:

1. Abetment: Abetment refers to offences where the perpetrator does not actually carry out the crime, but rather influences a third party to do so. This offence is covered in Chapter V of the Indian Penal Code of 1860¹¹. Sections 107¹² and 108¹³ of the IPC define what constitutes abetment. Any person who initiates, participates in, or aids with the performing of an action by any manner abates the executing of the act in accordance with these rules. There are three types of situations which can make the accused guilty of Abetment:

1. a) Abetment by instigation¹⁴: When one person incites another to commit an offence.
2. b) Abetment by conspiracy¹⁵: When one is involved in a conspiracy for the commission of the unlawful act.
3. c) Abetment by assistance¹⁶: When one helps another to commit a punishable offence.

In a variety of occasions, a person encourages another to execute an offence on his or her behalf, relieving him or her of any obligation, actus reus and consequently any liability for the crime. The judiciary demands a firm stand in opposition to any wrongdoing by a person that results in the commission of a crime through the charges of incitement and abetment. Therefore, the main goal of inchoate crimes is to deter people from committing crimes both directly and indirectly through abetment.

2. Conspiracy: When at least two individuals decide to carry out an illegal act and start moving in that direction, that is considered a conspiracy. Because

¹¹ The Indian Penal Code, 1860 (Act of 1860), chapter V

¹² The Indian Penal Code, 1860 (Act of 1860), s. 107

¹³ The Indian Penal Code, 1860 (Act of 1860), s. 108

¹⁴ The Indian Penal Code, 1860 (Act of 1860), s. 107

¹⁵ *ibid.*

¹⁶ *ibid.*

it doesn't necessitate that the unlawful deed in fact have been carried out, conspiracy is an incipient crime. For instance, even if the burglary doesn't occur, a group of people can be found guilty of conspiring to commit one. The accused can be charged with both conspiring to perpetrate a crime and the actual offence itself if the illicit activity is carried out, which makes conspiracy different from attempt. Regardless of whether the illicit activity is the agreement's key objective or is just a by-product of it is irrelevant, as long as there is planning of execution of a crime by two or more people, it will be a conspiracy.

3. Attempt: As previously mentioned, there are 4 stages to committing any crime, according to Criminal Law. The third stage of the commission is "attempt". It means to initiate action to commit the crime base on the preparation done before commission. Under the Indian Penal Code, attempting to commit a crime is a crime. Each attempt that fails instils an alarm in the minds of people, and this constitutes a harm of its own, and the perpetrator's ethical culpability is identical as though he would have succeeded. Section 511 of the IPC provides that just fifty percent of the sentence is imposed because the damage caused is not as severe as if the offence had actually been executed.

The term "attempt" finds no definition in the IPC, but the Supreme Court of India has attempted to clarify this term in a few instances. In the matter of *Koppula Venkata Rao vs. State of A.P.*¹⁷, the Supreme Court of India stated that the word 'attempt' should be interpreted literally. The typical definition of 'attempt' of committing a crime is a single act or sequence of acts that unavoidably contributes to the commissions of the crime unless a component occurs that the perpetrator of the crime neither anticipated nor intended to avert this. Additionally, The

¹⁷ Koppula Venkata Rao vs. State of A.P., (2004) 3 SCC 602

Supreme Court ruled in *Aman Kumar vs. State of Haryana*¹⁸ that the term 'attempt' should be applied in its typical sense. There is a distinction between intent of committing a crime and preparing for it. The attempt starts, and the preparation concludes. It indicates that every action applied to perpetrating the offence constitutes to be the completion of preparation and the beginning of the attempt.

Provisions Under The IPC

ABETMENT

Sections 107-120 of the Indian Penal Code 1860 discuss abetment. As stated in Section 107, that defines abetment, to abet means to incite, assist, or encourage someone to carry out his unlawful intent.

Section 107 of the IPC defines abetment as assisting in the committing of a criminal act. This abetment may take place in any of the three different ways specified in the provision. According to the Section, abetment occurs when a person aids and contributes to the doing of something by:

- (1) inciting someone to do something; or
- (2) conspiring with another individual (or persons) to execute that thing; or
- (3) knowingly assisting someone in doing that thing.

Once one or more of these conditions are met, the abetment violation is made. An individual can commit any number of these three offences in the same violation.

Section 108 of the Indian Penal Code, 1860¹⁹ defines an abettor as an individual who aids and abets either the execution of a crime or the commission of a deed that would be an offence if carried out by a person with the ability by law to commit such an offence with the same intent or information as the abettor.

¹⁸ Aman Kumar vs. State of Haryana, 2004 SCC. (Cri) 1497

¹⁹ The Indian Penal Code, 1860 (Act of 1860), s. 108

CONSPIRACY

“120A. Definition of criminal conspiracy – When two or more persons agree to do or cause to be done.

(1) an illegal act

(2) an act which is not illegal by illegal means, such an agreement 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.*²⁰

The elements that constitute this crime are as follows:

- (1) There must be an understanding among the individuals accused of conspiring.
- (2) The agreement be as follows: (i) for engaging in an unlawful act; (ii) for engaging in an unlawful act that either might or might not be illicit in and of its own.

Conspiracy necessitates first, proving that at least two or more individuals agreed to execute an offence. This agreement is not required to be professional or written. The only thing that needs to be established is that both sides had mutually agreed upon to carry out an illegal plan. Second, all conspirators need to have a particular common objective to carry out the conspiracy's goal. This particular intention prerequisite fails to suggest that every person involved is aware of all aspects of the offence or every member of the conspiracy. A person can be charged with conspiracy if he is aware of the intended act being illegal but still goes ahead with it.

²⁰ The Indian Penal Code, 1860 (Act of 1860), s. 120A

Section 120B of the IPC provides for the punishment. In Indian Law, Conspiracy is believed to be a grave offence, and hence there are four punishments that can be given for its conviction:

1. i) Death Penalty.
2. ii) Life imprisonment
3. iii) Rigorous imprisonment for a minimum of two years
4. iv) The punishment that the convict would have received if he had abetted the same offence, in cases where any of the other punishments have not been specified

The Supreme Court ruled in *Ram Narain Popli v. CBI*²¹ (2003) that purely evidence of an understanding among at least two individuals to commit a crime or commit an act using illegal means is sufficient to punish the accused for criminal conspiracy under Section 120B.

ATTEMPT

The Indian Penal Code lacks a definition of attempt to execute an offence, however it addresses it in four distinct forms:

(i) First, the perpetration of a crime and the attempt to commit it are tackled in the identical section, with the exact same penalty imposed on the crime and the attempt. They are:

1. (a) State offences, such as engaging in or trying to start a war with the Government of India (Section 121 of IPC).

²¹ Ram Narain Popli v. CBI, 3 SCC 641

2. (b) attacking or trying to assault the President of India, Governors of States, or any other person with a view to advise or limit the application of any legitimate authority (Section 124).
3. (c) sedition (section 124A), launching or trying to start war against any of the Asian States in cooperation with the Government of India (Section 125), accepting gratification as a public servant (Section 161), dacoity (Section 391), and so on.

(ii) Second, attempts at committing crimes and committing particular crimes are treated independently, with distinct penalties for attempts to commit these kinds of violations compared to those imposed for the violations committed. For example, attempted murder, robbery, and culpable homicide not amounting to murder are dealt alongside in Sections 307, 393 and 308, I.P.C., whereas murder, culpable homicide, and robbery are criminalised pursuant to sections 302, 304, and 392, I.P.C., correspondingly.

(iii) Suicide attempts are unlawful under Section 309 of the I.P.C.

(iv) Finally, attempts at committing crimes broadly (other than those listed above) are made accountable under Section 511 of the I.P.C. Section 511 of the I.P.C., on the other hand, is by no means exhaustive. It leaves unchallenged attempts at small violations that are solely punishable by a fine.

Incipient Crime Defences

A person charged with an inchoate crime may have several defence options. Potential safeguards to inchoate offence could vary depending on jurisdiction:

Abandonment

As a defence to inchoate offence allegations a person could argue that he had abandoned his plans for committing the offence, even if he participated in a certain amount of organising. He could claim that he didn't conspire or attempt to

carry out the offence in question. To establish abandonment as a defence to inchoate crime, it must be demonstrated that he willingly entirely abandoned his endeavours to execute the offence. In fact, in order to effectively establish abandonment as a defence to an incipient crime, the accused must demonstrate at least one of the following:

a) Impossibility

An impossible defence is based on the accused's claim that whichever illegal act that he had planned merely was unable to be carried out due to an unanticipated occurrence. There are two types of impossibility: legal impossibility and factual impossibility.

i) Impossibility under the law

If the accused claims that what he planned to do was not an offence after all, he is using a legal impossibility defence.

ii) Impossibility of Fact

The accused may raise the defence of factual impossibility if conditions prevented him from completing the offence that he was planning to act on.

THE NEW BILL: LENIENCY OR CONSISTENCY?

On August 11, 2023, the Bharatiya Nyaya Sanhita, 2023²², or BNS, was presented in Lok Sabha. The Indian Penal Code, 1860 (IPC), is repealed by the bill in question. The Indian Penal Code, or IPC, is the primary law governing the Law of Crimes. Crimes impacting (i) the body of a person, such as killing and battery, (ii) possessions, such as fraud and robbery, (iii) public peace and security, such as illicit gatherings and rioting, (iv) the well-being of the public, dignity, ethics, and spirituality, (iv) defamation, and (v) violations against the government are all covered.

A number of sections of the IPC are retained in the Bill. Modifications involve the addition of organised criminal activity and terrorist crimes, harsher punishments for particular existing crimes, and the addition of mandatory community service as the penalty for specific petty crimes. With an entirely new criminal code incoming for the nation, it is essential to understand the impact that it will have on inchoate offences, and gauge whether the new Bill has created a more holistic penalty system for perpetrators of such offences.

New Bill vs. Old Act

There have been many alterations and additions to the new Bill with respect to the inchoate offences of Abetment, Conspiracy and Attempt. While in IPC, the sections pertaining to these were scattered all across the Code, the BNS has dedicated Chapter IV (Clauses 45-62) to “Abetment, Criminal Conspiracy and Attempt”²³. Under this chapter, Clauses 45-60 pertain to Abetment, 61 to Criminal Conspiracy, and 62 to Attempt. The BNS, just like the IPC, has left out

²² Bharatiya Nyaya Sanhita, 2023 (Bill 121 of 2023)

²³ Bharatiya Nyaya Sanhita, 2023 (Bill 121 of 2023), Chapter IV

the definition of the term “Attempt”, opting to just include the punishment for people who do attempt to commit specific crimes instead.

A moderation that has been made to the Bhartiya Nyaya Sanhita, 2023 which wasn't earlier present in the Indian Penal Code, 1860 is the inclusion of the abetment of a ‘mentally ill’ person in the course of explaining that the person being abetted to commit the offence need not be capable by law to commit it. In the earlier Code it was a person of unsound mind, and this bill alters it to lessen the harshness with which differently abled people have been referred to in the IPC.

A new addition to the BNS which was previously absent in the IPC is the increase of jurisdiction of Indian courts to try people outside India. A new clause included in the BNS, Clause 48, states that any person who is beyond the territory of India abets any person within India to commit a particular crime shall be guilty of abetment. This was absent in the 1860 Code, but with an increasingly globalised world where various countries are integrated into a well-developed and interconnected network, it seems to be apparent why this provision has been added in the new code. Moreover, according to the Bhartiya Nyaya Sanhita, 2023, the inchoate offences involving conspiracy will also include offences which are committed digitally, through mobile or other devices, which was obviously not included in the IPC, 1860, due to the unavailability of technology at that time.

Therefore, the Bhartiya Nyaya Sanhita, 2023, has not meddled much with the older provisions of the IPC, with some moderate alterations which have created a more integrated base for the Inchoate offences, with the most notable change being made to the inchoate offence provisions being applied to someone being involved in their occurrence in India while being present outside India.

CONCLUSION

Numerous crimes are illicit even when the real offence is not committed. The need to expand inchoate offences to include more subjects is growing as time goes on. To stop someone from even considering committing the crime is the main motivation behind this. They consist of "attempt, conspiracy, and abetment". The idea for these violations evolved recently, while time goes on, criminal law continues to advance in order to promote a peaceful society.

Incipient offences do not take into account how the "mens rea" required to commit the crime and the subsequent "actus reus"—the actual commission of the crime—intersect. The conventional rules of criminal justice are being changed to facilitate the charge of executing of such inchoate crimes. Although the "mens rea" and the "actus reus" are similar in that the mens rea is the accomplishment of the ultimate objective, the "actus reus" is the crime that the person commits, that does not constitute the final target of the conspiracy as such but is merely an act carried out in furtherance of the ultimate objective. There is a fundamental distinction between the "actus reus" and the individual's "mens rea" in attempting an offence. Thus, inchoate offences are those whose primary justification for creation had been for general welfare. The general public would now hesitate before committing a crime. Even if they didn't succeed in their ultimate objective, they would nevertheless face a fairly harsh but less rigorous prosecution.

What is important for the Indian context now, is to analyse the implications of the new Criminal Code which has been introduced in 2023, called the Bhartiya Nyaya Sanhita. A number of sections of the IPC are retained in the Bill. Modifications involve the addition of organised criminal activity and terrorist crimes, harsher punishments for particular existing crimes, and the addition of mandatory community service as the penalty for specific petty crimes. With an entirely new criminal code incoming for the nation, it is essential to understand the impact that

it will have on inchoate offences, and gauge whether the new Bill has created a more holistic penalty system for perpetrators of such offences, which is what this paper has closed on.

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