

Facets of Insanity and its Relevance as a Defence Under Indian Criminal Justice System

Garima Tiwari¹ and Mr. Abhishek Anand²

LL.B 3Yr., Amity Law School, Lucknow, India¹

Assistant Professor, Amity Law School, Lucknow, Uttar Pradesh, India²

Abstract: *Insanity, originating in the 16th century, is derived from the Latin terms 'insanitas' or 'insanus', and refers to a state of unhealthiness concerning the mind. This paper examines the concept of using insanity as a defence in Criminal Law. The article discusses the key elements required to establish insanity and the many principles and tests often used to determine the validity of insanity as a defence in certain situations. The first portion of the essay discusses the inception of this defence and its subsequent adaptation for contemporary times. In the second chapter, the main focus is on identifying the distinguishing criteria between medical insanity and legal insanity. Additionally, the chapter provides a detailed explanation of the specific features that are necessary to establish legal insanity. The article provides a concise explanation of the notion of reduced responsibility and the concept of being guilty but mentally ill. Additionally, the paper provides an account of the circumstances and verdicts rendered in significant legal issues pertaining to mental illness in India. Furthermore, the research explores a comparative element and elucidates the regulations and assessments for insanity as a legal defence in the UK and US, in contrast to what is often practiced in India*

Keywords: Insanity, Relevance, IPC, Crime, Defence, Indian Criminal Justice System

REFERENCES

- [1]. K.D. Gaur's, —Textbook on the Indian Penal Code, Seventh Edition, 2020.
- [2]. Dr. S. C. Tripathi, —Woman and Criminal Law, Central Law Publications, 2016.
- [3]. Dr. Malik & Dr. Raval, Law & social transformation in India, Allahbad Law Agency, Fourth Edition, 2014.
- [4]. K.D. Gaur's, Criminal Law Cases & Material, Lexis Nexis Publication, Eight Edition, 2015.
- [5]. P. Ishwara Bhat, Law & social transformation, Eastern Books Company, Lucknow, First edition, 2009.
- [6]. Dr. J.N Pandey, The Constitutional Law of India, 50th Edition, 2013.
- [7]. https://www.academia.edu/35646679/_CASE_ANALYSIS_Tukaram_and_Another_versus_The_State_of_Maharashtra_1979_2_SCC_143_
- [8]. <http://legislative.gov.in/>
- [9]. https://indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362
- [10]. <https://www.lawctopus.com/academike/section-375-analysis-of-provisions-relating-to-rape/>
- [11]. <http://devgan.in/ipc/section/376/>