

The Misuse and Ethical Dilemmas of the Insanity Defence in India

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Abstract: *The defence of insanity has been a part of the criminal justice system for a long time, allowing an individual to escape criminal responsibility based on the grounds of insufficient mental capacity. Nevertheless, abuse and ethical concerns about the insanity defence are of concern to the entire world, including India. This study examines the use of the insanity defence in India, particularly its ethical aspects and the threat of abuse. Drawing on case law, social attitudes, and psychiatric assessments, this research examines the potential abuse of the defence within the Indian criminal justice system, its impact on the fairness of trials, and the ethical problems it poses. This research seeks to create reform proposals and improved safeguards to guarantee the ethical and equitable application of the insanity defence, while maintaining a balance between the demand for justice and sympathy towards people with mental illness.*

Keywords: Misuse, Ethical Dilemmas, Insanity, Defence, India

