

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

I. INTRODUCTION

The complexities surrounding the concept of insanity in criminal justice have intrigued both legal scholars and psychologists. The defense of lunacy is a significant component of India's criminal justice system, serving the purpose of determining whether an individual accused of a crime should be held liable for their deeds on the basis of their mental condition. This defence delves into the complex relationship between the law and mental health, investigating the legal standards that

must be met to establish insanity, the responsibility of providing evidence, and the possible repercussions for individuals acquitted on the basis of insanity.

The defence of insanity functions within the criminal justice system of India, predicated on the notion that individuals afflicted with mental disorders might lack the cognitive abilities required to conceive of criminal intent or comprehend the ramifications of their behaviour. The insanity defence endeavours to achieve a reconciliation of punishment and rehabilitation by acknowledging the influence of mental illness on the culpability of the accused, thereby promoting equity and justice for all individuals concerned.

Literature Assessment

The applicability of the insanity defense in criminal law is elucidated in Randy Borum and Solomon M. Fulero's journal article titled "Empirical Research on the Insanity Defense and Attempted Reforms: Evidence Toward Informed Policy"¹. Actus reus (action) and mens rea (intent) are the two requisite elements, according to the authors, for establishing a crime. In addition, they assert that it is generally accepted that individuals act of their own volition and are accountable for their behaviors. At this juncture, however, the defense of insanity is applicable because the perpetrator may be afflicted with a mental disorder that impairs his or her cognitive abilities to the extent that it does

¹ Randy Borum et. al., Empirical Research on the Insanity Defense and Attempted Reforms: Evidence Toward Informed Policy, 23 L. & Human Behavior, 375, 375-382 (1999).

not represent the perpetrator's true intent and free will. This condition absolves the individual of criminal liability for the behavior they committed. Moreover, the article proceeds to elucidate that the M'Naghten Rules and the stipulations of the Model Penal Code are the prevalent benchmarks for establishing an insanity defense. The article examines a range of misconceptions and misunderstandings concerning the aforementioned defense, the criteria for its application, its use in homicide cases, and more.

Richard J. Bonnie emphasizes in his journal article "The Moral Basis of the Insanity Defense"² why the accused/defendant should bear the burden of proof and the significance of the insanity defense's availability. Additionally, the author conducts an examination of diverse theories and tests pertaining to the defence. He asserts that in order to determine whether a mentally unsound individual who has committed a crime is exempt from liability, a test of lunacy must centre on the accused's "capacity to recognise the immorality of his actions."³

When examining the prerequisites for invoking the insanity defense under Section 84 of the IPC, the author of "Ratanlal and Dhirajlal: The Indian Penal Code, 34th edition"⁴ states that this provision of the statute must be interpreted in conjunction with Section 105 of the Indian Evidence Act, 1872. Although this is being accomplished, the defendant or accused bears the burden of proof in accordance with the Evidence Act. It is emphasized that there is no contradiction between the prosecution's obligation to establish the case and the accused's particular obligation to utilize the insanity defense. In addition, the author provides comprehensive case analyses and commentary on the defense in the book's chapter on Section 84 of the IPC.

The author presents an intriguing fact in "K.D. Gaur: Textbook on Indian Penal Code 7th edition"⁵ Idaho, a state in the United States renowned for developing a significant number of insanity defense tests, prohibits the use of lunacy as a defense against criminal charges. Nonetheless, this limitation may permit expert medical opinion to offer a convincing assessment of the accused's mental state and how it likely was at the time of the act. This suggests that the state permits the conviction of potentially deranged individuals who are capable of discerning the morality of their actions.

The defense is examined in depth in the journal article titled "Insanity Defense: Past, Present, and Future" by Suresh Bada Math and two other authors. The reader is captivated by the authors' comprehensive elaboration on the critical function that a psychiatrist can fulfill in assessing the accused's mental state. Due to the distinction between legal insanity and medical insanity, the judiciary has thus far not accorded significant weight to advanced or expert medical opinion when determining insanity. However, there is an urgent need for a standardised or uniform procedure to ascertain the insanity of individuals who invoke this provision under Section 84 of the IPC.

Psychiatrists, who presently treat convicted individuals who were convicted on the grounds of "Guilty but Mentally Ill," may be requested to attest to the mental illnesses of the accused and attest to the individual's mental and emotional equilibrium in order to facilitate the court's processes for establishing his innocence and exercising the defense of insanity.

The Indian legal framework governing the insanity defence

The legislation that predominantly regulates the defence of lunacy in India is Section 84 of the Indian Penal Code (IPC). As per this provision, an individual is exempt from criminal liability if they were afflicted with a mental illness at the time of committing the offence, which hindered their ability to comprehend the consequences of their actions or differentiate between right and wrong. Nevertheless, the accused bears the burden of establishing lunacy, which means they must provide proof beyond a reasonable doubt of the existence of a mental disorder and its influence on their cognitive abilities.

In assessing the soundness of an insanity defence, Indian courts apply the M'Naghten Rule, an English legal standard. This regulation stipulates that it must be established that the defendant committed the offence while suffering from a

² Richard J. Bonnie, The Moral Basis of the Insanity Defense, 69 American Bar Association J., 194, 194-197 (1983).

³Id

⁴ , K. Kannan et. al., Ratanlal and Dhirajlal: The Indian Penal Code, 34th edition (LexisNexis 2020).

⁵ K D GAUR, Textbook on Indian Penal Code (LexisNexis 2020).

mental disease or disorder that caused them to be rationally flawed to the extent that they were oblivious to the repercussions of their actions or incapable of differentiating between right and wrong.

Differentiating insanity from mental illness

A clear distinction must be made between it and mental illness when examining the applicability of the insanity defence. Mental illness encompasses a diverse array of conditions that impact the cognitive, behavioural, and affective functioning of an individual. The severity, duration, and impact on an individual's capacity to participate in society can differ among these conditions. On the other hand, a legal concept, lunacy, refers to the mental state of the accused at the time of the offense, as well as their capacity to comprehend the nature and repercussions of their conduct. Although mental illness may contribute to the determination of lunacy, it does not constitute insanity per se. Having a mental illness does not inherently absolve a defendant of criminal responsibility. Conversely, it functions as one of multiple elements that a judicial body might consider when assessing a defense of insanity.

The importance of the lunacy defence in criminal proceedings

The defence of lunacy is a highly pertinent factor in criminal proceedings, specifically in cases involving the liability of individuals who suffer from mental disorders. The insanity defense advocates for the fair and equitable administration of justice by acknowledging the influence of mental disorders on an accused individual's capacity to comprehend the consequences of their actions and develop criminal intent.

A principal aim of the lunacy defence is to shield from punishment those who are incapable of comprehending the moral reprehensibility of their deeds. Rehabilitation redirecting these individuals are diverted away from the conventional criminal justice system, rehabilitation and treatment can become the primary objectives. This approach recognises that punitive measures might not adequately confront the fundamental challenges linked to mental illness and instead seeks to foster the accused's welfare and rehabilitation.

Notable incidents in India involving the lunacy defence

Throughout its history, the Indian criminal justice system has been confronted with a number of prominent cases in which the lunacy defence has been of critical importance. The notorious trial of Sher Singh Rana, who murdered the renowned bandit-turned-politician Phoolan Devi, is one such instance. Rana's defense team contended that he was afflicted with a mental disorder during the commission of the offense, which impeded his ability to comprehend the consequences of his conduct. In contrast, the court disregarded Rana's insanity defence and convicted him of murder. Surinder Koli, a Nithari serial killer known for his heinous murders of multiple young females, is another notable instance. Koli's defence team applied the insanity defence, asserting that his mental disorder prevented him from understanding the nature and repercussions of his offences. Following a thorough examination of expert testimony and opinions, the court rejected the insanity defence and found Koli liable for his conduct.

These cases illustrate the intricacies of the insanity defence and the difficulties that courts encounter when attempting to ascertain the mental state and culpability of an accused individual.

Controversies and criticisms regarding the lunacy defense

Although the insanity defence is an essential component of the criminal justice system, it has not been devoid of controversy and criticism. A significant critique pertains to the possibility of abuse, wherein certain individuals might erroneously assert psychosis as a means to evade legal consequence. Critics contend that such an outcome might erode public trust in the criminal justice system and result in the apprehension and incarceration of perilous persons.

An additional point of contention pertaining to the insanity defence concerns the divergent criteria employed in its determination. The M'Naghten Rule has faced criticism for its excessive narrowness and failure to consider additional factors that could potentially affect the mental state of an accused individual. There is a viewpoint that advocates for a more comprehensive and all-encompassing strategy, considering the progress made in comprehending the relationship between mental health and criminal behaviour.

The burden of proof in defences based on lunacy

In cases involving insanity defense, the accused bears the burden of establishing insanity. The standard burden of proof in criminal cases, which mandates that the prosecution prove culpability beyond a reasonable doubt, is considerably lower than this burden. The defendant is required to provide substantial evidence, including expert testimony, to

support their claim that they were afflicted with a mental disorder during the commission of the offence, which hindered their ability to comprehend the repercussions and essence of their conduct.

The rigorous standard of proof applied in insanity defence proceedings is indicative of the gravity of the defence and the potential ramifications it may have on society. This provision guarantees that individuals cannot readily evade criminal liability by relying on the lunacy defence in the absence of substantial evidence to substantiate their assertion.

Assessments and psychological evaluations in insanity defence cases

Insanity defense cases heavily rely on psychological evaluations, which offer invaluable insights into the accused's mental state at the time of the alleged crime. Mental health professionals, including psychologists and psychiatrists, conduct exhaustive evaluations of the accused's psychological history, conduct interviews, and administer diagnostic testing to ascertain the presence of mental disorders.

These evaluations aim to provide the court with an assessment of the accused's mental condition, free from the influence of their capacity to comprehend the repercussions of their actions or develop criminal intent. The expert opinions obtained from these assessments provide valuable guidance to the court in its decision-making procedure, thereby aiding in the determination of the accused's culpability.

The role of mental health practitioners in insanity defenses

Mental health specialists are of utmost importance in insanity defense proceedings, as they use their specialized knowledge to evaluate the defendant's mental condition and its relevance to the offense. These experts, which may consist of psychologists and psychiatrists, perform comprehensive assessments, render authoritative judgements, and appear in court when required. Their participation ensures that the court is provided with precise and all-encompassing data pertaining to the defendant's mental well-being, thereby aiding in the formulation of insanity defense determinations. The use of mental health professionals' expertise and knowledge enables the criminal justice system to make well-informed and equitable decisions about an accused individual's culpability.

II. CONCLUSION

Future prospects for the insanity defence in India

The defence of insanity is a crucial component of the criminal justice system in India, illustrating the complex relationship between the law and mental health. The insanity defence promotes equity, justice, and remediation for all parties by acknowledging the influence of mental illness on an accused individual's capacity to develop criminal intent and comprehend the repercussions of their actions. Despite facing its fair share of controversies and criticisms, the insanity defence continues to be a vital element of the criminal justice system. In light of ongoing developments in the understanding of mental health, it is imperative to reassess and enhance the legal structure pertaining to the insanity defense. This includes advancing the use of psychological evaluations supported by empirical evidence, fostering the development of more inclusive and comprehensive criteria for determining lunacy, and enhancing the integration of mental health professionals' expertise within the legal system. In accordance with developments in mental health research and understanding, the enhancement of the insanity defense would enable the Indian criminal justice system to more effectively fulfill its objectives of investigating the truth, ensuring responsibility, and promoting equity. By adopting an impartial stance that takes into account the multifaceted nature of mental illness and its influence on criminal conduct, India can persistently endeavour to establish a society that is more equitable and empathetic.

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, Eighth 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_an_d_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-torape/](https://www.lawctopus.com/academike/section-375-analysis-of-provisions-relating-torape/)
- [11]. <http://devgan.in/ipc/section/376/>