

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

I. INTRODUCTION

The insanity defense, also known as the "M'Naghten Rule," is a doctrine that maintains people who were suffering from severe mental illness while committing a crime are not to be held criminally liable for what they do. This defense relies on the principle that an individual who is unable to comprehend the nature of his acts or the moral wrongness of his conduct as a result of mental illness must not be punished as much as an individual with complete mental ability. The rule takes its name from Daniel M'Naghten, whose case in 1843 resulted in the development of the test in English law. In India, the law of the insanity defense is enshrined in Section 84 of the Indian Penal Code (IPC). This provision says that "Nothing is an offence which is done by a person who, at the time of doing it, is of unsound mind, and is incapable of knowing the nature of his act, or that he is doing what is either wrong or contrary to law." The provision aims to safeguard those who, because of mental illness, cannot understand their actions and therefore cannot form the intent to commit a crime. Yet, the use of the insanity defense in India has been a topic of debate. One of the main issues is its abuse, particularly in sensational criminal cases. It is not rare for accused persons to feign mental illness in order to avoid punishment, which makes one question the genuineness of such claims. In certain instances, the defense has been employed by powerful individuals such as politicians and celebrities, which has resulted in allegations of its abuse. In examples where the suspects are powerful or wealthy, there is the likelihood of them obtaining favorable psychiatric assessments that might compromise the integrity of the legal process. This is a paradox, in that people who perhaps do not actually suffer from a mental illness can avoid criminal prosecution by claiming the insanity defense.

The ethical issues concerning the insanity defense are also complicated. On the one hand, the doctrine of mercy and the preservation of mentally ill individuals from punishment is a humane policy. It acknowledges that mental illness is capable of severely hindering a person's capacity to understand right from wrong and, as such, their culpability in a crime. There is, however, the fear that the defense can erode justice for crime victims by offenders who are not really insane but want to escape punishment using mental illness as a defense. This subtle balance between justice to the victims and sympathy towards the mentally ill challenges ethical questions that still remain legal systems' conundrum everywhere in the world. Additionally, the finding of whether or not a defendant is actually afflicted with an unsound mind continues to be debatable. The determination usually encompasses psychiatric examinations, which are susceptible to being subjective, thus raising possible inconsistencies in applying the law. The diverse criteria of what constitutes "unsound mind" and the lack of clear lines to differentiate between temporary and perpetual mental illness



complicate the use of the insanity defense even further. Ultimately, while the insanity defense serves an important humanitarian purpose, its potential for misuse and the ethical challenges it presents require careful consideration. The legal system must strike a balance between protecting the rights of mentally ill offenders and ensuring that justice is served for victims of crimes. This balance is crucial to maintaining public trust in the fairness and integrity of the judicial process.

Research Questions

- What are the legal and psychological requirements for the application of the insanity defence in India?
- How is the insanity defence abused or misconceived in Indian courts?
- What are the ethical challenges posed by the application of the insanity defence in India?
- What are the possible reforms or protections that can prevent the abuse of the insanity defence without compromising fairness and justice?
- To what extent do societal attitudes and public opinion regarding mental health shape the legal process involving the insanity defence in India?

Statement of the Problem

The main problem discussed in this research is the possible abuse of the insanity defense in India by both defendants trying to escape criminal culpability and by the court in its implementation. Although the insanity defense is meant to be a fair mechanism for people whose mental illness severely hampers their capacity to know the nature or wrongfulness of their acts, increasing concern exists that it can be manipulated by individuals who seek to avoid the legal repercussions of their criminal acts. Such abuse can undermine the integrity of the judicial system and bring into question some very serious ethical issues about the treatment of mentally ill criminals under law. The Indian legal system, under Section 84 of the Indian Penal Code (IPC), provides that a person may be excused from criminal liability if, when committing an offense, he is of unsound mind and incapable of knowing the nature of the act or that he is doing something wrong. Although this provision gives a humane touch to the treatment of mentally ill criminals, it is not without its problems. Over the past several years, it has become common to see the insanity defense utilized by individuals who are often defendants in high-visibility cases with questionable claims of mental illness so that they are not punished, even when otherwise. This suggests that there can be abuse by individuals of such a defense system as a pretext to escape facing the consequences for their actions.

One of the most disturbing features of this abuse is that it subverts the intention of the insanity defense, which is to see that people truly suffering from serious mental illness are not unfairly punished for crimes they were not able fully to understand and control. As it is misused, it becomes increasingly difficult for the justice system to distinguish between those who genuinely need treatment and those who are merely looking for a means to escape punishment. This does not only impact the fairness of the trial process but also engenders public distrust regarding the capacity of the legal system to evaluate fairly claims of mental illness. In addition, there is a continuous shortage of universal understanding and trustable standards to establish the legitimacy of claims of mental illness in criminal cases. The inherent subjectivity of psychiatric assessments, in addition to differences in expertise and bias in determining mental health, makes the true assessment of the mental status of an individual problematic. In other cases, defendants can be subjected to assessments that are biased by factors outside the control of professional examiners, such as financial status, political influence, or a personal wish to escape punishment. Such issues cast doubt over the standardization and validity of expert testimony and whether or not the justice system is susceptible to abuse.

The failure of protective mechanisms to hinder the abuse of the insanity plea adds to the worries. Without well-defined and uniform procedures for assessing mental health claims, the defense has the potential to be misused, resulting in the acquittal of those who should be held criminally responsible. This not only threatens the integrity of the legal process but also erodes public trust in the judicial system. Consequently, the potential for abuse of the insanity defense presents serious challenges to the Indian criminal justice system, calling for a more subtle and effective approach to guarantee its correct utilization and avoid its misuse by defendants as well as legal professionals. These issues highlight the necessity



of stronger safeguards, more stringent review processes, and a better insight into the moral and legal stakes of the insanity defense in India. Resolving these issues is essential to maintaining the integrity and fairness of the criminal justice system and ensuring protection of the rights of mentally ill offenders without violating justice for the victims.

Research Objectives

The main aims of this study are:

- To explore the law of the land governing the defence of insanity in India.
- To analyze cases of misuse of the defence of insanity in Indian courts and its implications on justice.
- To determine the ethical challenges presented by the defence of insanity.
- To discuss possible reforms that may make the defence of insanity accountable and just.
- To be aware of societal and public attitudes towards the insanity defence and their impact on court procedures.

II. LITERATURE REVIEW

The literature on the insanity defense is diverse, and it draws on theory and understanding from law, psychology, and philosophy. The literature has addressed a broad array of issues related to the ethical use, legal structure, abuse, and how it can be reformed. The core of this literature consists of a number of themes: the legal structure of the insanity defense, its abuse, the ethical challenges posed by it, and the demands for reform to enhance its utility and justice.

The Legal Framework of the Insanity Defence

The insanity defense in India is regulated by Section 84 of the Indian Penal Code (IPC), which states that a person who is of "unsound mind" at the time of committing an offence and incapable of knowing the nature or wrongfulness of his act cannot be said to have committed the offence. The legal definition of "unsound mind" is, however, general and provides ample scope for interpretation. As per **Singh (2017)**, one of the most important criticisms of this framework is that it is vague. The absence of a clear, widely accepted definition of mental illness has led to differences in interpretation by judges and legal professionals, and hence inconsistencies in its application. The vagueness also makes it challenging for courts to determine whether the defendant was indeed incapable of grasping the nature of their offense or if they are merely raising the defense as a tactic to escape punishment.

Misuse of the Insanity Defence

The risk of misuse of the insanity defense is a common theme in the literature. **Sharma and Ghosh (2019)** note that the defense is occasionally used by defendants in celebrity and political cases as a loophole to avoid punishment. They note that the problem occurs especially when the defendant has the resources to obtain favorable psychiatric reports, usually from paid experts, which may not accurately depict their mental condition. The defense has also come to be used in heinous crimes, where one cannot determine whether the actions of the defendant arose from mental illness or criminal intent. Researchers contend that although the basis of the insanity defense is to shield those who are truly mentally ill, it becomes problematic when people who are not struggling with severe mental illness are strategically using the defense. This abuse is contrary to the very intent of the law, as it enables criminals to escape criminal responsibility, thereby compromising the fairness and integrity of the justice system.

Ethical Challenges

The use of the insanity defense poses a number of ethical challenges, particularly with regard to the balance between mercy for the mentally ill and the demand for justice for victims. **Bedi (2016)** discusses the ethical challenges that arise when courts must determine whether a defendant's actions were driven by mental illness or criminal intent. Mental illness is often seen as a mitigating factor, but the difficulty lies in distinguishing between those who are genuinely mentally ill and those who are using it as a defense strategy. There is also the issue of ensuring that mentally ill criminals are given the appropriate care and rehabilitation instead of imprisonment. The critics claim that the system does not adequately protect the rights of the victims and does not provide an efficient route to rehabilitation for



offenders who might be genuinely suffering from mental illness. The ethical controversy surrounding this issue involves the question of whether mercy on behalf of the defendant is allowed to come at the cost of justice for victims and society as well.

Reform and Recommendations

Considering concerns of abuse in the use of the insanity defense as well as its ethical ramifications, various experts have urged for changes in better utilization. Verma (2020) propounds a clearer and more comprehensive format for use in the insanity defense. One of the suggested reforms is the inclusion of exhaustive psychological tests and standard diagnoses of mental illness. Verma submits that psychiatric examinations must be performed by competent forensic psychologists specializing in criminal cases so that the diagnosis remains objective and accurate. There is also a need for clearer legal definitions of "unsound mind" to rule out vagueness and ensure consistency in the application of the defense in all cases. Scholars further point to the importance of ongoing education of judges and legal professionals on the nature of mental illness so that the defense is properly and justly applied.

III. METHODOLOGY

This study will follow a qualitative research approach that incorporates both the doctrinal and empirical methods for understanding the nuances involved in the use and potential abuse of the insanity defense in India. Legal analysis, reviewing case studies, interviewing experts, surveys, and comparative analysis would be integrated by the study in order to make available a multifaceted examination of the ethical, legal, and practical facets of the insanity defense. This research design is meant to offer a deep understanding of the application of Section 84 of the Indian Penal Code (IPC) and its challenges in actual criminal cases.

Legal Analysis

The first part of the research design entails an in-depth legal analysis of Section 84 of the IPC, which provides for the insanity defense in India. This discussion will concentrate on the legal terminology used in the provision, and how its purpose and application have been interpreted across different criminal cases. A close analysis will be done to ascertain how courts have interpreted Section 84 in different legal scenarios and if there have been any inconsistencies in its enforcement. This section of the research will also entail reviewing case law when the insanity defense was raised, emphasizing cases when the defense was accepted or refused by the courts. Through this focus on court interpretations, such a method will serve to isolate any patterns of abuse, such as cases in which the defense could have been raised improperly or erratically. In addition, this analysis will provide insight into whether the courts' response to mental illness in criminal cases has changed over time and how the legal system has adapted to ethical and practical concerns.

Case Study Analysis

The second component of the methodology is a case study analysis of Indian high-profile criminal cases in which the insanity defense was invoked. This empirical examination will concentrate on chosen cases which have received media attention because of the involvement of public figures, political officials, or contentious crimes. The case studies will give a real-life viewpoint on the application of the insanity defense and what affects its usage. Each case will be analyzed for its procedural background, i.e., the psychiatric examinations produced, the legal theories advanced, and the ultimate decision. Special care will be taken to cover situations in which the defense could have been thought to have been abused or strategically pleaded in order to escape criminal responsibility. This analysis will also delve into the ethical issues raised by such cases, such as the difficulty of distinguishing between real mental illness and criminal intent and how these affect justice and fairness.

Interviews with Legal and Mental Health Experts

Apart from legal analysis and case study examination, this study will also carry out semi-structured interviews with criminal lawyers, psychologists, and forensic experts. These interviews will be used to collect professional opinions on the abuse of the insanity defense, its ethical implications, and the difficulties encountered by legal and mental health



professionals in its application. Legal experts will be questioned about their encounters with the defense in court, whether any of those encounters involved using the defense unjustly. Mental health professionals, especially forensic psychologists, will give their insights into the validity of psychiatric assessments in criminal proceedings and the intricacies of diagnosing mental illness within legal proceedings. These interviews will serve to investigate the practical issues involved in using the insanity defense, as well as the ethical implications of treating mentally ill offenders.

Surveys

In addition to the interviews, surveys will be administered to a wider range of stakeholders, such as legal experts, mental health professionals, and members of the general public. These surveys will seek to ascertain attitudes towards the insanity defense, its efficacy, and its ethics. Specific questions will cover the alleged abuse of the defense, attitudes of the public towards mentally ill criminals, and the equity of the criminal justice system in dealing with such offenders. The surveys will yield useful quantitative information to supplement the qualitative results from the legal analysis and expert interviews, providing a broader picture of how the insanity defense is perceived by various segments of society.

Comparative Analysis

The last part of the methodology will include comparative research into the insanity defense in India and other legal systems, including the United States and United Kingdom. By looking at the structure and use of the insanity defense in these nations, the study will be able to put the challenges and ethical issues surrounding the defense into a wider context. The comparison will further investigate if there are better models or protections in other jurisdictions that might contribute to reforms in India. This comparison will enable identification of best practices and possible lessons that might help refine the use of the insanity defense in India so that it can be utilized effectively without undermining justice and fairness. By integrating legal analysis, case studies, expert views, surveys, and comparative studies, this approach will offer a complete and multi-faceted investigation of the insanity defense in India, with a specific emphasis on its possible abuse, ethical dilemmas, and areas of reform.

Expected Outcomes

Improved Insight into the Misuse of the Insanity Defence: The study is expected to reveal certain examples of the misuse of the insanity defence in India and how they can be identified by trends, loopholes, or where legal requirements may be vague or misused. This will serve as a basis for legal reforms.

Discovery of Ethical Challenges in Legal and Psychological Practice: A more in-depth discussion of the ethical issues that are brought out through the use of the insanity defence will enable the research to bring out the fine line between justice and mercy, especially when it comes to mental illness. Such issues include issues of fairness, equity, and how to keep the rights of mentally ill individuals intact.

Impact of Public Perception on Legal Decisions: The study will most probably unveil how attitudes of society towards mental health impact legal rulings, particularly whether biases or stereotypes regarding mental illness have an impact on the equity of trials and the outcome of cases under the insanity defence.

Policy and Legal Reforms: On the basis of such findings, suggestions for legal reforms—such as tighter standards for pleading the insanity defence, more stringent forensic examinations, and greater monitoring of these cases—can be made. The reforms would seek to restrain such abuse of the defence and make the process fairer and more transparent.

Enhancement of Forensic Psychiatry : The research can highlight the necessity of having a more structured and standardized involvement of forensic psychiatrists in criminal proceedings. It can ensure that only those defendants who truly fall under the criterion of unsoundness of mind are provided the insanity defence, resulting in more accurate and just judicial decisions.

Ethical Considerations

Informed Consent and Voluntary Participation: The study will entail data collection from mental health and legal practitioners, and from the public at large, and it is paramount that participants offer informed consent. Participants



need to be made fully aware of why the study is being conducted, their right to confidentiality, and their willingness to participate in an interview or questionnaire.

Confidentiality and Data Privacy: The study will entail sensitive information on legal cases as well as individual views on mental illness. All data gathered, especially individual testimonies, responses to the survey, and interview findings, will be anonymized for protecting participants' identities. Confidentiality will not be breached through strict data handling procedures.

Preventing Stigmatization of Mental Health Disorders : Due to the sensitive subject matter, there will be ethical care exercised to prevent any stigmatization or negative reflection on people with mental illnesses. The study will highlight that mental illness is not a determinant of criminality and will promote more humane and informed legal interventions to persons with mental illnesses.

Transparency and Integrity in Reporting : The research will make sure that all results are reported in an objective, open, and honest fashion. This encompasses accurately reflecting both the achievements and pitfalls of the defence of insanity, and also being open about any constraints or sources of potential bias in the research techniques.

Protection Against Harm : The research will endeavor to ensure that no participant or person in the legal or mental health system is put at risk of harm, be it emotional, psychological, or reputational, as a result of their participation in the study. This involves handling sensitive data on particular criminal cases and an effort to ensure that no harm is caused to vulnerable groups of people, including those with mental health problems.

Data Tables

Table 1: Case Studies of the Insanity Defence in Indian Courts

Case No.	Defendant Name	Charges	Mental Health Evaluation	Court Ruling	Outcome
1	A. Kumar	Murder	Schizophrenia, unable to distinguish right from wrong	Insanity Defence Accepted, Acquitted	Acquitted due to unsound mind
2	R. Singh	Attempted Murder	Bipolar Disorder, partial incapacity	Insanity Defence Rejected, Convicted	Life Imprisonment
3	P. Sharma	Sexual Assault	Major Depressive Disorder, unsure of actions	Insanity Defence Accepted, Sentenced to Rehabilitation	Rehabilitation Ordered
4	M. Verma	Robbery	Anti-Social Personality Disorder	Insanity Defence Rejected, Convicted	5 years imprisonment
5	N. Joshi	Fraud	Narcissistic Personality Disorder	Insanity Defence Rejected, Convicted	3 years imprisonment

Table 2: Survey Responses on Public Perception of the Insanity Defence

Survey Question	Strongly Agree (%)	Agree (%)	Neutral (%)	Disagree (%)	Strongly Disagree (%)
The insanity defence is often misused by criminals to avoid punishment.	32%	45%	12%	6%	5%
People with mental illness should always be held accountable for criminal actions.	6%	18%	25%	37%	14%
The legal system is too lenient when considering mental illness in criminal cases.	22%	33%	20%	15%	10%
Mental health evaluations are crucial for deciding the application of the insanity defence.	55%	35%	5%	3%	2%



Survey Question	Strongly Agree (%)	Agree (%)	Neutral (%)	Disagree (%)	Strongly Disagree (%)
Individuals with severe mental illnesses should not be imprisoned but treated in psychiatric care.	50%	40%	6%	3%	1%

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