

INSANITY: A LOOPHOLE FOR CRIMINALS

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INTRODUCTION

The "Insanity Defence" is a criminal law technique in the Indian legal system that shields a person from being held accountable for a crime. It's predicated on the idea that the perpetrator was mentally ill at the time of the crime and hence couldn't comprehend what he or she was doing. It's worth noting that this is a statutory term, therefore proving insanity to have a mental disease is not enough. The burden of proof for proving folly is on the accused, and the court must provide facts that are akin to "preponderance of the evidence." The concept of lawlessness is explored in this article, as well as how the current legal system has become a loophole. The case for insanity refers to an assault in which the perpetrator admits to the incident but maintains his mental state is uncertain. As a result, it's more of an excuse than an explanation for what he or she did. The defense of insanity is defined in Section 84 of the Indian Penal Code, 1860. Section 84, generally known as insanity law, protects a mentally ill individual from criminal culpability and provides them with a defense. The premise underlying this law is that when a person commits an infraction in an appropriate state of insanity, the guilty heart does not realize what he or she is doing, and the law prohibits the act. The insanity rule was particularly useful for one of these goals.

ORIGIN OF INSANITY DEFENCE

In this case, Edward Drummond was slain by a man named McNaughton, making him the wrong guy. Based on current lunatic legislation and the Indian Penal Code, the British Courts of R. C. McNaughton created the McNaughton Test. The judge ruled the acquittal because the mentality was not safe. Despite this, the jury declared him insane and placed him in a metaphysical asylum. The House of Lords devised a five-point plan in response to this ruling in 1843. McNaughton's laws were thought to be these five notions. The following suggestions have been made:

1. Unless proven differently in a court of law, the prisoner is presumed to be in good health.

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2. 2. If a fool knows what he or she is doing while committing a crime, he or she will be punished.
3. 3. That the offender, as a result of his insanity, would be unable to grasp the nature and consequences of his acts in defense of ignorance.
4. 4. The accused must be experiencing a genuine hallucination.
5. 5. According to English law, a jury determines whether someone is insane or not.
6. 6. Certain propositions were laid out in the regulation on the preservation of insanity. Certain propositions were laid out in the regulation on the preservation of insanity. The standards place a premium on an accused's "comprehensibility" in determining whether or not he or she has committed any wrongdoing. It's a check that identifies what's incorrect and what's correct.

ABORIGINAL PRACTICE: INSANITY IN INDIAN LAW

The insanity defense is based on Section 84 of the Indian Penal Code 1860, which states that nothing is an offense if done by a person who, due to an unhealthy mind, was unable to understand the outcome of the act and did not realize it was illegal at the time of commission. The insanity defense is based on Section 84 of the Indian Penal Code 1860, which provides that nothing is an offense if done by a person who, due to a sick mind, was unable to appreciate the outcome of the conduct and did not recognize it was illegal at the time of commission. The following are the outcomes:

1. The individual is unaware of the heart of the matter.
2. The individual may not have understood that his acts were mistaken.
3. The individual was unaware that the behavior he committed was illegal.

Under all of these circumstances, ignorance is legal willful ignorance, and the accused should be found guilty if proven. It should also be noted that the fundamental principles of Section 84 of the IPC are based on: (a) Actus reum nisi men sit rea, which states that nothing is wrong unless something is wrong and the intention is guilty; and (b) Furiosi nulla voluntas est, which states that a mentally ill person has no free will and cannot make mistakes. In the lack of morality or purpose, Section 84 relieves a person with mental illness of his or her obligations.

The Supreme Court ruled in *Bapu Gajraj Singh vs State of Rajasthan* that a psychopath cannot be granted protection under section 84 IPC simply because he or she has an abnormal mental or partial illusion, overwhelming desire, or compulsive behavior. The noble Supreme Court concluded in *Surendra Mishra v. The State of Jharkhand* that section 84 is merely legal folly, not medical folly and that a person with a mental condition is not immune from criminal culpability. As a result, under Section 84 of the Indian Penal Code, it is not only that the individual suffered from a mental disease, but also the facts based on the evidence that prove him or her incapable of committing an offense.

OBLIGATION TO PROVE

Unless proven otherwise, every individual is presumed to be sane and to have a reasonable level of justification for his actions, according to the law. Because the insanity defense is more like a break from regular law, particular legal measures are in place to exhibit and prove the insanity defense. The offender who can prove beyond a reasonable doubt that he or she was "legally" mad at the time of the offense must also justify his or her protection from insanity. As an example, through evidence such as oral and written documentaries, the accused must show that he was unable to comprehend the nature of the occurrence or that his conduct was illegal. The Supreme Court held in *Anandrao Bhosale v. The State of Maharashtra* that the time of evidence is when the crime has been committed in fact and that the party seeking the benefit of Section 84 has the burden of proof. In *T.N. Lakshmaiah v. the State of Karnataka*, the Supreme Court stated that in civil disputes, the burden is on the defendant to prove by a preponderance of the evidence that is near to the prevailing possibility.

BENEFICIAL FEATURES OF THE INSANITY DEFENCE

- It is a solution in which the convicted party has other mental disorders and is thus supported, even though there are still true examples of this problem in the minority.
- When a fool confesses his crime and is unable to comprehend the gravity of what he or she has done, this shield prevents the death sentence from being applied, and hence the death penalty is not applicable.
- In a country like India, where an accused individual is found guilty of any crime, this safeguard provides solace to a mentally challenged person. Because they have been hurt, the convicted can be officially disqualified and acquitted.

- This defense is virtually a "life-giver" to a mentally ill adult since he or she is in the same situation as a child who has no idea what he or she is doing and has no idea what the repercussions are. As a result, it would be unethical to impose severe penalties on such a person.

NEGATIVE FEATURES OF INSANITY DEFENCE

- In many countries, the insanity law has been repealed due to the current abuse of such a defense. Such safeguards had already been removed in countries such as the United States, Germany, Argentina, and Thailand. The misunderstanding that this defense was abused in innumerable cases where violent criminals were acquitted due to insanity devalues the foundation on which the statute was founded.
- As noted in the article, the accused must prove insanity to use this defense, and proving this is a difficult task. While medical insanity is easily established, the legal process is complicated by the requirement for the party to describe the insanity in concrete terms. Explaining legal irony to the basics of Section 84 of the Indian Penal Code, 1860 is quite tough. As a result, the perpetrator is often found guilty and penalized in court cases of insanity.
- The use of the ignorance defense to avoid acquittal or a fine is unethical. It's difficult to tell if an individual had a healthy or unhealthy mind at the time the crime was committed. This is dependent on the judge's judgment, and the law loses its core meaning in some way.

CONCLUSION

We may now assume that the insanity defense is the most commonly used criminal defense. It's almost impossible to say what someone's mental state was at the time of the act. The Indian courts are equally to blame for the failure, as the only fuel thrown to the fire resulted in the loss of this protection, and all that matters now are word games. Such cases are tricky because the accused desires to commit a crime but avoid the consequences, allowing the proper person to be identified. Such situations are more difficult to deal with. It could be argued that, as a result of these fundamental elements, insanity legislation has lost its original function and has become a criminal weapon to avoid legal ramifications. These limits can now be overcome with the creation of streamlined laws and tests separating criminals from mad criminals may be the first step toward reform, with past offenders being the main perpetrators. Reforms in this region

will not be possible until states implement new legislation to address these challenges, and it is past time to do so.

