

A CRITICAL ANALYSIS OF INSANITY AS A DEFENCE UNDER THE INDIAN PENAL CODE

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INTRODUCTION

The "insanity defense" is a tactic utilized in the criminal law of India to safeguard an individual charged with a crime from being held accountable. The defense is based on the idea that the accused was suffering from a mental illness at the time of the crime and was, therefore, incapable of comprehending their actions. It is important to note that this is a legal term and simply having a mental illness is not sufficient to establish insanity. It is the responsibility of the accused to provide evidence that meets the standard of "preponderance of the evidence" in a civil case to demonstrate insanity. The objective of this analysis is to examine the legal concept of insanity and how it has become a loophole in the current judicial system.

INSANITY: AN OVERVIEW

The insanity defense is utilized when a criminal admits to committing a crime but claims that they were unable to comprehend their actions due to a mental condition. This provides an excuse rather than a justification for their behavior. In accordance with Section 84 of the Law of Insanity, an individual with a mental illness can use this defense to avoid criminal responsibility if they were unable to comprehend the consequences of their actions due to their insanity. The insanity defense has been advantageous in evaluating the mental state of an insane individual and granting them exemption from prosecution.

ORIGIN OF INSANITY DEFENCE

In ancient Greece and Rome, man-made rules included restrictions on defense insanity. When a lunatic commits murder when insane, he can't be held accountable. This was initially stated in a 1581 English legal text. The "Wild Beast" test was created by British courts during the 18th century, whereby a person could not be condemned if he or she had knowledge of a child or a wild beast.¹

It was after the "Wild Beast Test" that additional tests were designed, such as the "Insane

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¹ R. v. Arnold. 1724, 16 St.Tr.695.

Delusion Test²" and "Good & Evil Test," which sought to assess whether or not someone who had done wrong could tell right from wrong.³ These three tests were the first insanity defense legislation, and they established the groundwork for the famous McNaughton Test. There are several similarities between this case and the Indian Penal Code's Section 84: McNaughton's Test, which was developed in *R v. McNaughton*⁴. McNaughton accidentally murdered Edward Drummond after mistaking him for another guy. The court acquitted him as he was not mentally fit. He was found to be insane by the jury, who suggested that he be transferred to a psychiatric facility. The House of Lords debated this matter in 1843, where a five-point resolution was made. McNaughton's rules, which originated from five propositions, set a precedent in the field of insanity defense law. These propositions included the presumption of sanity for criminals, the possibility of punishment for an insane person who was aware of their actions during the offense, the requirement for an inability to understand the nature and implications of the actions due to insanity to establish an insanity defense, the reality of the accused's delusions, and the responsibility of the jury in determining an individual's sanity under English law. These propositions highlighted the significance of assessing an accused's comprehension in cases where they committed a crime, to determine their ability to discern right from wrong.

DEFENCE OF INSANITY IN INDIA

The concept of criminal responsibility for individuals with unsoundness of mind is based on the idea that an action is not a crime if the person performing it was unable to comprehend the nature and implications of their conduct and was unaware that it was illegal due to their mental state. This provision is closely related to McNaughton's Test, which has two broad categories based on the five-point propositions. The major criteria cover cases where the person had a mental illness at the time of the crime, while the minor criteria cover cases where they did not. The McNaughton's Test evaluates whether the person was unable to understand the nature of their conduct, whether they were unable to recognize their actions were wrong, and whether they were unaware that their actions were illegal.

MEDICAL INSANITY VS. LEGAL INSANITY

Section 84 of the Indian Penal Code outlines the legal criteria for mental illness, but it does not provide specific definitions for terms like "unsoundness of mind" or "insanity," which can have

² Hadfield Case. 1800, 27 St.Tr.128

³ 1 Collinson Lunacy 673

⁴ 8 Eng. Rep. 718, 722.

varying meanings depending on the situation and the degree of mental illness involved. While mental illness does not automatically excuse a person from criminal responsibility, the legal definition of insanity differs from the medical one. "Medical insanity" refers to a person with a mental illness, while "legal insanity" refers to a person who lacked the capacity to reason at the time of committing a crime. The perpetrator's mental state at the time of the offense is the critical factor, and fulfilling any of the three elements outlined in Section 84 may allow the accused to invoke an insanity defense.

Supreme Court held in **Bapu Gajraj Singh vs State of Rajasthan**⁵ that "a psychopath's mental illness or partial hallucination, irrepressible impulse, or obsessive behavior provides no protection under Section 84 IPC."

In **Surendra Mishra v. State of Jharkhand**⁶, the Supreme Court decided, "Section 84 IPC only applies to legal insanity, not medical insanity, and that a person suffering from a mental disease is not immune from criminal culpability."

The Supreme Court noted in **Hari Singh Gond v. State of Madhya Pradesh**⁷ held, "Section 84 of the Indian Penal Code establishes the legal test of responsibility in circumstances of claimed mental illness. 'Mind soundness' does not have a definition. However, there is no meaning to the term insanity. It is a term used to describe a variety of mental diseases in which the person is judged to be completely prone to recurrent fits of insanity."

BURDEN OF PROOF IN DEFENCE OF INSANITY

"Unless the contrary is proven, every man is supposed to be sane and to possess a sufficient degree of reason to be responsible for his actions."⁸ As a result, Insanity Defense is more of a departure from the normal law, and there are specific legal rules for proving and availing Insanity Defense.

"The burden of proof for showing insanity defense is always on the accused, which must show beyond a reasonable doubt that he or she was legally insane at the time of the offense. The accused must show that he was incapable of knowing the nature of the crime or that his/her act was illegal by presenting evidence such as oral and written documents."⁹

⁵ (cr1.) 1313 of 2006

⁶ (2011) 11 SCC 495.

⁷ (2002) 1 SCC 219.

⁸ AIR 1961 SC 998.

⁹ (2012) 1 SCC 602.

Anandrao Bhosale v. State of Maharashtra¹⁰ was decided by the Supreme Court. It was held that “the period when the unsoundness must be demonstrated is when the crime is really committed, and the burden of proof is on the party accused to satisfy the preponderance of probability, making it similar to civil situations in which the benefit is claimed.”

TYPES OF INSANITY

Temporary Insanity: For defense in a criminal case, the accused may claim that they were momentarily insane at the time of the incident or attempt, and hence were unable to determine what exactly was wrong. Temporary insanity is a defense of whether or not the defendant is mentally competent during the trial. Temporary insanity presents certain challenges in terms of the burden of proof since psychiatrist evaluations are conducted after the incident, thus the only evidence available was the accused's conduct shortly prior to or soon after the offense.

Permanent Insanity: A character with permanent insanity may be reduced to a raging maniac or may appear to be acting normally; in either case, she or he is inwardly corrupted mad. Characters that have lost their mental orders, been corrupted by forbidden knowledge, and crossed over to the other side make up a small percentage of the world's most disaster cultists.

A CRITICAL ANALYSIS OF THE IMPACT OF DEFENSE OF INSANITY

Positive Impact:

- It is argued that the insanity defense provides an opportunity for individuals with mental illnesses to receive appropriate help, even though such cases are relatively rare.
- In addition, the insanity defense typically prohibits the use of capital punishment for those who have committed a crime while unable to fully comprehend its severity due to their mental condition.
- Some have likened the situation of a mentally ill defendant to that of a young child who does not understand the consequences of their actions. Therefore, imposing harsh penalties on such individuals would be considered unethical by some.

¹⁰ (2002) 7 SCC 748.

Negative Impact

- The defense of insanity has been abolished in many countries due to its misuse in certain cases, which undermines the fundamental principles of the law. Although it's impractical to give an example, in some instances, violent criminals have been acquitted on the basis of insanity, which goes against the original purpose of the legislation.
- As mentioned earlier in this essay, it's the responsibility of the accused to prove insanity as a defense, which is challenging to do legally. Although it may be easier to establish medically, the accused must provide actual evidence to prove legal insanity as per Section 84 of the Indian Penal Code.

PSYCHIATRISTS INVOLEMENT IN CASES THAT INVOLVE THE INSANITY DEFENCE

Psychiatrists become involved in insanity cases in a variety of ways, including through their patients. This would imply the unfortunate occurrence of a patient being charged with a crime. The patient and their attorney have decided to make the patient's mental condition at the time of the alleged occurrence a point of contention, and as the treating physician, you have been asked to testify. Another common role for psychiatrists in these cases is as a consultant who assesses the individual as well as the circumstances surrounding the crime. In this scenario, you are meeting the person on the basis of a court order or at the request of one of the attorneys, and it may not be the same as seeing a patient, especially when considerations like confidentiality arise.

FUTURE DIRECTION

In India, there is a lack of formal training in forensic psychiatry, with only a few forensic psychiatric training programs and centers providing forensic psychiatric clinical services. Forensic psychiatry training centers need to be established across the country to train mental health professionals, and a series on mental health need to be started in each central prison. There is an urgent need to train psychiatrists in each district hospital and medical college in the assessment of the insanity defense and evaluation of fitness to stand trial, given the current state of affairs in forensic psychiatry. The criminal justice system needs to take a more systematic approach to the issue of diminished responsibility.

CONCLUSION

In conclusion, it is evident that the Insanity Defense is a popular defense for criminals to use to avoid prosecution for any offense. However, determining a person's mental state at the time of the crime is difficult. Due to the flaws in the Indian legal system, this defense loses its effectiveness. Offenders who admit to committing a crime yet escape punishment through this defense pose a significant problem. Therefore, it is crucial to implement stricter rules to manage such issues, and significant reforms in this area are long overdue.



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