THE SILENT EPIDEMIC: HOW INDIA'S NEW CRIMINAL LAWS FAIL AT POISON-RELATED CRIMES

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ABSTRACT

Poisoning-related deaths present a distinctive challenge to India's criminal justice system because they often lack visible injuries, eyewitnesses, and immediate forensic indicators. This paper examines the legal and evidentiary challenges surrounding poisoning under India's contemporary criminal law framework, particularly the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023. It analyses the legal vacuum created by treating poison primarily as a means of committing offences rather than recognising poisoning as a distinct category requiring specialised regulation. The paper further explores delays in toxicological analysis, dependence on circumstantial evidence, difficulties in establishing causation and intent, and emerging threats such as designer chemicals, low-dose exposure, and poly-drug poisoning. Through judicial principles governing circumstantial evidence and relevant poisoning cases, it argues for specialised statutory provisions, stricter forensic protocols, improved infrastructure, stakeholder training, and judicial guidelines for expert evidence.

Keywords: Poisoning, Criminal Law, Forensic Evidence, Toxicology, Circumstantial Evidence.

INTRODUCTION

Who would have thought a trusted children's cough syrup could be easily turned into a lethal poison? The infamous pharmaceutical syrup deaths (multiple states in the years 2022-2023): in this case, many contaminated cough syrups led to the deaths of children in India and abroad; this was due to toxic substances like diethylene glycol, which were later detected. This was a

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situation where poison entered through the medicine administered and through state-regulated supply chains. The legal reforms included license cancellations and arrests.

This case is just one thread in a wider tapestry of silent violence. According to the 2019 NCRB data, in Andhra Pradesh, the most common method of suicide was poison, which accounted for over 42% of suicide deaths and surpassed deaths by hanging, vehicle collision or drowning. A senior police officer confirmed that self-poisoning was the most common method of suicide in the state, with most victims resorting to substances that were most accessible. Among the most-used substances consumed by victims of self-poisoning were pesticides, insecticides, and rat poison. While pesticides and insecticides accounted for most cases in rural areas, rat poison was the most-used method of self-poisoning in urban parts of the state.

A common thread, or a link, in all of these cases- from mass state and pharmaceutical negligence to covert homicides there is a mismatch between what is scientific clarity and the legal ambiguity of what the cause of death is, along with its evidentiary support. Unlike violent crimes that leave visible wounds, poison- related crimes operate in whispers, taking the case into disciplines like toxicology and becoming more dependent on procedures and inferences rather than mere witnesses. Here lies an exposed truth: India's criminal justice system needs reform to address the ever-evolving threat of poisons.

THE LEGAL VACUUM: MEANS, NOT A CRIME

The core failure lies in the new legal framework; even in the BNS (Bhartiya Nyaya Sanhita, 2023), it is mainly referred to under the sections of murder, culpable homicide, or attempt to suicide, leaving a gap with no independent clause or offence with its detailed components and definitions. This framework forces us to view poison merely as a means and not as a separate offence, and even the intention becomes harder to prove in such cases because the lines blur of how to distinguish between intentional poisoning, knowledge based actions, and the negligent administration of harmful substances- in layman terms murder by poisoning, hurt or grievous hurt caused by poison which could also lead to any kind of mental damages, attempt to poison cases, and cases involving food adulteration or intoxication. In fact, it is treated like any other weapon when it requires expert review and evidence; the effects of the poison may be delayed or dormant, and the cause of death may appear to be natural.

In Addition to this, especially when procedural law comes into the picture, does BNSS (Bhartiya Nagarik Suraksha Sanhita, 2023) introduce any special procedure for these chemical-

related deaths? Are there strict timelines for India's forensic proceedings? And are there any consequences for changes in the samples sent, where this quality degradation could be because of a time delay or the conditions it is exposed to? The law assumes the efficiency of the system. This creates a legal vacuum or loophole where BNS punishes the outcome and not the access or the preparation, and the involvement of the different stakeholders, like if suppose someone procures poison online, do we have laws to criminalise this act and hold the stakeholders accountable? Why don't we criminalise online procurement? If we provide amendments on holding all those platforms liable for unregulated sale or purchase, or terming it the 'unlawful procurement of toxic substances with intent to cause harm'. Poison has entered the supply chain, but our criminal law hasn't. In the retrospective analysis of toxicology work in Manipal found that viscera (internal organs sent for analysis) and toxicology reports took 1- 3 months, with transport, which delayed the process of evaluation, ultimately concluding the final opinion on the cause of death as natural. This propagates the saying, 'Justice delayed is justice denied'; eventually, this problem leads to the potential miscarriage of justice, as there is a misappropriation of what could have been a murder that is now considered natural. The law may provide a process, but in reality, the science-dependent evidence is backlogged, and this leads to misdirecting the cases.

THE EVIDENTIARY ABYSS: PROVING THE UNSEEN

The Silent Killer problem where there are evidences are involved, how are we to take evidence into account? Like if there is an absence of eyewitnesses? Or a case where there is more reliance on circumstantial evidence- can it be relied on one hundred per cent? Or a case where it is difficult to prove the administration of poison? Most poisoning cases rarely involve direct evidence, where there aren't any eyewitnesses, no visible injuries, and the ever-present possibility that the death can also be natural. To actually rely on circumstantial evidence in cases of death by poisoning, the Supreme Court mandate the prosecution must successfully prove a complete and unbroken chain of circumstances, including every nuance and direct it towards the actions of the accused.

Even analysing the core of the pop cultural references on poisoning, there is a differing depiction with an oversimplification of forensic procedures and speed, along with no trace of the real legal hurdles; along with this, the dramatisation of unrealistic investigation practices. This makes pop culture the centre of all misinformation, where it has a responsibility to shape public expectations and perceptions, and it goes on to mask the real procedure. If pop culture

showcased half of the reality, it could inform and even bring about a slight change in the legal system; if not, at least there would be some sort of awareness. There are still some clear gaps between perception and reality.

In the case of Sharad Birdhichand Sarda v. State of Maharashtra (1984), a landmark case on understanding circumstantial evidence (usually used as evidentiary support when there is no solid proof, the situations or circumstances, even the chain of events, are analysed to prove a case) and the acceptance of it, where there were 5 principles laid down:

(1) circumstances must be fully established,

(2) they must be consistent with the guilt of the accused,

(3) they must exclude every possible hypothesis of innocence,

(4) they must be conclusive in nature,

(5) the chain must be complete.

Applied to poisoning cases, it puts a huge burden on the prosecution or the state to provide a complete chain of events; it is unrealistic to burden one party to meet such unrealistic expectations and leave no room for doubt, but it also creates a stricter interpretation of how and when circumstantial evidence can actually be used to prove guilt. This burden can be simplified as: prove the following- death was caused by poisoning, the accused did have possession of the poison, and the accused had an opportunity to administer the poison.

But to tackle chemical developments, we need better, newer regulations, for evolution and experimentation have no end; what India needs is more advanced special provisions, dedicated investigation guidelines, forensic guidelines, and protocols. For they can help curb more than half of the issues faced by the system today. There should be a separate statutory recognition of chemical and poisoning-related offences, which would work with chemical developments and seek to solve those crimes which are often registered as cases of natural death. Along with this, there should be developments in forensic lab facilities and infrastructure to support experts and provide an environment conducive to error-free observations. Provide training, especially to all the stakeholders in solving such a crime. Mention the judicial guidelines for expert evidence evaluation, including the answers to questions like: Is it conclusive to the crime committed? Could natural death be questioned?

There are newer developments beyond the classical ones or home-made ones. Now, advanced ones, which include designer chemicals, industrial compounds, low-dose and slow-acting toxins. Poisons should not be treated generically; they must be classified in terms of their toxicity. The newer offences related to the overdose of administration, where there can be a covert consumption of sedatives, antidepressants, or even mere painkillers; a newer version of the same is poly- drug poisoning, where multiple substances are mixed, which can cause death. Poly-drug Poisoning doesn't conform to the classical forensic expectations, as there are multiple substances involved acting or reacting; this questions the chain of events or the circumstantial evidence, as now the lines have ceased to exist, particularly with understanding exclusive possession, the causation of the consumption, and the intent, all of which cannot be purely conclusive. As the newer advancements aim to break the very core of the legal focus, which is the outcome, as mentioned in the BNS, by ensuring the outcome mimics natural death and no suspicion of any criminal act. The Supreme Court's strict mandate for a complete chain of events is designed to protect the innocent and can now be easily weaponised, where the law is still grappling with classic poisons and is defenceless against a person well versed in modern science.

Cyanide a classical poison which can be traced after performing an inquest (also known as a postmortem); after the developments in science, there could be untraceable poisons. There is an urgent need to investigate drug-based poisoning due to its growing prevalence and easy access. The newer patterns of drug use are not limited to immediate death, but there is an increasing pattern that is noticeable where there is repeated low-dose exposure and eventual gradual organ failure. One of the many examples includes the case of the Koodathayi Cyanide Killings (Kerala); beyond its relevance in pop culture, it proves to be a modern case of poisoning and helps confirm the pattern. Cyanide was administered in small quantities, which was mixed with food and drinks; here, the victims did not die immediately, or at every instance the poison was administered. But their questionable symptoms like sudden collapse, gastric issues, and cardiac arrest. This becomes a relevant case to understand how poison worked with the legal system, where many of the family members, including the accused, had refused any kind of inquest; only one successful inquest was performed, which was on the husband, Roy, whose cause of death was recorded as Cyanide poisoning. This case also highlights a potent, non-legal barrier, which calls for societal and religious taboos against inquests in many communities. This taboo can often be used as a tool for exploitation and can prevent

investigation from starting, guaranteeing that a potential poisoning death is recorded as natural or as a cardiac arrest without the scope to rule out a forensic suspicion.

CONCLUSION

Many crime-thriller mysteries involve poisoning as a murder weapon because it provides a quiet, insidious and intellectual alternative to what is the conservative notion of crimes as violent, loud, messy and painful. It presents itself with a more intellectually stimulated layers where the reader or viewer gets to get involved into the crime to guess and second guess as to who is really the criminal, this also adds to making the suspects or any and everyone involved the 'perfect murder aspect' as it can mimic natural, accidental or sudden illnesses, which is why the culprit can evade the initial detection or suspicion.

India requires a separate statutory recognition of chemical and poisoning-related offences, along with forensic and investigation guidelines with strict timelines, investment in forensic infrastructure, specialised training for all stakeholders, and judicial guidelines for evaluating expert evidence in poisoning cases, due to its nuances which need more legal attention in its ground-level applications. Poison challenges criminal law because it works at the intersection of science, procedure, proof and perception. In a world where technology evolves daily, we need our modern criminal codes to be wary of the modern scientific sensitivity and move according to how science adapts to everyday change.