
THE USE OF INSANITY DEFENCE UNDER THE INDIAN PENAL CODE

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I. INTRODUCTION

Crimes are an inherent part of our society. In 2023, 445.9 crimes were reported per 100,000 people in India. With these statistics, it is safe to say that criminality is an essential component of how society is built and shaped. Individuals who are involved in these crimes are eventually presented before the law – at this point, the core concept of criminal responsibility comes to the forefront. Criminal Responsibility is when a person commits a criminal offence with intention, recklessness, or negligence.

Insanity is a common defence to criminal responsibility, as individuals diagnosed with mental illness cannot be held responsible for their actions, considering their mental state acts a barrier preventing them from understanding the nature of their crime and the law in place. Insanity is defined to be a severely distorted state of mind occurring because of a particular disorder. This concept is commonly referred to as ‘insanity defence.’

The foundation for the concept of insanity defence arises from the principle: “Actus Non Facit Reum Nisi Mens Sit Rea.” This translates to the concept that an act does not make the accused liable without a guilty mind. Having this system in place allows for an individualized approach to justice. It recognizes that every individual who has committed a crime may not have the same mental capacity, therefore as a result, it enables a personalized assessment of responsibility based on the mental state of the individual at the time of the crime. However, it has been used as a loophole by most criminals to reduce their responsibility associated with the crime. This makes it important to understand the foundation of the defence and evaluate the ways in which it can be improved to allow for a more just society.

II. ORIGIN OF INSANITY DEFENSE

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For centuries, Anglo-American Law established that certain individuals should not be held responsible or should hold a lower degree of responsibility in reference to their mental state. In 1581, the distinction between those who held complete consciousness of their actions and those who did not due to their mental state was made in a legal treatise.

The British courts developed a mean of measurement called the 'Wild Beast Test.' If the level of understanding of the defendant about the consequences of his action was no more than one of an infant, a brute or a wild beast, the defendant is not considered responsible for the crime.

This test was used in the first-ever case that used insanity defence namely the case of R v. Arnold (1724). In this case, Edward Arnold attempted to hurt and kill Lord Onslow and was found guilty. Evidence demonstrated he suffered from a particular mental illness, and the Wild Beast Test was used.

However, the foundation of insanity defence was only laid after the M'Naughten Case in the year 1843. M'Naughten was diagnosed with persecution mania, and this made him believe that Prime Minister Robert Peel was responsible for the difficulties he faced in life. He shot Mr. Drummond (his secretary), assuming he was the prime minister. When given the opportunity, M'Naughten pleaded insanity and was acquitted. At this time, various other tests were developed such as the Insane Delusion Test and the Right and Wrong Test. The case gathered massive public attention and eventually, the rules for plea of insanity were laid out and was labelled the M'Naughten's Rules.

These rules include:

- Everyone is assumed to be sane and is fully conscious of the consequences of their action until proved otherwise in court.
- To be eligible to claim the defence of insanity, one should be able to prove that they were indeed suffering from a mental illness at the time of event.
- Only the jury can ask questions and determine whether the person was mentally sane at the time of the incident – a person with medical knowledge or is practicing medicine cannot interfere to provide their opinion.
- At the time of the incident, the accused was not able to differentiate between right and wrong.

III. INSANITY DEFENCE UNDER THE INDIAN PENAL CODE:

Section 84 of the Indian Penal Code introduces 'insanity' as a defense. The law differs with its use of terminology: the term 'insanity' is replaced by 'mental soundness.' The provisions of the section are kept the same from the ones developed in the M'Naghten case.

The criterion for the defence includes unsoundness of mind during the incident and the inability of the individual to differentiate between right and wrong.

If one needs to claim the defence of insanity, the burden of proof falls on the defendant who appears to claim that the case satisfied the criterion laid under the Section 84 of the Indian Penal Code.

IV. THE DIFFERENCE BETWEEN LEGAL INSANITY AND MEDICAL INSANITY:

There is a distinct difference between legal insanity and medical insanity as core concepts. It is important to understand the legal definition of the term when claiming defence. Medical insanity is a much wider concept than legal insanity – this is because certain illnesses can be termed as insanity under medical concepts, but these illnesses do not fulfil the criteria of legal insanity to claim the defence of insanity.

In medical terms, insanity is defined as a type of illness that affects the ability of an individual to function properly. The concept of insanity is divided into four different conditions:

- Lunatic: Someone who is diagnosed with a mental illness only for a certain period.
- Idiot: Someone who has been diagnosed with a mental illness without any intervals
- Non-Compos Mentis by illness: Someone who cannot understand what they are doing and cannot differentiate between what is wrong and right.
- Someone who is intoxicated.

Legal Insanity particularly states to receive the benefits of Section 84 of the IPC, one must be able to prove that the extent of unsoundness was capable enough to fulfil any one of the tests and conditions mentioned under this section.

Case Law:

In the case of R. Maruthu @ Maruthupandian v. State (2013), the accused attacked the victim with a wooden log and threatened the villagers with abusive language. He was later questioned by a witness when he admitted to five other murders. The wooden log that was bloodstained

was recovered and the victim's body was sent for postmortem. It was concluded the reason of death was due to injury to vital organs.

The accused's plea of insanity was rejected by the trial court. However, medical records and opinions of experts indicated the accused was suffering from paranoid schizophrenia. As a result, the trial court's conclusion has no basis and the accused's plea of insanity was accepted, therefore the sentence was annulled. The appellant was handed to Kilpauk Institute of Mental Health.

This case is a prominent example of the defence of insanity, benefiting those who can't be held as responsible as others who have committed a crime of a similar extent.

V. INSANITY DEFENCE AS A LOOPHOLE:

The use of insanity as defence is a strong legal tool, capable enough to allow an accused to be free of any charges, therefore it is sometimes used to free someone of the consequences of their actions that were done in complete consciousness.

Case Law:

In the case of *Jai Lal v. Delhi Administration*, the accused murdered a young girl with a knife and continued to stab two other individuals. He was initially convicted under the Section 302 of the Indian Penal Code, however he pleaded that he was diagnosed with insanity and that he satisfied the conditions for legal insanity mentioned under Section 84, IPC.

The accused, however, provided well-informed statements after the arrest, displaying no evidence of abnormal behavior. These laid the foundation to the ruling by the Supreme Court that the appellant was fully aware of his action and its consequences. He was later charged guilty for his actions under Section 302, IPC.

VI. CONCLUSION:

Insanity defence and its conditions has been laid out efficiently under the Indian Penal Code. This ensures that those guilty of their crimes have committed the same with complete awareness about the consequences and have displayed negligent behavior and recognizes others who don't have the same level of negligence and awareness. Furthermore, it creates an opportunity for mentally ill individuals to seek the required medical attention that would prevent them from engaging in further crimes. However, since the definition of the terminologies - 'insanity' or 'unsoundness of mind' - are not well-defined, it creates a confusion

in the interpretation of these terms by legal and medical experts. The creation of a well-defined definition would ensure the exception is not misused.

It is also important to recognize that the misuse of exceptions has been quite rare, as the scrutinization for the use of the defence is extremely high. This can be concluded from the success rate of insanity pleas over the past decade which is about 17%, thus the purpose with which the defence of insanity was initially established is solved.

References:

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