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AN EXAMINATION OF THE INSANITY DEFENCE: A COMPREHENSIVE ANALYSIS OF ITS HISTORICAL DEVELOPMENT, EFFICACY, AND THE CONTROVERSIES SURROUNDING ITS APPLICATION

~ *PRIYANSHU RAJ*

INTRODUCTION

The insanity defence has long been considered as contentious and complicated issue in the Indian criminal law. It aims at provide people with mental illnesses to argue that they should not be held legally accountable for the acts they might have committed because of their mental health, causing harm through an incident. The legal abstract aims to look to examine the historical roots of the insanity defence, along with its effectiveness in the judicial system, and the multiple barriers in the implementation process. The concept of insanity defence has changed drastically over the time, reflecting advances in understanding one's mental illness and its implications for criminal responsibility. Its first documented use dates back to ancient civilizations, when the accused's mental state was to be taken into consideration for legal proceedings. The M'Naghten Rule, which was introduced during the formation of the British legal system in the early 18th century, formalized the defence of insanity. The statute makes it mandatory for the defendant to prove beyond reasonable doubt and demonstrate their lack of awareness about the nature of their act committed or its wrongfulness at the time of the infringement, placing reliance on burden of proof.¹

EFFICACY & DEBATE

The efficacy of the insanity defence has been widely questioned. Detractors argue that defence of insanity is used as a loophole to escape from the liability of the crime committed. As, it allows certain individuals to avoid accountability for the acts, harms they have caused by

¹ Larry Alexander and Kimberly Kessler Ferzan, "Crime and Culpability: A Theory of Criminal Law" (Cambridge University Press 2009) <<https://doi.org/10.1017/CBO9780511804595>> accessed 4 March 2024.

claiming mental illness or by manipulating the systems of the court. Proponents, on the other hand, say that the defence aims to serve as a protection for those who legitimately suffer from severe mental illnesses and might have committed such an act, ensuring that they should receive adequate treatment rather than punitive measures.² The insanity defence has been the subject of numerous controversies, the most notable of which concerns its subjective nature. Identifying an individual's mental state at the time of the offense typically relies on expert testimony and psychiatric assessments, which might show significant discrepancies. This subjectivity raises doubts about the authenticity and consistency of verdicts, putting doubt on whether justice is genuinely served. Furthermore, the media's presentation of high-profile cases employing the insanity defence can have a significant impact on public opinion, leading to misconceptions regarding its prevalence and use. This dynamic can incite calls for either the elimination or more severe implementation of the defence, thereby supporting the conversation about its role in the legal structure.³

LEGAL FRAMEWORK IN INDIA

The insanity defence, has a long and complicated history woven into the legal tapestry, which is then interrupted by tremendous hurdles in its practical implementation. According to medical research, unsoundness of mind, often known as insanity, is a type of disease that affects a person's mental faculties. This sickness in the brain or nervous system causes one or two brain functions to perform abnormally, or to fail entirely due to the disease. The perpetrator's mental condition at the time of the offense is crucial, and if any of the three elements listed in Section 84⁴ are met, the accused may be able to raise an insanity defence. Supreme Court held in *Bapu Gajraj Singh*⁵ that “a psychopath's mental illness or partial hallucination, irrepressible impulse, or obsessive behaviour provides no protection under Section 84 IPC.” In *Surendra Mishra*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*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, the term insanity has no meaning. It is a phrase

² *ibid.*

³ Joshua Dressler, *Understanding Criminal Law* (Seventh edition, LexisNexis 2015).

⁴ IPC 84.

⁵ *Bapu Gajraj Singh v. State of Rajasthan* [2006] 1313.

⁶ *Surendra Mishra v. State of Jharkhand* [2011] 11 SCC 495.

⁷ *Hari Singh Gond v. State of Madhya Pradesh* [2002] 1 SCC 219.

used to describe a group of mental illnesses in which the patient is regarded to be entirely susceptible to recurrent episodes of insanity. The effectiveness of this system in providing justice for both accused and victims is still being debated. As society's understanding of mental health evolves, a wise balance that protects justice while addressing the needs of mentally ill defendants will be critical in setting the trajectory of the insanity defence in the coming years. To defend this, one must show that insanity has impacted the cognitive function that guides our actions. Insanity not only affects our cognitive faculty but also affects our emotions, which prompt our action, but our Indian Law, like the English Law, only gives exceptions to those insanity cases that affect only the cognitive faculty, and cases where insanity affects the emotions are not considered in the exception because if insanity affects our cognitive faculty, the person is not capable of controlling his actions and does not know the effects of the action. It is not necessary to meet all of the standards outlined in the section in order to employ the defence of insanity; a person who is aware of the nature of the act but is unable to determine what was unlawful or contrary to the law can nevertheless claim insanity. This exception is particularly essential in circumstances where mental illness has resulted in partial insanity. Situations such as delusions, for example, a person suffering from delusions but otherwise sane cannot be acquitted on the grounds of insanity unless the delusions induced the individual to believe those things that, if true, would have excused his actions.

BURDEN OF PROOF

To claim the defence of insanity, the defendant has the onus to prove that at the time of the occurrence of the incident, he was of unsound mind and in no way had the intention to commit such an act.

The rules for burden of proof in cases of insanity, requires the prosecution to mandatorily prove beyond reasonable doubt that the offence was committed by the accused with men's rea. Insanity is a rebuttable presumption. The accused can bring oral, circumstantial, or documentary evidence to rebut the presumption of sanity at a time and claim defence of section 84 of IPC, and the accused do not have to prove elements of section 84 IPC beyond a reasonable doubt. Even if the accused is not able to establish the ingredients of section 84 as to the acts. The Court would thereafter be allowed to acquit the accused because the prosecution's general burden of proof had not been discharged. Material conditions that contribute to interference with mental health. The question of whether the accused was unsound at the time of the offense varies from case to case; this must be decided based on the facts of the case.

Thus, the following factors can be used to infer information about the accused's mental state at the time of the offence: motive, preparation, desire for concealment, making false statements, behaviour before, during, and after the offense, admitting guilt, and attempting to avoid being placed under arrest.