

2023

Profound Study on Insanity as a Defense for Criminal

Jyoti

Recommended Citation

Jyoti, 'Profound Study on Insanity as a Defense for Criminal' (2023) 2 IJHRLR 31-48.

Available at www.humanrightlawreview.in/vol-2-issue-2/.

This Article is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto Media and Publications administrator. For more information, please contact info@humanrightlawreview.in.

PROFOUND STUDY ON INSANITY AS A DEFENSE FOR CRIMINALJyoti¹**ABSTRACT**

The idea of insanity as a form of defence dates back to classical Greece and Rom. Madness Defense In a 1581 English legal book, it was stated that if a person suffering from lunacy murders someone, they will not be held accountable. In the 18th century, British judges created the "wild beast" test. According to it, a criminal could not be found guilty if they were "*an infant, a brute, or a wild beast*" because they were unable to comprehend the nature of the crime. As stated by the dictum "*Actus non facit reum nisi mens sit rea,*" which means "*An act forbidden by penal law is not punishable and it is exempt from punishment in cases of insanity,*" Insanity one of the many wide exclusions from criminal responsibility recognized by the IPC is Insanity. I will dealing with the Historical prospective on Insanity defence in India and also the Insanity defence under Section 84 of Indian Penal code and Medical and legal insanity have different definitions distinguish between them and M' Naghten Rules and Theory of integration of the self and Durhum rules. The present paper aimed at The Wild Beast test, The Insane Delusion test, The test of capacity to distinguish between just and unjust. foundation for the landmark Mc Naughten rule these three-test denoted and Theory of integration of the self and also dealing with the kinds of Insanity.

KEYWORDS: *Insanity, liability, lunacy, guilty, forbidden*

¹ Law Student, 3rd Year, BA.LL.B. (Hons.), ICFAI University Dehradun.

I. ROLE OF JUDICIARY

In case of **R. v. Arnold**². In this instance, it was decided that the defendant was tried for wounding and attempting to kill the lord. There is sufficient proof Tracy Justice mental instability. The test is as follows: "*if the person don't know the good and evil (bad) did not know what meant and was the essence and what he did good or bad though he carried out the greatest offence yet he could not have been guilty of any offense against any law who whatsoever.*" this case can claim exemption from liability if due to instability of mind he was unable to distinguish between good and evil and also did not know what he did. This type of test also gets referred to as. This test is also known as "**wild beast test**"³.

In **Lord Ferrer's Case**⁴, Above test of ability approved. To differentiate between good or evil. i.e. "Person who not understand the nature what is bad and what is good, Before House of lords In this case Earl Ferrer's was tried, for the murder of his steward, who deliberately shot in revenge for some imaginary wrong. Then he pleaded the Insanity Defence. It was laid down that Person who not understand the nature what is bad and what is good or not capable to understand, having unsound mind and be absolved by criminal liability.

In **Hadfield Case**⁵, in this Case **Second Test** evolved namely "**Insane delusion Test**" It was propounded that for attempting the assassination of king George III. **Hadfield** was charged for high treason In this case Erskine, counsel for the accused was successful in obtaining the Verdict of not guilty on the ground of "**Insane delusion Test**" with which the accused was alleged to be suffering. insanity was cause of crime was direct and accused with

² *R.v. Arnold* (1724) AIR 16 St. Ye 695.

³ AIR 16 St. Ye 695

⁴ (1760) 19 St.Tr.885

⁵ (1800) 27 St. Tr.128

which suffering insane delusion pleaded by counsel that the insane delusion fixed. Capable of doing reasonable acts. He pointed out that besides persons wholly deprived of their understanding whether by the temporarily or permanently and suffers under delusions of an description which overpower the faculties of their victims, there were others where the delusions were circumscribed and did not overpower all the intellectual faculties of the sufferers, whose conclusion would be sound and reasonable in themselves⁶.

Lastly in the **Bowlers Case**.⁷ it clearly distinguishes “**Test of Capacity**” between the right and wrong was formulated the “test of capacity” easily formulated. The offence committed by the accused whether the offence accused was incapable of distinguishing right or wrong any illusion influence in respect of the prosecutor which rendered his mind at the moment insensible of the nature of the acts he was about to commit.

Court observed that the more stress on the accused capacity on the terms of distinguish between what is right from the wrong. Until the M' Naghten case decided in 1843, through they not definitely formulated this test.

II. HISTORICAL PERSPECTIVE OF INSANITY DEFENCE IN INDIA

Through the insanity defence has taken a legal position in the last three centuries it has been into existence for decades Person where insane legally such as-

- The Wild Beast Test
- The Insane Delusion Test,
- The test of capacity to distinguish between just and unjust.

⁶ <https://lawbhoomi.com/defence-of-insanity-loophole-for-criminals/>

⁷ (1812) 1 Collinson Lumacy 673

- foundation for the landmark Mc Naughten rule these three test denoted.

law concerning the defence of insanity Mc Naughten rule. Even in India, section 84 of IPC (Indian Penal Code) is based on Mc Naughten rules.

Section 84 of IPC, 1860 which deals with the Act of person of unsound mind:- “Nothing is an offence if it is done by a person who at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, that he is doing what is either wrong or contrary to law.”⁸

III. M' NAGHTEN RULES

The foundation for the law of insanity was laid down by the House of Lords in 1843, in what is popularly known as the M' Naghten case. The accused by the name of Daniel M' Naghten suffered from a delusion that Sir Robert Peel, the then Prime Minister of Britain had injured him. He mistook Edward Drummond, Secretary to the Prime Minister for Sir Robert Peel, He shot and killed him. The accused took the plea of insanity. The medical evidence showed that M' Naghten was laboring under a morbid delusion which held him away beyond the power of his own control. He was held to be "not guilty by reason of insanity" from the judges. However, the public was enthralled and roiled by his pardon. The House of Lords held a discussion about the decision. Five questions were created as a result of the discussion and submitted to the House of Lords for clear responses in order to clarify the law on the subject. The M' Naghten Rules are solutions to these queries. The second and third of the five questions, along with the response, form the basis of the rule of insanity as a mitigating circumstance.

⁸ Indian Penal Code, 1860, (45 Of 1860).

As a result, the House of Lords asked a bench of fifteen justices to establish the law governing criminal responsibility in cases of insanity. The judges were requested to provide answers to a few queries. The M' Naghten Rules, which are a set of questions and responses, are the cornerstone of contemporary insanity law. C.J. Justice Tindal established the M' Naghten Rule's basic principles.

The following principles can be deduced from the answers by judges

- Until it is proven otherwise, it is assumed that all men are initially rational. Until it is proven otherwise, he must have an adequate level of justifications for being accountable for his crimes.
- To successfully establish an insanity defense, it must be proven beyond a reasonable doubt that the offender was insane at the time of the offence and lacked the mental capacity to understand the nature and seriousness of the act he was committing or to know what was right or wrong.
- The accused committed the act while being aware that it was wrong to do so; if the act was against the law of the country, the accused is subject to punishment. The accused has enough evidence to support his claim that he knew what he was doing was illegal.
- It is inappropriate to question a medical expert who hasn't treated the defendant before the trial whether, in light of the evidence, he believes the defendant was insane.
- When a person committed a criminal act while suffering from an insane delusion and was unaware of the circumstances or the real nature of the act. the same level of accountability for the facts as he could find himself responsible for them.⁹

⁹ Dr. Mishra S.N. Indian Penal Code. Central Law Publications, 22nd Edition. Chapter IV General Exceptions Pg No. 191-194.

IV. INDIA LAW UNDER SECTION 84

Section 84 of IPC, deals with either more and minimum, embodies the principles laid down in the M' Naghten Rules. The answers to the question number 2 and 3 above two points of M' Naghten Rules. Section 84 IPC, clearly reveals that the latter section modelled on the answers.

The word Insanity is not used in the Section 84 of IPC, The word "*Unsound mind*" is used in the Section 84 of IPC, This also not defined in the IPC but the expression denotes that disease which causes in the mind.

Courts in India found this expression unsoundness of mind which is equal to insanity.

The components of Section 84 are as follows:

1. Act must be performed by an individual who is not of sound mind
2. Action taken by a person who does not comprehend what is right and wrong, either the act's nature or the fact that it violates the rule.
 - The conduct was improper.
3. This inability must result from the offender's mental instability.
4. The inability of the kind described in point 2 above must have existed at the time the act that constitutes the crime was committed.¹⁰

A person is entitled to the benefit of section 84 if they are unable to control their behaviour due to a mental illness or if they are incapable of making a moral judgement about the nature of the action they intended to take due to a mental illness.

In the case of ***Chhagan v. State AIR***¹¹ In this instance, it was decided that admitting an insanity defence would be extremely risky based solely on the

¹⁰Dr. Mishra S.N. Indian Penal Code. Central Law Publications. Twenty-Second Edition. Chapter Iv General Exceptions Pg No. 191-194.

¹¹ AIR. 1976 Cr.671.

characteristics of the crime. Unusual conduct on the part of the accused prior to committing the crime does not prove that the accused is non compos mentis (i.e., not sane or of sound mind).

The cognitive capabilities of the person must be shown to be incapable of understanding what he committed or what will happen as a result of his act in order to demonstrate legal insanity.

In the case of **In Re: Balagopal**¹², This man was accused of behaving amicably with both his wife and hers, and he killed her and his son by slashing them both with a dagger. There was no indication of a motive from the side of the accused, and medical evidence showed that the accused did not comprehend the purpose of any acts, so the court upheld the insanity defense.

In the case of **Phulabai v. State of Maharashtra**,¹³ Because the accused had an incurable disease, the defense of insanity was accepted. The accused attempted suicide by jumping into a pool with her infant, which led to her death later. Accused claimed to be mentally unsound based on medical proof. On the basis that the accusation did not exclude common sense, the accused's lack of soundness of mind was acknowledged.

The IPC does not identify those whose minds are not sound. The accused is not capable of understanding the character of his thoughts or of understanding that what they are doing is wrong or illegal. The judges have equated court with insanity. Different types of mental illness are referred to as insanity. A individual with a mental illness is not exempt from criminal responsibility under the doctrine of ipso facto. The individual suffered

¹² AIR Cr. LJ 1978.

¹³ AIR 1976 Cr LJ 1519

greatly from his weakness and emotions due to mental illnesses and physical or mental health issues.

Who may be said to be not Sound mind means we can say Unsound of mind.

There are Four kinds of person of mind those are:

- **Idiot:** idiot is also one who cannot count Days or week and not count anythings. Who doesn't know who is father and mother.
- **Lunatic:** It is believed that lunacy and mania are forms of acquired insanity and idiocy that are caused by mental disorders.
- **Non-compos mentis:** Non compos mentis deals that the person made By illness is exempted from criminal liability, Under the influence of mental disorder in cases which are committed.
- **Disease of mind :** The accused must have had a mental illness at the time he committed any unlawful deed. Self-control brought on by psychopathy, which is likely to be made worse by alcohol use, won't cut it.
- Mental disorder which manifests itself in violence and disease of mind. M'Naghten rules follows.
- **Secondly,** the accused must show due to the reasons he was suffering from a defect. Complete deprivation of reasoning power and amounts of momentary confusion. The disease of mind must affect.
- **Thirdly,** Mind's reason of defect also caused legal responsibility. Defect of mind also caused the defect of legal Responsibility. Distinguish Between right and wrong affect.
- **Fourthly,** the flaw in mental illness at the moment the offence was committed, there had to be

V. KINDS OF INSANITY

There are no absolute laws. I appreciate the types of insanity that are considered "legal insanity" by courts. The nature of the offense and the circumstances of the case were influenced by the judges, and formal proof of the accused's insanity was obtained.

Insanity in law in two broad heads, namely;

- Dementia naturalis, i.e by birth who are insane. We can say Permanent insanity
- Dementia adventitia or accodentialis, i.e. after his birth individual who becomes. We can say Temporary insanity¹⁴

Many examples those which are included or not included in the Insanity of defence under section 84.

- Hallucinations or Delusion
- Somnambulism
- Irresistible Impulse, Mental Agitation, Annoyance and fury
- Smoking Ganja or Heavy Intoxication as a result of Insanity
- Lack of Motive or a Trifling Matter
- Excessive or Unusual Violence¹⁵

Now discuss them;

- **Hallucinations or Delusion:** a mental state where an individual is capable of being completely sane in all respects in respect of particular

¹⁴ Pillai's PSA. Criminal Law. Lexis Nexis. 14th Edition. Chapter 10 Insanity PG No.105

¹⁵ *Ibid.*

idea under a delusion, then the decision given by Madras and Bombay High Court the person suffering from kind of hallucinations and obsession in section 84 they cannot be involved because these persons are not insane.

- **Somnambulism:** If the affected individual has the illness like in sleeping time when the person has the habit of walking, not knowing having knowledge of the act's nature and, if charged, and if accused proof then, accused will get defence of section 84 of IPC
- **Mentally Agitation and Annoyance,** or Irresistible Impulse not shows unsoundness of mind and as we say Insane, Minor mental abnormality is not insanity, and the evidence supporting a mere likelihood of an insanity plea cannot be adequate to exonerate the accused in a court of law.

Impulsive insanity has never been accepted as defence under section 84 unless it is attributable to unsoundness of mind. So, it is crime attended with a mere agitation of mind or an uncommon ferocity or a moderate depression or an over sensitiveness of mind or character doesn't necessarily lead to an inference that it had affected a person's mental capacity. Does not bring its doer within the ambit of Section 84.

- **Insanity as a Result of Smoking Ganja or Heavy Intoxication:** Excessive drinking, whether voluntary or not, or the use of other drugs like ganja or other forms of insanity will also contribute to unsoundness of mind because they impair a person's capacity for moral judgement, permissible or unlawful. If the accused can demonstrate that they were insane at the time the act was committed, they may seek refuge under this provision. He is not eligible for the

protection afforded by section 84 if he simply loses control due to excessive drinking, marijuana use, or alcohol addiction.

- **Trifling Matter and lack of Motive:** Not any adequate Motive for committing any offence which is against the law like murder, so we can say it's not insanity proof if there is lack of motive to commit that offence. The issue of the accused's sanity or lack thereof will be taken into consideration, along with other case circumstances, but the absence of motive may be inferred. The death of a person over a trivial matter will not automatically lead to the conclusion that he was crazy, nor will a trial court's determination of insanity be supported by an insanity defense.
- **Excessive or Unusual Violence:** Even the most ferocious and brutal deed cannot prove that the perpetrator is insane. Unsoundness of mind cannot, by itself, be an indicator of a brutal and callous method of committing a crime. A crime cannot be justified by one's own brutality. To determine whether the alleged behavior was insane, one must look beyond the alleged behavior for supporting proof.
- **Unsoundness of mind at the time of committing the offence:** This part emphasizes mental illness that was present at the time of the offence most frequently. The accused was crazy at the time of the crime.

In the case of ***Bhikari v. State of Uttar Pradesh***¹⁶: In this case, it was determined that the accused was employed in the area. He had vowed to kill every member of the deceased person's family before the incident a few months. Even though there had been other people present on the day of the event, he deliberately selected only

¹⁶ AIR 1966 SC 1.

youngsters of the deceased's family. All of this demonstrated that his conduct were intentional, planned, and not the result of a madman.

In the case of ***Ratan Lal v. State of Madhya Pradesh***¹⁷, In this case, it was determined that the accused had a history with setting light to his own belongings, including his home and garments. ruled that the court was becoming increasingly sane. The accused was released from criminal responsibility after the Supreme Court granted his mental defense.

Presumption of sanity: The individual is presumed to be sane until the act is proven, when the accused proves their innocence, and until the contrary is proven. It's essential to keep in mind that insanity plea. According to Section 105 of the Indian Evidence Act of 1872, the burden of demonstrating that the circumstances in a case fall under a general exception to the IPC or a specific exception or proviso is on the person accused of committing the alleged crime.¹⁸

Illustration: Here, it is claimed that the person accused of murdering A did not know or comprehend anything because of reasons related to mental incapacity or an act of nature. A bear the burden of evidence. The illustration demonstrates unequivocally that if an accused claims to be insane, the court must establish that they are indeed insane.

When the accused should be insane Crucial points are;

- Accused establish positive evidence
- Accused establish before or after behavior of commission of an offence.

Burden of Proof: The prosecution has the burden of proving beyond a reasonable doubt that the defendant was competent to understand the

¹⁷ AIR 1971 SC 778.

¹⁸ Indian Evidence Act 1872 (1 Of 1872, Universal Bare Act with Short Notes 2020).

nature of his or her actions and knew whether they were right or wrong despite the accused's claim of lunacy. To comprehend the law in the face of an insane defense.

The Supreme Court has stated the following in relation to the insanity defense's standard of proof:

- Rebuttable presumption that the accused was not insane; pertinent testimony, documentation, or circumstantial proof are required.
- The accused's mental state at the moment of the offence.
- Whether the act was right or wrong, whether the person being charged was of sound mind or not, and the usual standard that a reasonable man would follow.
- The evidence of the accused's insanity casts reasonable question on his mental state at the moment of the incident in the eyes of the court.
- The behavior of an accused person whose mental state is unsound or insane is subject to a special process that is prescribed.

Section 74's extenuating provision for insanity has not been changed in the last 160 days, despite the fact that the McNaughten rules' use of the terms "unsoundness of mind," "disease of the mind," and "mental deficiency" is "vague and imprecise." • Section 84 of the Medico-Legal Code proposes charges for mental abnormality, including c, as a defense to decreased accountability and judicial discretion.

VI. DIFFERENCE BETWEEN MEDICAL AND LEGAL INSANITY

Legal Insanity and Medical Insanity: Both forms of (insanity) are distinct from one another. solely reliant on medical grounds for mental illness. Depending on the element that must be established in the court of law for the defendant to be exonerated of the accusation of legal insanity.

When comparing legal and medical lunacy, legal insanity offers a strong defence against any criminal liability, whereas medical insanity does not. It is crucial to show the elements required by the provisions of section 84 of the IPC at the time the crime was committed with which the defendant is charged, instability of mind, not knowing what had happened and was acting wrongly or against the law. Incapacity and mental illness could be related

Medical proof is required to support the claims of medical insanity and Medical certification of sanity or insanity, as the circumstance may be, is permitted under the provisions of section 84 of the IPC, but it has no legal effect. (of unsoundness of mind) If someone is deemed to be crazy by the law, the conditions for success must be met. Even though he might be considered insane at the time, medically speaking, if it doesn't show it.¹⁹

VII. CASES OF MEDICAL INSANITY AND LEGAL INSANITY

Medical Insanity Case: State of Maharashtra v. Govind Mhatarba Shinde²⁰, The accused professes insanity, and a medical examination is promptly conducted on them If it becomes clear during the course of the investigation that the accused person was suffering from a mental illness, it is the responsibility of the prosecution to file charges right away. It is important to disclose all evidence that may be available to demonstrate that the accused was in a sound state of mind at the time he committed the alleged offense. Plea will probably be brought up at trial. To do so would seriously undermine the prosecution's case for homicide. If the prosecutor

¹⁹ Dr. Mishra S.N. Indian Penal Code. Central Law Publications, 22nd Edition. Chapter IV General Exceptions 201-204.

²⁰ AIR (2010) III Cr. LJ 3586 (Bom.)

is unsuccessful, the accused may be entitled to request the benefit of the doubt.²¹

Legal Insanity Case: *Tabu Chetia v. State of Assam*²²; In this case, it was decided that Section 84 of the Indian Penal Code (IPC) contemplated the concept of "unsoundness of mind," which is also known as "legal insanity," which indicated the mental state in which an accused person is incapable of understanding the nature of the act, what is wrong and what is right, and doesn't know what he conducts is wrong or right. His cognitive abilities prevent him from understanding that what he is doing is illegal or against the law, and as a result, he cannot understand the consequences of his actions.

Theory of integration of the self: The irresistible urge and its contemporary equivalent, the theory of the incorporation of the self, severely impair and damage every major aspect of personality. Although it is true the fact that the very essence of his act is what makes him incapable of self-control, a psychotic person does not truly comprehend the moral significance of his conduct. He also lacks the ability to distinguish right from wrong.²³

VIII. DURHAM RULE

In *Durham v. United States*²⁴, it was determined by the court of appeal that Durham's chart of house breaking in his defense exciting test of criminal culpability was no longer valid and should be replaced. The irresistible impulse test and the M'Naughten Rule were both used in the exam. quotation regarding a new exam. The court developed a new test if

²¹ AIR (2010) III Cr. L.J. 3586 (Bom.)

²² AIR 1976 Cr. L.J. 1416 (Gau.)

²³ Dr. Mishra S.N. Indian Penal Code. Central Law Publications. 22nd Ed. Chapter IV General Exceptions 205.

²⁴ 214 F.2d 862 (D.C. Cir. 1954).

any illegal actions were the result of a mental illness or mental defect and the accused was therefore not criminally responsible. If there was no link between the deed and the mental abnormality, he would still be held accountable for his unlawful behavior. Since it was established that the offender had a mental disorder, the prosecution will have the burden of demonstrating beyond a reasonable question that the act not a result of such anomaly. The M'Naughten Rule and compelling urge tests, along with the Durham Rule, could still be used. According to the Durham test, a person's mental illness or defects do not, by themselves, absolve him of culpability for a crime. criminal act would not have been committed if the individual wasn't suffering from the disease, according to the relationship between the two²⁵.

IX. APPLICATION OF SECTION 84 OF IPC

In the case of *State of Rajasthan v. Vidhya Devi*²⁶, accused was admitted to hospital even before chalan was filed. He remained under treatment for 9 months; it was decided that the defendant could use section 84 of the IPC as justification clearly show insanity of accused.

X. CONCLUSIONS

With so many benefits, the insanity defense is a legal loophole for criminals, in accordance with Section 84 of the Indian Penal Code of 1860. plays most important Ingredient for criminals as a Loophole for criminals, who facing or suffering from mentally disease or mental disorder, Unhealthy mind, Lunatics, Idiot, mentally disrupted, unsound mind, then these all persons getting benefit or advantage as a defence from committing any criminal act or offence.

²⁵ Supra 22.

²⁶ AIR 2012 III Cr.L.J.3398 (SC).

For insane person legal insanity plays important role and furnishes a good defence from, any criminal liability on the other hand Medical Insanity not, legal insanity in the terms of proof, investigation, legally way.

- Accused gets defence or not it based on the circumstances and facts.
- If the person who committed the offence does not know right or wrong, the nature of the acts, no knowledge about the acts.
- Insanity defence as a loophole for criminal, a much easier and in modern manner to crimes to exempt intentionally perform.