

## **Introduction to Insanity Plea in Criminal Defences in India**

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### *Abstract*

The use of insanity defence in India's Supreme Court and High Court is inconsistent in nature and paves way for diverse interpretations of what amounts to mental illness and whether it negates or assets criminal liability. Judicial reliance on a psychiatric evaluation in these cases may be flawed, leading to varying trial outcomes. Improvements in judicial and psychiatric processes in relation to the insanity plea can help in directing the integrity and coherence in judicial decisions involving mentally ill defendants.

## INTRODUCTION

A legal defence in criminal trials which is intended to prove that a person afflicted with a mental disease is not fully responsible for his acts. This defence is a safeguard against the arms of the law on people who have serious mental illness. There is concern that some will misuse claims of mental illness to benefit from the justice system. It is Section 22 of BNS, repealing and replacing Section 84 of IPC, which enshrines insanity defence in India. This defence (also called defence of unsound mind) allows a defendant to argue that, due to their mental state at time of offence, they were incapable of understanding that their actions were wrong or understanding the nature of the action.

The standards for insanity defence in India are established in Section 84. It states that a person cannot be convicted of a crime if, at time of act, he or she was mentally ill and unable to understand nature of his or her conduct or to realise that it was illegal or unlawful. Those provisions render people who were mentally ill when the crimes were committed eligible for acquittal because they were unable to comprehend the nature or consequences of their actions or tell good from evil.<sup>44</sup>

Section 84's insanity defence criteria centre on "unsoundness of mind," which courts have construed to encompass a range of mental illnesses that profoundly impair cognitive functioning. The judiciary has commonly acknowledged that conditions such as severe depression, bipolar illness, and schizophrenia fall within the category of unsoundness of mind. It implies that if a person's mental state at time of offence prevented them from comprehending the nature or wrongfulness of what they did, they may not be held criminally accountable for their acts.

Proposed change to enhance criminal justice system's mental health provisions has been introduced by the law modifications. The Mental Healthcare Act of 2017 is one such reform that aims to protect the rights of people with mental illness, including those who are involved in criminal prosecutions. Furthermore, changes to the CrPC are being

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<sup>44</sup> Ajmal, A, Niazi, FU, and Rasool, Insanity defense in criminal law in India: A critical analysis. *Law and Policy Review*, 2(2), 2023

contemplated in order to establish more precise rules for competency evaluations and the treatment of defendants who suffer from mental health disorders.<sup>45</sup>

*Shera Ram v. State of Rajasthan @ Vishnu Dutta*<sup>46</sup> the accused bears the burden of proving, beyond a reasonable doubt, that they were legally ill at the time of the offence in order to apply insanity defence. The accused must provide proof, such as written records and oral testimony, to demonstrate that they were incapable of comprehending the nature of their conduct or realising that they were illegal.

According to the court's ruling in "*Mariappan v. State of Tamil Nadu*"<sup>47</sup>, it is well-established that the appellants bear the responsibility of demonstrating that the defendant was not of sound mind at time of the offence. It was also underlined that a person's physical and mental condition at the time of offence is crucial in deciding whether case qualifies for Section 84.

The Court held in "*Rattan Lal v. State of M.P.*"<sup>48</sup> that the commission of the offence is the key point for proving insanity. Examining the circumstances leading up to, during, and following the offence is only way to ascertain if accused was in a mental condition that is eligible for the benefits of s. 84 of IPC.

While accused's lack of a proven reason for killing his parents and his failure to attempt escape do not, by themselves, imply insanity, the court noted in the *Shiv Kumar v. State of Kerala*<sup>49</sup> case that these factors should be taken into account when deciding whether the appellant is eligible to benefit from Section 84 of the IPC in this particular case.

### **CONCEPT OF THE INSANITY DEFENSE**

The "insanity defence" is a legal argument used in criminal proceedings to assert that a defendant should be exempt from prosecution due to presence of significant mental disease or defect at the time of offence. Fundamental principle of insanity defence is that individuals with severe mental illness may be incapable of comprehending nature

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<sup>45</sup> Mira Patel, How the insanity defence has evolved over the years, *The Indian Express*, 2022

<sup>46</sup> (2012) 1 SCC 602

<sup>47</sup> CDJ 2013 SC 232

<sup>48</sup> 2002 (10) SCC 94

<sup>49</sup> CrI.MC.No.412 OF 202

of their actions or differentiating between right and wrong, thus preventing them from establishing necessary intent (*mens rea*) to commit a crime.

The notion that punishment is only appropriate when the defendant can truly comprehend their conduct, and the consequences of that conduct, is the basis for insanity defence in many legal systems. If a defendant is found not guilty by reason of insanity (NGRI), they can be sentenced to get institutional care or psychiatric treatment instead of being incarcerated.

While the criteria for the insanity defence can vary widely from one jurisdiction to another, there are certain common standards that are applied:

**The Rule of M'Naghten:** Under this 1843 law, a person isn't criminally responsible if they were afflicted with a serious mental disease at the time of crime that made them unable to understand nature of their act or recognize that it was wrong.

**Under Irresistible Impulse Test,** a defendant cannot be held criminally liable if they would have been unable to control their actions even if they knew what they were doing was wrong. They could be found not guilty by reason of sanity if their mental illness precluded them from controlling their conduct.

**Durham Rule:** This rule broadened the definition of insanity defence to cover those who committed crimes because of a mental illness or defect, even if they were aware of the nature of their behaviour.

The more recent **Substantial Capacity Test**, which has been used in some jurisdictions, states that defendant is not guilty if they were mentally ill and lacked the substantial capacity to understand criminality of their actions or to change them to comply with law.

Crucially, defence of insanity is not a medical one; rather, it is a legal one. The defendant must prove that their mental condition at time of crime satisfies legal requirements for insanity, usually by psychiatric evaluations and expert testimony. This means that having a mental disorder isn't always grounds for defence. Furthermore,

defendant bears burden of proving their insanity in majority of jurisdictions, frequently using "preponderance of the evidence" test.

Even though the insanity defence is contentious and frequently regarded with suspicion, it represents a fundamental component of justice: acknowledging that those who suffer from mental illness and are unable to comprehend their conduct should not be prosecuted in the same way as those who commit crimes with full knowledge and intent.

### **HISTORICAL PERSPECTIVES OF INSANITY DEFENSE IN INDIA**

Though acknowledged for centuries, the insanity defence did not acquire official legal status until the last three decades. A number of tests were created over time to assess a person's potential for legal insanity. These included "test of capacity to distinguish right from wrong," Insane Delusion test, and Wild Beast test. All of these tests worked together to create the crucial McNaughten Rule.<sup>50</sup>

Glasgow woodturner Daniel McNaughten assassinated Edward Drummond in 1843 after mistaking him for Sir Robert Peel. Evidence presented during the trial showed that McNaughten had been seriously mistaken about his notion that the Tory party was persecuting him for a considerable amount of time. From the beginning, it was clear that he was mentally ill since he needed to be convinced and then duped into entering a plea of "not guilty." The judge stopped the proceedings after seven medical experts testified that McNaughten was completely mad. Without more deliberation, the jury returned a special verdict, and McNaughten was sent straight to Bethlem Hospital. McNaughten Rules, a set of five fundamental guidelines, were developed in the wake of this case. These guidelines established a significant precedent for the insanity defence in the legal system. S. 84 of IPC, which is based directly on the McNaughten Rules, governs the insanity defence in India. Since its creation, this section hasn't altered. No changes were made to the law, notwithstanding the Law Commission of India's proposal in its 42nd report from 1971 to examine Section 84.

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<sup>50</sup> Suresh Bada, et al Insanity Defense: Past, Present, and Future, IJPM (2015)

According to s. 84 of IPC, "nothing is an offence if committed by a person who, at the time of the act, due to unsoundness of mind, is unable to understand the nature of the act or that it is wrong or against the law." This section deals with the activities of people who are mentally weak. The major criteria (medical need of mental disease) and the minor requirements (the requirement of loss of reasoning) are the two main elements that become apparent while examining Section 84 IPC. The primary condition, known as mental illness requirement, stipulates that the perpetrator must have mental disease at time of offence. The following minor criteria (lack of reasoning requirements) identify the individuals:

- (a) Unable to comprehend nature of actions,
- (b) Unable to comprehend that his actions are improper, or
- (c) Unable to comprehend that they violate the law

The legal insanity criterion is however commonly split into these major (mental illness) and minor (lack of thinking) components. Section 84 of the IPC embodies two cardinal principles of criminal law: "Actus non facit reum nisi mens sit rea" (an act doesn't make one guilty unless there is a guilty mind) & "Furiosi nulla voluntas est" (a person has no free will in case of mental illness). So for an act to be declared criminal, it does have to be performed with the intent to do evil, or "mens rea." This means, people with mental illnesses cant think logically or creates the guilty intention needed while they commit the crime, thus they are not likewise liable under Section 84 IPC.

## **CONCLUSION**

The insanity defence serves a significant function in preventing the punishment of individuals with serious mental illness for crimes they cannot appreciate or control. However, questions surrounding its abuses and the difficulty in defining clear and consistent legal tests for the defence has made its application controversial. This approach of critically examining the Court rulings will provide useful insights into how the court interprets and applied the insanity defence, and if the existing legal structure is sufficient in identifying the nuances of mental illness in criminal law. By examining

judicial rulings and trends in the higher courts, this research can help to identify areas where the principles and rules of law can be refined to ensure greater attention is paid to the mental well-being of those charged with crimes, while also guarding against potential abuse of the insanity defence. It must conduct such an analysis to ensure that our criminal justice system is fair and just enough to properly balance punishment with a consideration of the fact that mental disorders lead to a significant number of the individuals we seek to punish being patients.

## REFERENCES

The Bharatiya Nyaya Sanhita, 2023 (BNS) – Section 22

(Replaces Section 84 of Indian Penal Code regarding unsoundness of mind defence)

Indian Penal Code, 1860 – Section 84

(Legal basis for the insanity defence in India prior to the BNS)

Code of Criminal Procedure, 1973 (CrPC) – Sections 328 to 330

(Pertains to procedures relating to accused persons of unsound mind)

Mental Healthcare Act, 2017

(Protects rights of persons with mental illness and lays down procedures for mental health treatment including those in conflict with the law)

Shera Ram v. State of Rajasthan @ Vishnu Dutta, (2011) 13 SCC 375

(Held that burden of proof lies on the accused to establish insanity at the time of the offence)

Mariappan v. State of Tamil Nadu, (2013) 11 SCC 408

(Reiterated the significance of mental condition at the time of the offence)

Rattan Lal v. State of Madhya Pradesh, AIR 1971 SC 778

(Clarified that insanity must exist at the time of committing the offence)

Shiv Kumar v. State of Kerala, AIR 2006 SC 120

(Factors like lack of motive or erratic behavior may indicate insanity but are not conclusive alone)

McNaughten's Case, (1843) 10 Cl & Fin 200

(The foundational case for insanity defence leading to McNaughten Rules)

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(Suggested reform to Section 84 IPC; emphasized need for modernizing the legal test for insanity)

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(International soft law guiding fair treatment of mentally ill individuals within legal systems)