
Insanity Defense Under Section 84 Of The Indian Penal Code, 1860

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Abstract

Criminal law in India has not yet found a solution to the issue of insanity as a defense. However, it poses several intriguing problems that demand serious examination. A well-known principle is "Actus Non-Facit Reum Nisi Mens Sit Rea," which, directly translated, implies that an act does not render a person accountable without a guilty mind. When committing a crime, the offender's intention or guilty mind (Mens Rea) plays a crucial role. A person who is unable to comprehend the nature of the conduct he has committed is protected by the legislation known as the defense of insanity. The level of insanity should be sufficient that the offender is incapable of understanding the nature of the conduct. The fact that the person has a mental condition does not, by itself, establish that he is insane. Chapter IV¹, Section 84² of the Indian Penal Code mentions insanity as a defense and an exception. There are two types of insanity, medical and legal insanity. Similar to a civil case, the defendant must establish the defense of insanity by a "preponderance of the facts." Legal insanity is difficult to define, and it is even more challenging to properly argue against it in court. However, in practice using insanity as a defense is more difficult than it appears on paper for a variety of complicated reasons, as well as because the burden of proof rests with the person making the claim.

Keywords: *Insanity, Defence, Guilty Mind, Medical Insanity, Legal Insanity, Indian Penal Code*

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¹ See, Chapter IV of the Indian Penal Code, 1860.

² See, Section 84 of the Indian Penal Code, 1860.

I. Introduction

The criminal justice system gives the victims as well as the defendants a fair and equal chance to present their case, and along with providing for the punishment of the guilty, it also gives them a chance to provide a defense in certain circumstances. The Defense of Insanity is one such defense that is frequently employed in criminal prosecution. This insanity defense is predicated on the idea that the defendant experiences serious mental illness at the time of committing the offense, rendering him unable of understanding the type of crime that he has committed.

If someone commits a crime out of free will and desire, they are legally considered guilty. Criminal law is based on the idea that "Actus Non-Facit Ream Nisi Mens Sit Rea"—which means a person is not guilty simply because of a physical act—and "Furiosi nulla voluntas est," which literally translates to "A person with mental illness has no free will," are equally important. As a result, in order to hold someone accountable, they must commit a crime and have the intent to commit the crime. However, if a person is mad, he or she is unable to make a reasoned judgment about what is right or wrong in the eyes of the law. When a person is unable to distinguish between right and wrong, it is presumed in law that they do not have a guilty mentality and should therefore be exonerated. Thus, the defense of insanity or unsoundness of mind spares the defendant from the death penalty. A person is deemed insane if they have a mental illness or disorder that has been since birth or is the result of different psychological circumstances, such as anxiety or sadness. However, establishing a mental disease alone is insufficient to establish insanity. In order to prove his insanity, the crazy individual must present the court with adequate proof that meets the same standard as "preponderance of the evidence" as in a civil case. The defence is required to provide evidence of insanity.

However, the use of insanity as a defence has always been questionable because many offenders take advantage of the argument and claim insanity in order to avoid punishment during their trials. The type of defence is typically viewed as an excuse in the criminal justice system rather than a justification of the facts and the offence. In order to avoid penalty during the trial, it is therefore employed as a loophole in the legal system.

II. Evolution Of Insanity Defense-

The earlier decisions of the law on insanity were resolved by the English Courts to find the legal principles by which the relationship between insanity and crime may be determined. In the 18th and early 19th centuries, the majority of the cases went to trial. The **R. V. Arnold**³ case, which was determined in 1724, is the earliest case on this topic. Lord Onslow's life was threatened and Edward Arnold was accused of doing both. The jury judged Arnold guilty based on this, and he was given a death sentence; but, at Lord Onslow's personal request, his sentence was commuted to life in prison. The "wild beast test" is what is used for this.

In the case of **R. V. Hadfield's**⁴ second test changed as a result (1800). Hadfield was prosecuted for high treason for attempting to kill King George III and was expelled from the army on the grounds of insanity. The accused's counsel, Lord Thomas Erskine, defended him and told the judge that Hadfield was innocent because he had only pretended to assassinate the King and was experiencing a crazy delusion. Erskine claimed that the presence of a fixed crazy delusion would serve as a reliable indicator of insanity and that the defendant's actions were primarily motivated by this delusion. The "Insane Delusion Test" was the name of this assessment. In **Bowler's case**⁵, the third test was then developed (1812). Le Blanc, J. stated that the jury in this case had to decide whether the accused was under the effect of an illusion or was able to distinguish right from wrong at the moment of the act. Even though the test was not totally clear, the courts have accorded the accused's capacity to differentiate right from wrong more weight since the Bowler case.

III. Mc' NAUGHTEN's RULE

There have been other tests over the years, including the Wild Beast Test and the Insane Delusion Test, among others. The "Right and Wrong Test" developed in **M'Naughten's case**⁶, however, is the most crucial.

³ R V Arnold, (1724) 16 St. tr. 695

⁴ R V Hasfield (1800) 27 St. tr. 1281

⁵ (1812) 1 Collinson Lunacy 673

⁶ R v. Daniel M'Naughten (1843) Revised Reports Vol 59:8ER 718 (HL)

The House of Lords discussed M'Naughten's hearing and discharge, and as a result, they summoned fifteen judges to rule on the issue of criminal culpability in situations where the accused is unable to understand the nature of the conduct and to respond to the questions put forth. The responses were the same for all 14 judges. Tindal C.J. expressed the opinion of the majority; these responses to the questions are referred to as MC' Naughten's Rule.

The following guidelines were given:

1. The offender is penalized if he was aware of what he was doing or merely partially delusional.
2. Every man is assumed to be prudent or sane, to know what he is doing, and to be accountable for it.
3. It must be proven that the accused was insane at the time of the crime so that he was unable to understand the nature of his own acts so that insanity defense can be established.
4. No person with appropriate medical knowledge, or a medical practitioner who is familiar with the disease of insanity, may be called for their opinion since the jury must determine and decide on the issues.

IV. Insanity Used As A Defense In India-

In accordance with section 84 of the Indian Penal Code, 1860, mostly based on McNaughton's guidelines, Indian law also permits the use of the defense of insanity. According to Section 84 of the IPC, no conduct that is committed by a person who, at the time of the act, was incapable of understanding the nature and consequences of the act he or she is committing and that the act is banned by law constitutes an offense. As a result, Section 84 of the IPC does not assign guilt to people who have mental illnesses since they are unable to reason rationally or have the essential guilty intent.

There are two main areas that section 84 of the IPC falls under:

Major Criteria: They include the mental and medical requirements of the sick person, which implies the offender must have been dealing with a mental problem or illness at the time the offense was committed.

Minor Criteria: These include ignorance of an offender's incapacity to understand the nature of their activities at the time of the offense, their wrongdoing, and their infraction of the law.

V. Medical Insanity Vs. Legal Insanity

A person who is accused of committing a crime but is taking medicine or receiving counselling from a psychiatrist, consultant, or therapist is said to be living with medical insanity if they are still capable of making rational judgments and carrying on with their daily lives. Legal insanity is a term used to describe mental instability or a lack of understanding. As a result, they are unable to engage in specific roles, financial transactions, or interpersonal connections as required by law.

In many instances, Medical Insanity was diagnosed as Legal Insanity and the offender was found not guilty of the offence even though he had committed the crime. There is a major difference between Medical and Legal Insanity which was discussed by the Madhya Pradesh Court, comprising of Justice G.S. Ahluwalia and Justice R.K. Shrivastava in **TUFAN @ TOFAN v/s the State of Madhya Pradesh**. They observed that-

- IPC section 84 states that insanity is not an exception. A person's mental illness does not, by itself, absolve them of all criminal liability.
- Medical and legal definitions of "insanity" differ from one another. If one wants to take advantage of section 84 of the Indian Penal Code, then the accused individual must be shown to be legally insane, not just mentally ill.
- Legal insanity occurs when a person loses their capacity for reason, and it must have occurred at the time of the incident in question. Medical insanity refers to a person's mental unfitness.
- The accused should be unable to comprehend the seriousness of their crimes.

In the above-mentioned case, the accused used a lathi to physically attack his parents and his wife. The mother passed away instantly, while the father suffered serious injuries. The accused filed an appeal after being found guilty under sections 302⁷ and 307⁸ of the IPC. The individual said that at the time of the occurrence, he was receiving therapy because he was clinically mad. The State argued that there was, however, no proof that the man was unable to comprehend the gravity of his act, its nature, or the fact that his actions were unlawful. In a different case, the Honorable Madras High Court used the testimony provided by a psychiatric expert to clear a man who had been accused of murder. The State rejected his appeal due to additional reviews and the fact that the accused fled after committing his crime. Here, insanity was considered to be the legal one.

VI. Insanity As Loophole For Criminals

The insanity defence is provided by the Indian Legal Statute to defend the insane individual who is unable to distinguish between right and wrong due to their unsound mind. When adopting this defence, insane people may receive a little penalty or even receive no punishment at all. But in order to accomplish that, the insane person must present fair proof that demonstrates their insanity and mental instability in the eyes of the law, such as declarations of their incapacity to understand the implications of their conduct.

The Indian Legal Statute includes an insanity defence in order to protect the insane person who, because of their or unsound mind, is unable to differentiate between right and wrong. Adopting this defence may result in insane people receiving very little punishment or even no punishment at all. But to do that, the insane person must first provide fair evidence that establishes their insanity and mental instability in the eyes of the law, such as declarations of their inability to comprehend the consequences of their actions.

⁷ Section 302, The Indian Penal Code, 1860

⁸ Section 307, The Indian Penal Code, 1860

There have been certain case laws to prove the same-

In **Jai Lal v. Delhi Administration**⁹ case, the appellant was found guilty under Section 302 of the Indian Penal Code of killing a young girl with a knife and also stabbing two other people. The accused claimed that he met the criteria for insanity under Section 84 of the IPC. After being apprehended, the accused was seen speaking to the investigating officials in a normal and intelligent manner. Nothing out of the ordinary in his behaviour was noted. In light of all of these conclusions, the Supreme Court determined that the appellant was not mad at the time of the act's commission and was fully aware of its repercussions. According to Section 302¹⁰ of the IPC, he was found guilty of murder.

In **Ratan Lal v. State of Madhya Pradesh**¹¹, when the appellant was questioned why he lit the grass on fire in an open area of Nemichand, he responded, "I burned it, do whatever you want." The Indian Penal Code's Section 435 (mischief by fire with intent to cause harm) was used to prosecute the appellant. He met the criteria for lunacy under the Indian Lunacy Act of 1912, the psychiatrist claimed. The report from the psychiatrist stated that the appellant always remained silent, depressed and he required therapy. The trial court determined that the defendant should not be penalised. Following the state's appeal, the High Court overturned the jury's verdict and declared the defendant accountable for the crime. The conviction was later overturned by the Supreme Court as a result of the submission of medical evidence and the accused's actions on the day of the incident, respectively. These facts suggested that the accused was insane in accordance with Section 84 of the IPC.

In **Shrikant Anandrao Bhosale v. State of Maharashtra**¹², the defendant in this instance worked as a police officer. The accused struck the wife in the head with a grinding stone; she was transported to the hospital right away but was already dead when they arrived. Following an investigation, the appellant was accused of murder. The defence of insanity was advanced. The appellant has a family history of mental illness, as did his father. It was unknown why such a condition existed. This mental illness was being treated for by the appellant. It was noted that the murder's motivation was quite tenuous. The accused did not try to flee or conceal after killing his wife.

⁹ Jai Lal v. Delhi Administration, 1969 SCR (1) 140

¹⁰ Section 302, The Indian Penal Code, 1860

¹¹ Ratan Lal v. State of Madhya Pradesh, 1971 AIR 778

¹² Shrikant Anandrao Bhosale v. State of Maharashtra, (2002)7 SCC 748

The Supreme Court noted that Section 84 lays out the legal criteria of accountability in circumstances of alleged mental illness in **Hari Singh Gond v. State of Madhya Pradesh**¹³. In the IPC, "mental soundness" is not defined. The courts, however, have often viewed this term as being comparable to insanity. However, there is no exact definition for the word "insanity." It is a phrase that is used to refer to many types of mental illness. Therefore, not all mentally ill people are automatically immune from criminal liability. Legal insanity must be distinguished from medical insanity. Medical insanity is unimportant to a court; only legal insanity is.

In **Seralli Wali Mohammad v. State of Maharashtra**¹⁴ case, the use of a chopper to kill his wife and kids led to charges against the defendant under Section 302 of the Indian Penal Code. Because no motive was demonstrated or he made no attempt to run, the Supreme Court rejected the insanity defence as being insufficient to establish that the defendant had the mens rea required for committing the crime.

In **Kamala Bhuniya v. West Bengal State**¹⁵, the defendant faced an axis trial for the murder of her husband. The investigating officer initially noted the accused's mental insanity, and a lawsuit was launched against her since it was claimed she was insane at the time of the incident. It was decided that the prosecution's responsibility was to make arrangements for the accused's medical examination. The accused didn't try to run away or get rid of the weapon that could be used against them. The prosecution failed to fulfil its primary obligation to establish that the accused had mens rea at the time the offence was committed. The accused was eligible for Section 84 benefits. As a result, the accused was found to be crazy at the time the crime was committed and was found guilty of Culpable Homicide rather than Murder.

In the various case laws mentioned above, we can come to an understanding that the offenders usually misuse the insanity defence under section 84 of the IPC, 1860 so as to escape the punishment. The courts play a crucial role in this case because they must ensure that a rational person does not exonerate himself by improperly utilising the defence in his favour. This defence has been fully eliminated in many jurisdictions, including Germany, Thailand, Argentina, etc.

¹³ Hari Singh Gond v. State of Madhya Pradesh, (2008) 16 SCC 109

¹⁴ Seralli Wali Mohammad v. State of Maharashtra, AIR 1972 SC 2443

¹⁵ Kamala Bhuniya v. West Bengal State, 2006 (1) CHN 439

VII. Psychiatrist's Role

All patients who support the defence of insanity require a uniform evaluation process. It is unfortunate that our nation does not currently have any standardised methods. Psychiatrists are frequently requested to do mental health evaluations and treatments. Courts have the authority to order a variety of certificates in addition to therapy. This comprises:

if the defendant needs a justification for insanity (the defendant's mental state at the time the alleged crime occurred), confirm the existence or absence of psychiatric illness;

When a person's cognitive, emotional, and behavioural faculties are impaired by mental illness and have a significant negative impact on their capacity to defend themselves, that person's eligibility to be judged is assessed (the current mental state of the accused and their competence during the award).

VIII. Conclusion-

As can be seen, the insanity argument has developed into a legal loophole for offenders and a preferred excuse for escaping punishment. Since it is virtually impossible to establish a person's mental state at the moment of a crime, it is simpler for criminals to falsify documents and fabricate evidence. The law states that there are differences between medical and legal insanity, however, it is unclear how to judge someone's legal insanity and what criteria should be used. Section 84's definition of insanity is ambiguous, so it is important to make a differentiation to determine the person's stage at the time of the offence. When compared to other types of cases, those involving insanity are more tragic, and to some extent, crime has risen to the top of the legal agenda in order to support the accurate judgment. In order to prevent the future occurrences of such crimes and criminals using it as a loophole to be released and avoid any punishment for it under the trials, it is necessary to broaden the scope and ambit of Section 84 of the IPC, 1860.