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THE INSANITY DEFENCE: BALANCING JUSTICE AND MENTAL HEALTH

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ABSTRACT

"Insanity is relative. It depends on who has who locked in what cage."

— **Ray Bradbury**

Abstract:— The insanity defense is a legal principle that allows defendants to claim they were not criminally responsible for their actions due to a severe mental illness at the time of the offense. Rooted in the fundamental notion that criminal liability requires intent (*mens rea*), the insanity defense acknowledges that individuals suffering from severe psychiatric disorders may lack the capacity to understand the nature of their actions or distinguish right from wrong.

One of the most influential legal standards for insanity is the **M'Naghten Rule** (1843), which establishes that a defendant must be incapable of understanding the nature of the act or knowing it was wrong due to a mental disorder. Other legal tests, such as the **Irresistible Impulse Test**, the **Durham Rule**, and the **Model Penal Code Test**, expand on this by considering volitional impairment and broader psychological dysfunctions.

Despite its long history, the insanity defense remains controversial. Critics argue that it is frequently misused, leads to lenient sentences, or allows dangerous individuals to escape justice. However, statistics indicate that the defense is rarely invoked and even less frequently successful. In jurisdictions that recognize it, defendants found not guilty by reason of insanity (NGRI) are often committed to psychiatric institutions rather than released outright.

The application and success of the insanity defense vary across legal systems. Some countries impose strict legal tests, while others have abolished it entirely in favor of alternative mental health defenses. As neuroscience and psychiatry advance, courts face ongoing challenges in balancing legal responsibility, public safety, and the rights of mentally ill defendants.

This paper examines the historical development, legal standards, challenges, and implications of the insanity defense, offering insights into its role in modern criminal law.

I. Introduction

Mental incapacity serves as a complete defense against criminal charges, as individuals with an unsound mind are considered incapable of forming the necessary *mens rea* to commit a crime. Section 84 of the Indian Penal Code, 1860¹, absolves a mentally incapacitated person from criminal responsibility. The legal

principle maintains that every individual is presumed to be sane and capable of reasoning unless proven otherwise. The responsibility of proving the accused's mental condition at the relevant time, as outlined in Section 84, rests on the accused, in accordance with Section 105 of the Indian Evidence Act, 1872. To claim this defense, it must be demonstrated that the accused's mental state was so impaired at the time of the offense that they were unable to understand the nature of their actions. However,

¹ The Indian Penal Code, 1860, § 84, No. 45, Acts of Parliament, 1860 (India); The *Bhartiya Nyaya Sanhita*, 2023, § 22 No. 45, Acts of Parliament, 2023 (India)

the accused only needs to establish this defense based on the balance of probabilities.

II. Rationale Behind Granting a Waiver:- A person suffering from mental instability is unable to control their will or regulate their behavior. Such individuals lack the mental capacity to comprehend their actions or assess the consequences, making them legally unaccountable for their conduct. Punishing them serves no purpose, as they are incapable of understanding the reason or even the fact of their punishment.

The defense under Section 84 of the Code is based on the principle that a crime requires a 'guilty' intention. If a person commits an act without understanding its nature, wrongfulness, or illegality, they cannot be held responsible for it.

III. Conditions required to be Fulfilled for Claiming Benefit of Exemption Under Section 84 IPC

A. Unsoundness of Mind:- A person experiencing unsoundness of mind is considered *Non compos mentis*, meaning "not of sound mind." In contrast, *Compos mentis* refers to having a composed and stable mind. *Non compos mentis* signifies a lack of control or stability over one's mental state. This condition can be temporary, as seen in lunacy, or permanent, such as in cases of idiocy. It may arise naturally, from birth, or develop due to illness, like schizophrenia. Additionally, extreme consumption of or addiction to alcohol or drugs can also lead to unsoundness of mind.

B. Unsoundness to exist at the time of the commission of the offence:- When a legal insanity defense is raised, the court must determine whether the accused was suffering from a mental disorder at the precise time the crime was committed. The key moment for assessing the mental state of the accused is the exact time the offense took place.

In the case of *Amrit Bhushan Gupta v. Union of India*², the court ruled that an accused person cannot be absolved of criminal responsibility unless it is conclusively proven that they were legally insane at the time of committing the offense. Even if the accused had a history of mental illness before or after the crime, it does not automatically exempt them from liability unless their insanity was present at the moment of the offense.

Under Section 84 of the Indian Penal Code, an individual may be exempt from criminal responsibility if, at the crucial moment, they were experiencing such a severe defect of reason that they were either unaware of the nature of their actions or, even if they understood what they were doing, they did not recognize that their actions were wrong or illegal.

To successfully invoke Section 84, the defense must establish the accused's unsound mental state through evidence drawn from the circumstances leading up to, during, and after the crime. The burden of proof lies on the defense to demonstrate that the accused was suffering from insanity at the time of the offense.

Additionally, individuals who suffer from recurring episodes of insanity can claim exemption from criminal liability only if they were experiencing such a fit at the precise moment of committing the crime. If, at that time, they were capable of understanding the nature and consequences of their actions, they would not be eligible for the protection of Section 84 and would be held criminally responsible.

C. Incapability in the accused person to know:- The phrase "incapable of knowing" emphasizes that the accused must demonstrate an inability to comprehend their actions due to mental instability. The ability to understand something differs from merely having knowledge of it. Under Section 84, what is protected is an

² *Amrit Bhushan Gupta v. Union of India* AIR 1977 SC 608.

inherent or organic incapacity, not an incorrect belief stemming from distorted reasoning. This incapacity may result from arrested mental development, a sudden episode of insanity, delusion, or other medically recognized conditions.

In *Lakshmi v. State*³, the Court noted that personal beliefs do not provide legal protection if an individual retains the capacity to differentiate between right and wrong. If misguided reasoning leads to an incorrect conclusion, the person bears responsibility for their actions. The law only protects those whose fundamental ability to distinguish between legality and illegality is entirely lost. If even a faint awareness of this distinction remains, an individual cannot claim immunity based on a self-deceptive intuition or persistent delusion. Beliefs arise from intuition, whereas knowledge and understanding depend on cognition and reason. If these faculties remain functional, a person cannot evade accountability by arguing that their judgment was momentarily clouded by misleading intuition.

D. Knowledge of nature of Act:- The **nature of an act** refers to its physical characteristics and qualities, rather than its moral implications. This concept applies to cases where the individual performing the act is unaware of what they are physically doing. In such situations, the doer lacks an understanding of the actual nature of their actions, often due to a delusion or impaired perception.

For example, consider a person who, under a severe delusion, believes they are chopping vegetables when, in reality, they are cutting someone's finger. Similarly, an individual might strike another person, believing—due to an insane delusion—that they are merely breaking a jar. In both instances, the accused is not consciously aware of their actions in the conventional sense, which can have significant legal implications regarding criminal liability.

³ *Lakshmi v. State* AIR 1959 All 534

Case Study: Chirangi v. State

A notable example illustrating this principle is the case of **Chirangi v. State**⁴. The accused, Chirangi Lohar, was a 45-year-old widower deeply attached to his 12-year-old son. He was charged with murdering his son using an axe while they were on Budra Meta, a hillock.

During his defense, Chirangi claimed that he had killed his son under a delusion, believing him to be a tiger about to attack. Medical evidence supported this claim, indicating that Chirangi had been suffering from **bilateral cataracts**, a condition that severely impaired his vision. Due to this disability, he could have genuinely mistaken his son for a wild animal.

Further medical examination revealed additional factors that could have contributed to his impaired mental state. Chirangi had an **abscess on his leg**, which could have led to a fever, potentially causing a **temporary delirium**. This condition, combined with his already poor eyesight, may have exacerbated his misperception. Moreover, he suffered from **cardiovascular disease**, which could have resulted in confusion, and an injury to his eyebrow, possibly causing a mild concussion. These combined physical ailments may have created a **state of mind where he sincerely believed he was defending himself from a tiger** rather than harming his own son.

The court considered all these factors and found that Chirangi had acted without **criminal intent**. His behavior after the incident was consistent with someone who had no knowledge of wrongdoing. Given the evidence supporting his mental and physical impairment at the time of the act, the court concluded that he had no intention of committing a crime. As a result, Chirangi was **acquitted of all charges**.

This case highlights the importance of distinguishing between **intentional criminal acts and those committed under delusions or cognitive impairments**. In criminal law, for a person to be held liable, they must possess both

⁴ *Chirangi v. State* 1952 CriLJ 1212.

mens rea (guilty mind) and **actus reus** (guilty act). When a person lacks awareness of their actions due to a delusion, severe mental illness, or physical ailment, they may be **exempt from criminal responsibility** under the defense of insanity or involuntary action.

Thus, courts carefully assess medical evidence, psychological evaluations, and circumstances surrounding an accused individual's state of mind before determining **culpability**. The **Chirangi case** serves as a compelling example of how legal systems recognize that not all harmful actions are the result of intentional wrongdoing, reinforcing the principle that justice must take into account both the act and the actor's awareness of their conduct.

E. Knowledge of wrongfulness of act or the act being contrary to law:- The knowledge of an act's wrongfulness implies that the accused lacks substantial capacity to recognize or understand that their conduct is wrong. Section 84 applies when a person, due to a mental illness or defect, is unable to comprehend that their actions violate the law, moral principles, or both.

For instance:

1. An individual suffering from an insane delusion may believe that killing a child is a way to save them from sin and send them to heaven. In such a case, the person is incapable of realizing the moral wrongness of their act due to insanity.
2. Another person, under a similar delusion, might mistakenly believe that an innocent man is a threat to their life and kill him in self-defense. Because of their mental state, they are unable to recognize that their action is unlawful⁵.

In *Ashiruddin Ahmed v. The King*⁶, the accused dreamed that a divine figure commanded him to sacrifice his five-year-old son. The following morning, he took his son to a mosque and killed

him, believing he was fulfilling a sacred duty. He later confessed the act to his uncle. The Calcutta High Court ruled that the accused did not understand his act was wrong, as he genuinely believed his dream to be reality. As a result, he was granted the defense of insanity under Section 84.

However, this ruling faced criticism in later cases. In *Lakshmi v. State*, the court disagreed with this interpretation, arguing that accepting such a defense could lead to dangerous consequences. If dreams were considered valid justifications for crimes, accused individuals could routinely claim they were following divine commands. The court held that such a plea does not fit within the scope of Section 84 and is not legally tenable.

IV. Burden of Proof:- The Supreme Court clarified the doctrine of the burden of proof concerning the plea of insanity in *T.N. Lakshmaiah v. State of Karnataka*⁷ through the following principles:

1. The prosecution carries the responsibility of proving beyond a reasonable doubt that the accused committed the crime with the necessary *mens rea*. This burden remains on the prosecution from the start to the conclusion of the trial.
2. There is an assumption that the accused was sane at the time of the crime, as per Section 84 of the Indian Penal Code. However, this presumption can be challenged by the accused by presenting relevant oral, documentary, or circumstantial evidence. The standard of proof required from the accused is not as stringent as in criminal cases; rather, it follows the civil law principle of the preponderance of probabilities.
3. Even if the accused fails to definitively prove insanity at the time of the offense, any evidence introduced—either by the defense or prosecution—that creates reasonable doubt regarding any

⁵ Queen Empress v. Kader Nasyer Shah (1896) ILR 23 Cal. 60

⁶ Ashiruddin Ahmed v. The King AIR 1919 Cal 182.

⁷ T.N. Lakshmaiah v. State of Karnataka AIR 2001 SC 3828.

element of the crime, including *mens rea*, can lead to acquittal due to the prosecution's failure to meet its burden of proof.

In *Butu @ Madhu Oram v. State*⁸, the Court emphasized that the accused is not required to establish insanity beyond a reasonable doubt to secure acquittal. While the responsibility of proving insanity lies with the accused, it is sufficient if the evidence on record suggests that the conditions of Section 84, IPC, are reasonably probable. Such an inference may be drawn from various factors, including past medical history, behavior during and after the crime, and other relevant circumstances. The absence of motive, although not mandatory, is also a significant factor in assessing the plea of insanity.

V. The Irresistible Impulse Test, MC Naghten Rules and the Durham Rule:– The McNaughten Rules⁹, established in 1843 by a panel of fifteen judges in the House of Lords, were formulated in response to five hypothetical questions posed by the Lord Chancellor. Their purpose was to clarify how the law should assess the criminal liability of individuals with mental disorders. These rules set a legal standard, known as the "right-wrong" test, which mandated the acquittal of defendants unable to distinguish between right and wrong.

In 1929, the District Court of Columbia introduced the "irresistible impulse" test, allowing juries to determine whether an accused individual suffered from a "diseased mental condition" that prevented them from resisting an insane impulse. This test required juries to establish both the presence of a mental illness and a direct link between the illness and the criminal act.

Later, in 1954, the American court in *Durham v. U.S.*¹⁰, adopted the Durham Rule, also known as the "product test." According to this rule, a defendant was not considered criminally

responsible if their unlawful act resulted from a mental illness or defect. However, this rule was later rejected by federal courts due to its broad application, which allowed individuals such as drug addicts and alcoholics to evade criminal liability.

In India, the law on insanity, as outlined in Section 84 of the Indian Penal Code (IPC), is largely influenced by the McNaughten Rules.

VI. Ascertainig Unsoundness:– If a Magistrate conducting an inquiry has reason to believe that the accused is of unsound mind and therefore incapable of defending themselves, the Magistrate must investigate the matter. This includes arranging for a medical examination by the district's civil surgeon or another medical officer designated by the State Government. The Magistrate must also record the medical officer's testimony in writing¹¹.

The phrase "reason to believe" refers to a belief that a reasonable person would hold based on the available facts. The burden of proving unsoundness of mind rests on the accused. Since inquiries into mental fitness are mandatory, the Magistrate must conduct this inquiry before proceeding with the case¹². The assessment of medical insanity should begin with recorded medical evidence¹³.

Under Section 329 of the Code, if the accused raises a plea of insanity, the court must first determine whether they were of unsound mind and incapable of understanding their actions. Subsection (2) of this section makes this a preliminary part of the trial. Additionally, Section 2(w) of the Mental Healthcare Act, 2017, defines a "prisoner with mental illness" as an under-trial or convicted person suffering from mental illness while in custody.

To determine the legitimacy of an insanity plea, the accused's behavior from the time of the offense to the start of legal proceedings is crucial. Courts typically consider factors such as:

⁸ *Butu @ Madhu Oram v. State* 1985 (II) OLR 398

⁹ *McNaughten Case* (1843) 8 E.R. 718.

¹⁰ *Durham v. U.S* 214 F.2d 862

¹¹ Code of Criminal Procedure (CrPc), s. 328(1)

¹² *Dr. Jai Shanker v. State of HP*, AIR 1972 SC 2267.

¹³ *Gurjit Singh v. State of Punjab*, CrLJ 1505 (P&H).

1. Presence or absence of motive
2. Planning and preparation
3. The method of committing the crime
4. The type of weapon used
5. Attempts to conceal evidence
6. Efforts to evade arrest
7. Behavior before, during, and after the incident
8. Conduct during trial
9. Previous episodes of insanity, hospitalization, or treatment
10. Any family history of mental illness

In *Raghu Pradhan v. State of Orissa*¹⁴, the accused used an insanity defense after being charged with murdering his wife and children and attacking others. Evidence showed that he had a history of periodic insanity, had no motive for the crime, and was behaving irrationally during and after the incident. Medical reports confirmed brain contusions, a symptom of insanity. The court concluded that at the time of the offense, the accused could not understand his actions due to insanity, meeting the legal criteria for insanity under Section 84 of the Code.

VII. Legal Insanity different from Medical Insanity:- Not everyone with a mental illness can escape criminal responsibility by claiming insanity. Only individuals whose cognitive abilities are so impaired that they cannot comprehend the nature of their actions or recognize that their conduct is wrong or unlawful qualify for legal insanity¹⁵.

Legal insanity refers to a person's inability to understand the nature or consequences of their actions at the time of committing a crime. In contrast, medical insanity concerns a person's overall behavior and mental state. Someone who experiences episodes of insanity is considered medically insane. Conditions such

as partial delusions, compulsive behavior, or irresistible impulses fall under medical insanity, as they primarily affect emotions and willpower while leaving cognitive functions intact. However, a person can only claim legal insanity if they were experiencing an episode of insanity at the exact moment the crime was committed.

To qualify as legal insanity, the mental disorder must significantly impair cognitive abilities to the extent that the individual cannot recognize their actions or their unlawfulness. Only legal insanity serves as a complete defense against criminal charges, whereas medical insanity alone is insufficient and must be accompanied by legal insanity to be considered a valid defense.

VIII. Conclusion:- Mental illness does not strip a person of their humanity or their human rights. Regardless of their mental condition, all individuals retain these rights. Those who commit crimes due to an unsound mind are not considered criminals and should not be punished but rather provided with medical care. Since they may pose a danger to themselves and society, they require supervision. Instead of punishment, they should be placed in safe custody, entrusted to a responsible relative or friend, or admitted to an asylum.

When a person is acquitted on the grounds of insanity, the court must clearly determine whether the act was committed by the accused. Upon acquittal, such individuals should be placed in safe custody as deemed appropriate by the court. If a relative or friend wishes to take responsibility, they must apply and provide security to ensure the individual's well-being and prevent harm to themselves or others.

If a mentally ill person cannot stay with family or has been abandoned, the government is responsible for offering necessary support, including legal assistance, and ensuring their right to a family home¹⁶. Under Section 27, individuals with mental illness have the right to

¹⁴ *Raghu Pradhan v. State of Orissa* 1993 CriLJ 1159.

¹⁵ *Shama Tudu v. State* (1986) (I) OLR 506.

¹⁶ The Mental Healthcare Act, 2017, s.19(2)



free legal services to exercise their legal rights. Authorities such as magistrates, police officers, custodial institution heads, and mental health professionals must inform them of their entitlement to legal aid under the Legal Services Authorities Act, 1987, or other applicable laws, and provide relevant contact details for accessing these services¹⁷.

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¹⁷ The Mental Healthcare Act, 2017,s.27