
CRIME WITHOUT CULPABILITY: THE LAW OF INSANITY DEFENCE

Saptarshi Mandal, Shyambazar Law College, University of Calcutta

ABSTRACT

This article examines the concept of the insanity defence in criminal law and its legal significance. This article discusses about the conditions under which an offender can claim the insanity defence on the ground of legal and medical tests. The insanity defense should be used carefully to balance justice, public safety and the rights of the accused person. The insanity defense is a part of criminal law and its application should be evaluated on a case by case basis. This will ensure that the insanity defense is used fairly and justly. Courts have to consider each case to make sure justice is served and the public is safe. The study of the insanity defense shows that it is a protection for people who are not able to understand their actions because of mental illness. This article is about the insanity defense. It is used in law. The insanity defense is very important in law. The main goal of this article is to explain what the insanity defense means. It will also explain the principles of the insanity defense. The article will talk about how the insanity defense's used in criminal proceedings. The insanity defense is a part of criminal law. It is used to decide if someone is guilty of a crime or not. The insanity defense is used to help people who're not sane. The article will go into detail about the insanity defense and its significance in law. The insanity defense is an important concept, in criminal law.

INTRODUCTION

A criminal action is incomplete if there is an absence of guilty mind and mala fide intentions. The law of Insanity defence plays a major role in Criminal law as well as Criminal Jurisprudence. Section 84 of the Indian Penal Code 1860 which is currently section 22 of the Bhartiya Nyaya Sanhita , describes about the act of a person of unsound mind. In simple words Insanity Defence applies to a person who commits a crime without knowing the consequences and nature of it at the time of committing the crime.

According to the Law of insanity defence when a person is perpetrating a crime he is unaware of the circumstantial consequences and it's criminal nature. The law of insanity defence drives us to a very famous Latin term "*actus non fecit reum nisi men sit rhea*" which literally means that both guilty mind and guilty actions together completes any act of crime, simply this Latin phrase means, when a person is committing a crime not only his actions but also his guilty intentions together is equally important to hold that person completely liable of his criminal actions. Generally the law of insanity defence is used if someone lacks the ability to form a criminal intent that the law treat as the baseline for punishment or if someone has a mental impairment they may not be able to control their actions in a meaningful way. This is because the mental impairment can affect the person's ability to make decisions and think clearly. The person with a mental impairment may do things without really thinking about what they are doing. The mental impairment can be so bad that it stops the person from being able to control their conduct. This means that the person's mental impairment can affect how they behave and the choices they make.

The law of Insanity defence also comes with the establishment of the legal competence which in turn means that whether a person is able or is competent enough to face legal trials in the court or the criminal proceedings against him. Basically a person has to be in a sound mind to be proven guilty for his action that he had committed. In such cases most often the offenders use the law of insanity defence as a proof that at the time of committing the offence he was not in mental state to understand the nature and consequences of the actions he was perpetrating at that moment.

ORIGIN OF THE LAW OF INSANITY DEFENCE

The Law of insanity defence was first originated from *M'Naghten's* case in 1843, which is

also known as MC Naghten's case. In this case M'Naghten was arrested for shooting the secretary of the Prime Minister namely Edward Drummond. M'Naghten claimed that he wanted to kill the Prime minister for making conspiracies against him. During the trial phase the Lawyer for M'Naghten put forward the argument of the insanity defence where the

Lawyer said, that while M'Naghten shot at that time he was mentally unfit with supporting evidences as a matter of their burden of proof. After the trial stage getting orders from the Judge the Jury gave the verdict that M'Naghten was not guilty because of his insanity.

After tensions arising it was held by the House of Lords that there must be a stricter test for insanity before trial and also made sure that during the test of insanity there must be two elements mandatorily that the accused person's mind:

1. Made the accused person fail to understand what he was doing while perpetrating the said act and,
2. The accused person's mind had knowledge of what he was doing but can not determine whether it was wrong or right.

NATURE AND ESSENTIALS OF THE LAW OF INSANITY DEFENCE

The nature of the law of insanity defence is as follows:

1. This law is applicable for any type of criminal offences if it can be proved that at the time of committing the offence the offender's brain did not have that capability to understand the rightfulness of the crime.
2. The evidence should include medical proofs or any past medical records that proves the person is mentally incapable and of unsound mind. And
3. The accused person takes upon the burden of proof on him as per section 105 of the Indian Evidence Act.

LEGAL INSANITY V/S MEDICAL INSANITY

There are two types of insanity which takes us to a short difference between legal insanity and medical insanity, Legal insanity means the accused person's brain at the time of perpetrating

the crime malfunctioned to a point that he could not recognize the nature of the crime, on the other hand Medical Insanity mainly includes schizophrenia, bipolar disorder etc that means that offender is diagnosed as a mental patient.

When someone is found to be medically insane the courts look at the situation to figure out if they are legally insane. Usually the courts do not do a separate and detailed check to see if the person is legally insane. Instead the courts usually decide if someone is legally insane by looking at things like what kind of problem they have and how bad it is what motivated the person to do what they did or if they had no motivation at all and what the person did before during and after they committed the crime. The courts consider the medical insanity and the circumstances around the crime to make a decision, about the insanity of the person.

The court's utmost concern is to give justice based on what evidence it gets, so it goes for the law of insanity defence too. The court will look at the time of action how the accused behaved or at the time of perpetrating the criminal action how was his mind working, whether his mind was aware of that action or his mind was so malfunctioned at the level that the offender could not decide that the actions committed by him are right or wrong.

CONCLUSION

This concludes that the Law of insanity defence is an important legal safeguard for the individuals who are genuinely incapable of understanding the nature or wrongfulness of their actions due to mental illness. This study also concludes and specifies that the safeguard of the Law of the insanity defence is only for the individuals whose mind was malfunctioned at the time of committing the offence.