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# A Critical Analysis on Insanity as a Defense Under Indian Criminal Law

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BAVANA A.<sup>1</sup>, SRIVARSHINI K.<sup>2</sup> AND SHAHIN M.<sup>3</sup>

## ABSTRACT

*In Indian criminal law, the defense of insanity, is based on the principle that a person who is suffering from a mental illness or unsoundness of mind at the time of committing the offense lacks the capacity to understand the nature and consequences of their actions or to differentiate between right and wrong. To establish the defense of insanity, the burden of proof lies on the accused, who must demonstrate through medical evidence that they were suffering from a mental disorder at the time of the offense. If the court is satisfied that the accused was insane at the time of the offense, they may be acquitted or subjected to psychiatric treatment instead of imprisonment. The paper aims to analyze the familiarity of insanity as a defense and its tests and also examines the public's opinion on where the focus should be on when insanity is established in a serious crime case. The research method followed is descriptive research. The data is collected through a questionnaire and the sample size is 207. Convenience sampling method is adopted in the study to collect the data. The samples were collected from the general public with special reference to Tamilnadu region. The researcher used graphs, chi square and anova to analyze the data collected. The researcher found that 42.03% of the respondents are somewhat familiar with the concept of insanity as a defense under Indian criminal law, 63.29% of the respondents chose a combination of punishment and rehabilitation for the offenders who have insanity as a defense. It was also found that there is a significant difference of opinion regarding the importance of a psychiatrist in the process of giving credibility to the insanity of a person and the age of respondents. Drawing upon people's opinion and legislative provisions, the paper explores the criteria for establishing insanity, the convincing tests and the role of courts and psychiatrists in determining mental incapacity.*

**Keywords:** *Insane, defense, crime, guilty, accused.*

## I. INTRODUCTION

A pair of conditions must be met for an act or omission to qualify as a crime: it must be a guilty act carried out with a guilty mind. The phrase "Actus Non Facit Reum Nisi Mens Sit Rea" refers

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<sup>1</sup> Author is a student at Saveetha school of law, India.

<sup>2</sup> Author is a student at Saveetha school of law, India.

<sup>3</sup> Author is a student at Saveetha school of law, India.

to the idea that an action does not render a person accountable until it is carried out with a guilty intent. There must be a guilty deed as well as the intention to commit that guilty conduct. The general exception discussed here is insanity, which is a mental state that renders a person incapable of using cognitive functions or comprehending the nature and likely consequences of the act they are performing. In order to qualify for this exception, it is necessary to prove that the accused's insanity is severe enough to prevent them from understanding the nature of the act. If a person exhibits insane behavior occasionally but is aware of the nature of what he is doing other times, the court will consider the case's facts and circumstances to determine whether the person was capable of understanding the nature and implications of his actions at the time of the incident or not. Or, to put it another way, we can state whether or not he was insane when the offense was committed.

A person of an unsound mind shall act in compliance with Section 84 of the Indian Penal Code and Section 22 of the Bharatiya Nyaya Sanhitha. Nothing constitutes a crime committed by an individual who, because of a lack of mental capacity, is unable to understand the nature of the conduct or does what is unlawful or against the law. In order to build this defence, the following requirements must be met:

1. When the incident was committed, the accused was mentally unstable.
2. He was unable to understand the nature of the crime or act in a way that was illegal or improper. The terms "wrong" and "contrary to the law" are not the same.

In the context of the insanity defense under Section 84 of the Indian Penal Code, several key factors influence its viability. Firstly, the accused must establish the presence of a recognized mental disorder, ranging from conditions like schizophrenia to other psychiatric illnesses. However, it's not merely the existence of a disorder; it must substantially impair the accused's capacity to understand the nature of the committed act or recognize its wrongfulness. Expert psychiatric evaluation, often from qualified psychiatrists, is crucial in assessing the accused's mental state during the offense. Courts often rely on expert opinions from qualified psychiatrists. There should be a clear temporal connection between the mental disorder and the crime, supported by documented evidence like medical records or prior diagnoses. It's essential to establish that the accused was suffering from the disorder at the time of the offense. Any available documentation of the accused's mental health, such as medical records, prior diagnoses, or treatment history, can strengthen the defense's case. Consistency in behavior indicative of the mental disorder over time strengthens the defense's case. Courts will meticulously scrutinize the evidence presented, requiring a compelling narrative to convince

them that the accused's mental state significantly influenced their culpability for the criminal act. Successfully utilizing the insanity defense requires a thorough presentation of evidence, including expert testimony, to convince the court that the accused's mental disorder significantly impacted their ability to comprehend the criminal act.

Insanity is recognized by English criminal law as a legitimate defense against criminal liability. The M'Naghten guidelines serve as the foundation for the basic concept of insanity. Medical definitions of insanity are not relevant to these guidelines. The principles of insanity were stated by the judges in the M'Naghten case. In the USA, an inmate who has provided proof of his insanity is entitled to an instruction that he may be found not guilty by reason of insanity. Underhill's criminal evidence states that insanity is a defense to a charge of crime everywhere; without sound mind, there can be no criminal intent, existence, character, the extent of insanity, or ordinary questions of fact for the jury. The legal standard for assessing insanity has not been agreed upon by the authorities. According to the M'Naghten case from 1843, the majority of states have implemented the right-wrong test.

#### **(A) Objectives**

- To analyze the familiarity of insanity as a defense and its tests.
- To find the public's opinion on where the focus should be on when insanity is established in a serious crime case.
- To examine the importance of psychiatrists in these cases.

#### **(B) Literature review**

**Stuti Malik (2021)** In Indian criminal law, the "insanity defense" is a strategy used to prevent someone accused of a crime from being prosecuted. The defense rests on the claim that the accused was unable to understand their actions because they were experiencing a mental disorder at the time of the offense. Examining the legal definition of insanity and how it has evolved into a legal loophole in the present legal system is the aim of this analysis. The Indian court system's shortcomings render this defense ineffective. There is a serious issue with offenders who confess to a crime yet use this argument to avoid punishment. **Math SB, Kumar CN, Moirangthem S (2015)** This article focuses on the standards used in Indian courts and the recent ruling by the Supreme Court about the insanity defense. According to the research, in order to boost human resources and ensure a fair and prompt trial, it is imperative to establish formal graduation courses and establish Forensic Psychiatric Training and Clinical Services Providing Centers across the nation. According to the Bangalore jail study's findings, it is suggested that prison mental health services be implemented in each central prison. **Morse SJ,**

**Bonnie RJ (2013)** The moral justifications for the insanity defense as presented to the US Supreme Court serve as the foundation for this study. The essay examines and refutes the most salient moral counterargument, implying that countries have a great deal of discretion in determining which standard best satisfies their moral and legal requirements. The researcher discovered that in order to accomplish the purpose of responding, the two main alternatives to the insanity defense—navigating mensa and taking mental illness into consideration at sentencing—are insufficient. **Mikkelsen EJ (1980)** The paper assesses the cases and hospital admissions of criminally insane people. In the study, one hundred hospital admissions were examined; of these, twenty percent were referrals from psychiatric facilities, and thirty percent were transfers from prison. Because the proper wards do not exist within the mental health system, a review of the subgroups and individual cases reveals that mentally ill people are frequently referred to facilities for the criminally insane. They are exposed to the criminal community as a result, and they receive unfavorable societal labels. Additionally, the paper suggested a few approaches that could likely resolve these issues. **Neville K (2010)** In order to ascertain whether these categories are significant, this study examines states within each category to see if the type of rule—for instance, the M'Naghten rule—affects the result. Similar appellate felony case outcomes from Utah and Nevada, Michigan and Oregon, and New Jersey and North Carolina are compared in this research. It was anticipated that varying insanity defense losses would only slightly affect the result. Analysis of each state statute and the cases revealed that, despite the low number of examples available, the research indicated that the expectation held true. The result was that each insanity defense case's outcome is mostly or completely independent of the legal standard applied to determine the defendants' level of insanity or lack thereof. **Ashiru, Abiodun. (2021)** In order to highlight the challenges typically faced when proving the defense, this study reexamines the elements that comprise the insanity defense within the Nigerian criminal justice system. The author of the report uses a comparative legal analysis method to analyze the defense's statutory provisions in both Queensland and England. Based on a comparative examination, the article concludes that relying successfully on the defense of insanity may be challenging, if not impossible, because the proof of insanity mostly rests on medical evidence. The article comes to the conclusion that the current insanity defense clause has to be revised to take medicine into account. The report suggests creating a section of the criminal courts devoted to hearing cases involving medical law. **Kumar D,et.al, (2014)** In order to enhance the current mental health treatments provided to inmates, the researcher intends to investigate the social, demographic, clinical, and legal profile of forensic psychiatric inpatients. A review of 135 forensic mental health inpatients' charts from 2005 to

2009 is included in the study. The findings show that most of the inmates were on trial, with the most frequent accusation being murder, and drug abuse was widespread. The researchers recommend that inquiries concerning mental illness and the Mental Health Act be directed to the appropriate authorities. **Akhtar S, Jagawat T (1994)** This paper examines the state of insanity laws in many nations, including India, Scotland, the United States, and the United Kingdom, as well as the revisions and current status of the relevant statutes. The study's findings emphasized the necessity of making certain modifications to the pertinent provisions of the Indian Penal Code in order to strengthen the reliability of psychiatric testimony in cases involving insanity. It further suggested that when developing insanity tests for our nation, the experiences of the USA and the UK should be taken into consideration. **Hassan, Syed (2019)** For the defense of insanity, this study aims to draw attention to the conflicts that exist between science and the law. Comparable to the 'humpty-dumpty' allusion from the previous quote is the defense of insanity and the current reform debate surrounding it. One of the truly great jurists of our time, Lord Neuberger, served as the model for the paper's title. The lengthy and arduous reform process on the complete defense of insanity is highlighted in the study, but it does little to clarify the intricate conflict between current definitions of neurosciences and the law. It appears that the legal community is still bent on maintaining its position of "mastery" in this discussion, refusing to let the "hard science" of neurology provide conclusive guidelines for the rational use of this defense. **Richard J. Bonnie (1983)**, in his journal article, focuses in particular on the significance of the insanity defense's existence and the reasons why the accused or defendant should bear the burden of proof. The author also examines other theories and tests pertaining to the defense and concludes that the accused's "ability to appreciate the wrongfulness of his conduct" is a crucial factor in determining whether a mentally ill individual who has committed a crime is immune from culpability under the test of insanity. **Vishnu Vardhan Singh and Khushi Doshi (2023)** , In his research paper, the author attempts to provide a comprehensive overview of the development of insanity as a legal defense when considered from the standpoint of Indian law. The purpose of the study is also to identify the different issues that arise from the current criminal procedure concerning insanity. The study is primarily descriptive and is based on a number of quoted precedents. The study discovered that a person's entire personality—including their will, emotions, and cognitive abilities—is impacted by insanity. The M'Naghten rule is based on an antiquated and imprecise definition of insanity.

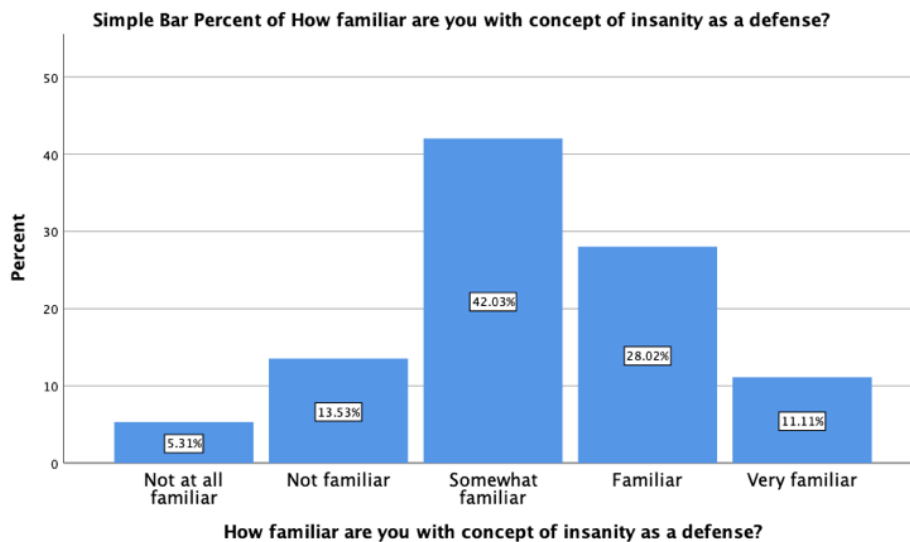
### **(C) Materials and methods**

The research method followed is descriptive research. The data is collected through a

questionnaire and the sample size is 207. Convenience sampling method is adopted in the study to collect the data. The samples were collected from the general public with special reference to Tamilnadu region. The independent variables are gender, age, educational qualification, occupation, area of residence . The dependent variables are familiarity of the concept of insanity as a defense, more convincing test for the concept, focus of the concept in a serious case, importance of a psychiatrist in the process, awareness about alternative approaches to dealing with criminal defendants with mental illness. The researchers used graphs, chi square and anova to analyze the data collected.

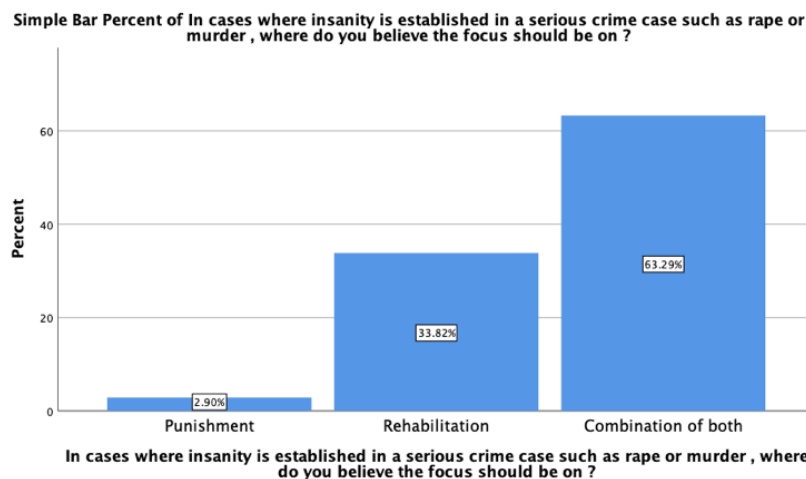
## II. ANALYSIS

Figure 1



**Legend:** Figure 1 shows the opinion of the respondents about the familiarity of the concept of insanity as a defense.

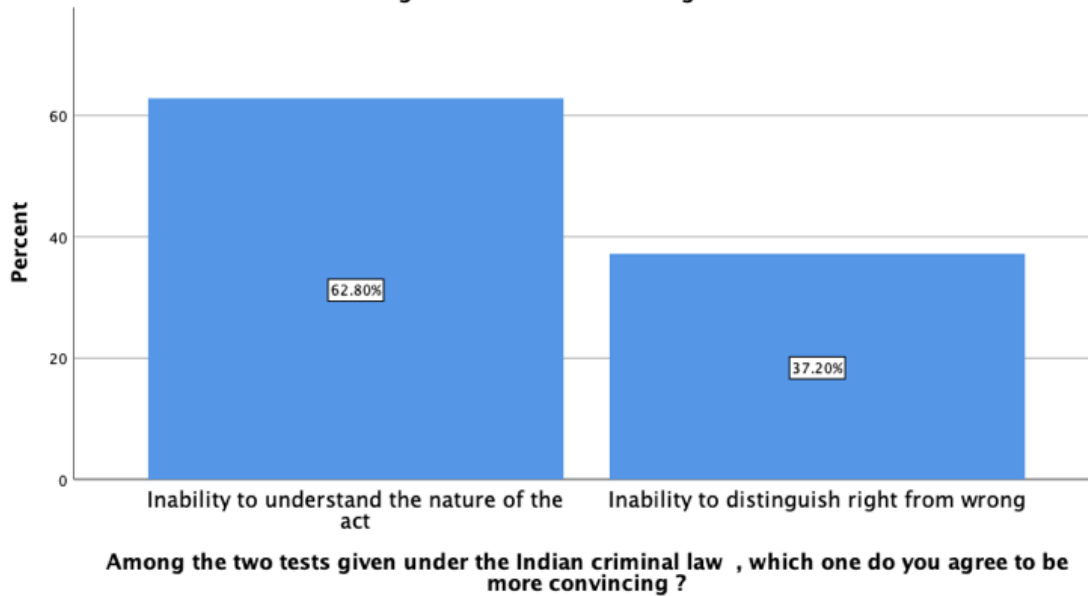
Figure 2



**Legend:** Figure 2 shows the opinion of the respondents about where the focus should be on when insanity is established in a serious crime case.

**Figure 3**

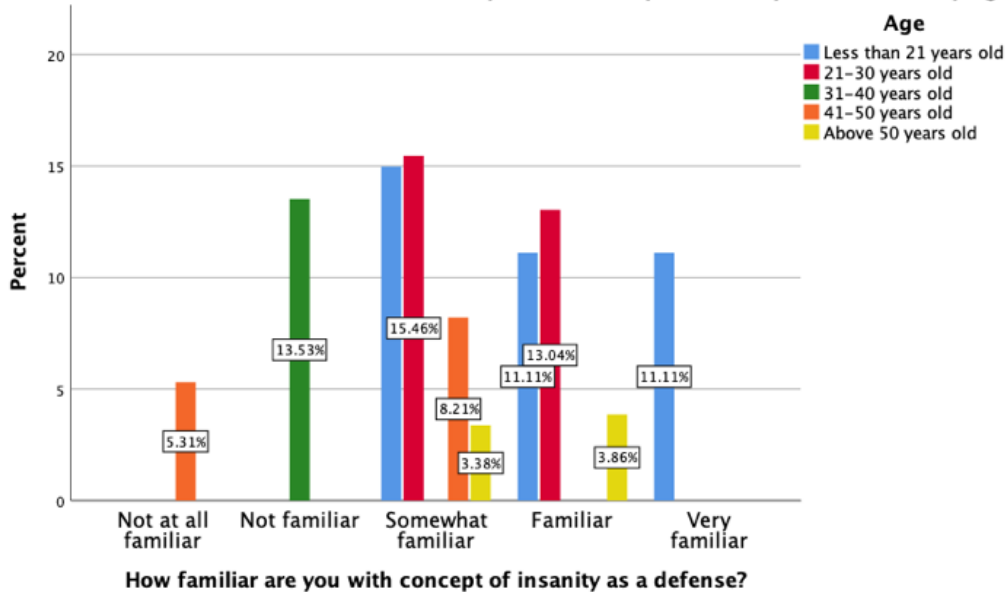
**Simple Bar Percent of Among the two tests given under the Indian criminal law , which one do you agree to be more convincing ?**



**Legend:** Figure 3 shows the opinion of the respondents about the more convincing test for insanity as a defence.

**Figure 4**

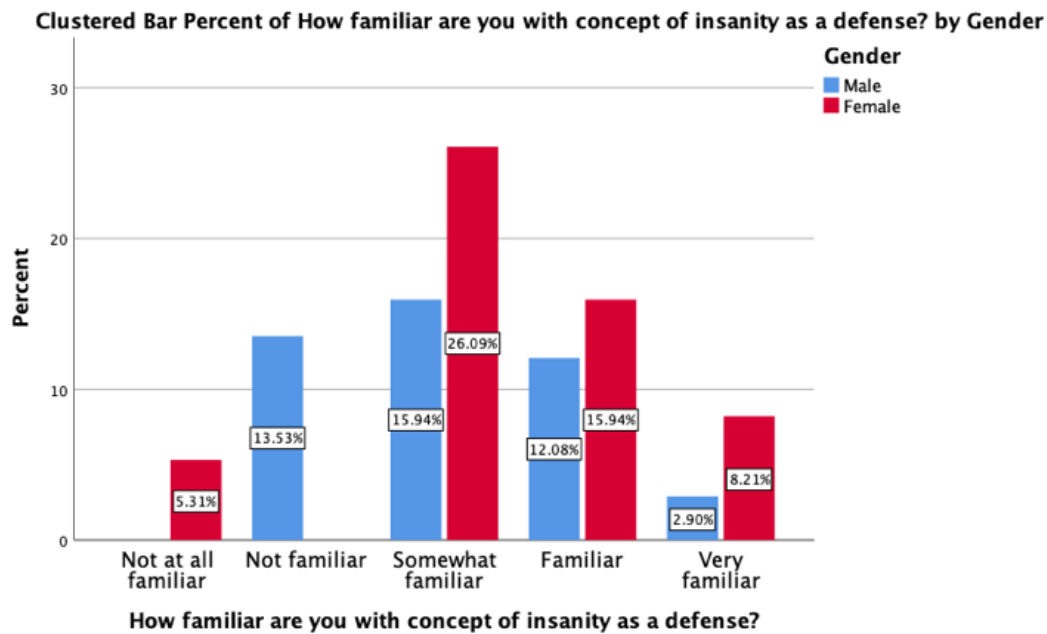
**Clustered Bar Percent of How familiar are you with concept of insanity as a defense? by Age**



**Legend:** Figure 4 shows the variability of the statement about familiarity with the concept of insanity as a defense with the age of the respondents

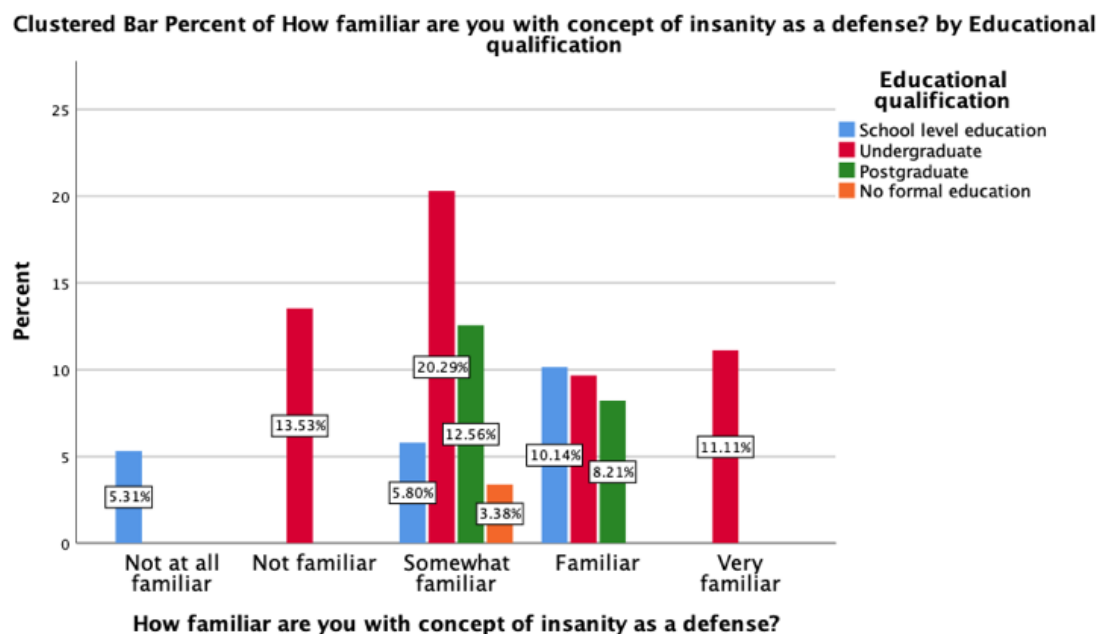


Figure 5



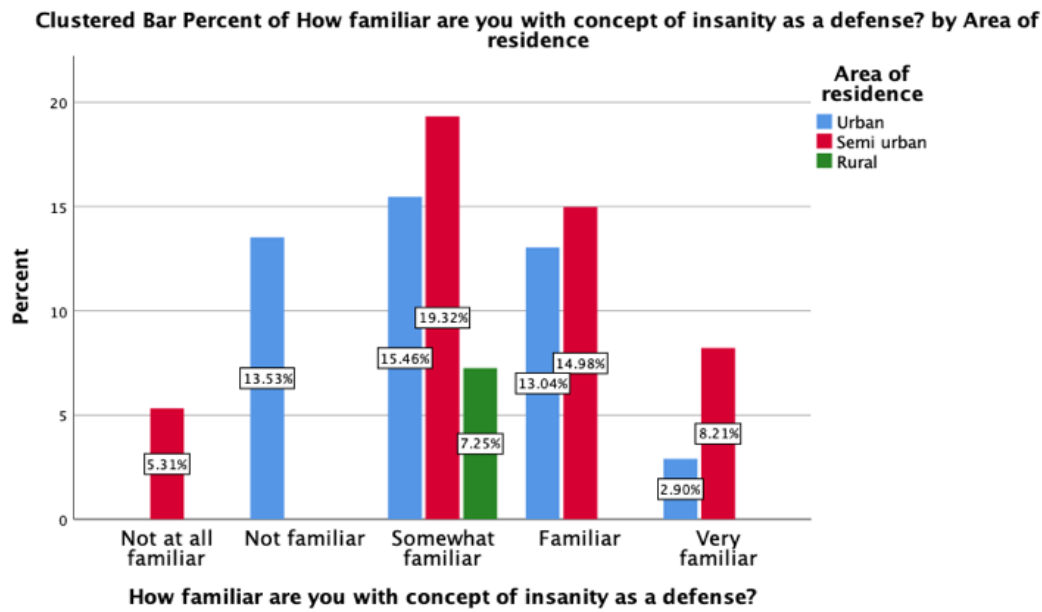
**Legend:** Figure 5 shows the variability of the statement about familiarity with the concept of insanity as a defense with gender of the respondents.

Figure 6



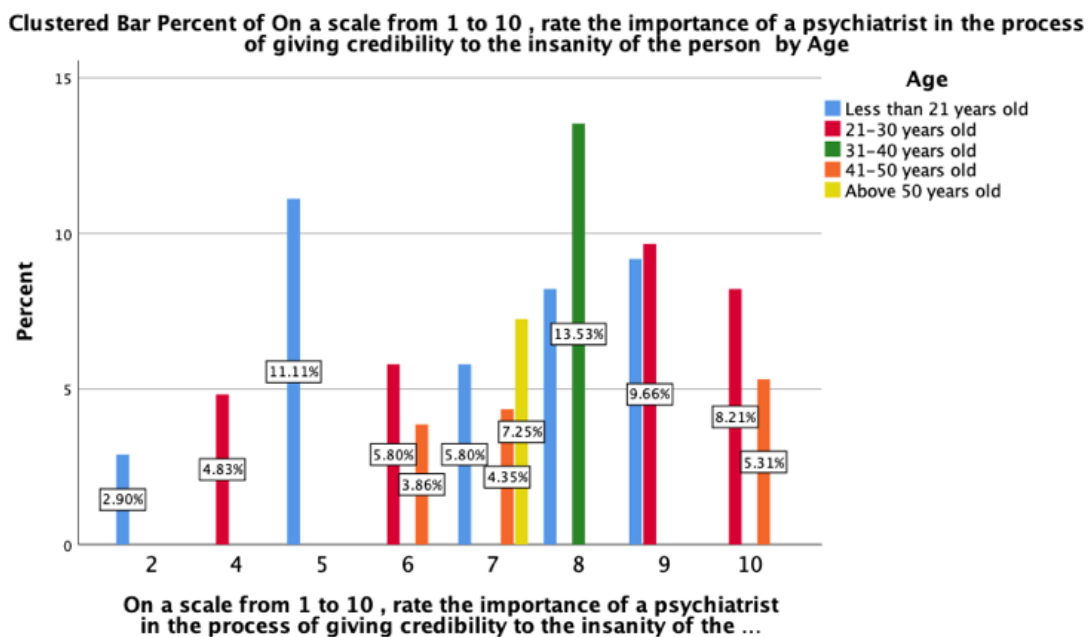
**Legend:** Figure 6 shows the variability of the statement about familiarity with the concept of insanity as a defense with educational qualification of the respondents.

Figure 7



**Legend:** Figure 7 shows the variability of the statement about familiarity with the concept of insanity as a defense with the area of residence of the respondents.

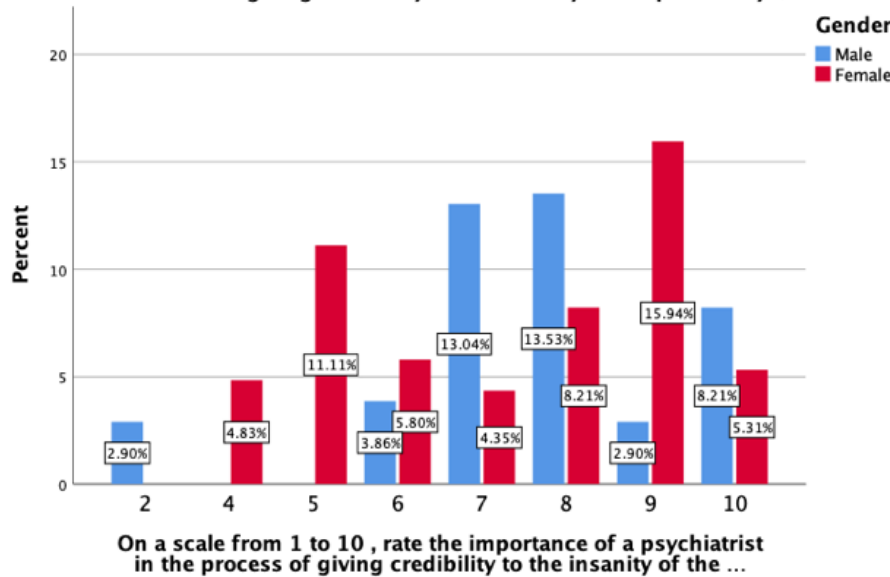
Figure 8



**Legend:** Figure 8 shows the variability of the statement about importance of a psychiatrist in the process of giving credibility to the insanity of the person with age of the respondents.

Figure 9

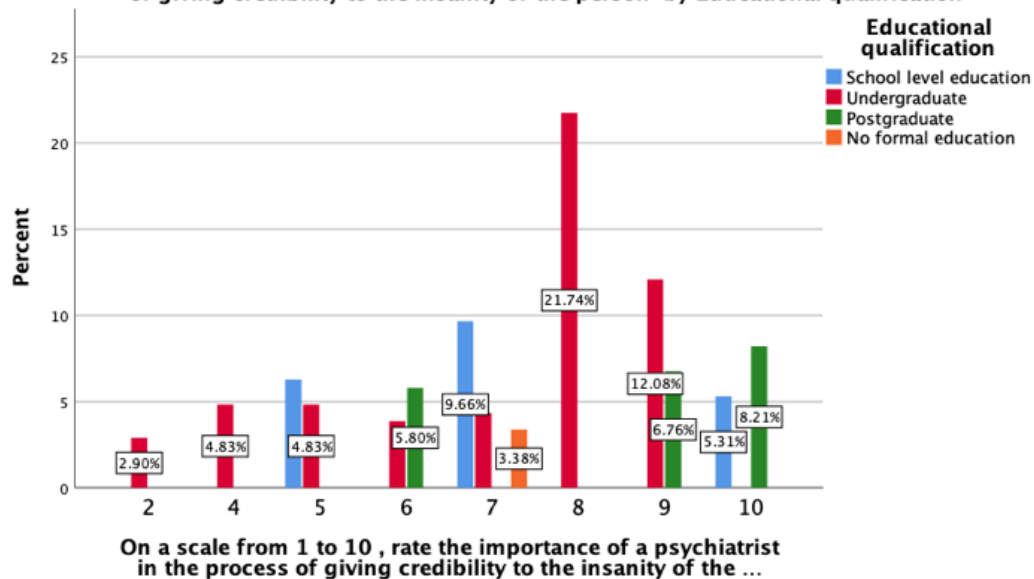
Clustered Bar Percent of On a scale from 1 to 10 , rate the importance of a psychiatrist in the process of giving credibility to the insanity of the person by Gender



**Legend:** Figure 9 shows the variability of the statement about importance of a psychiatrist in the process of giving credibility to the insanity of the person with gender of the respondents.

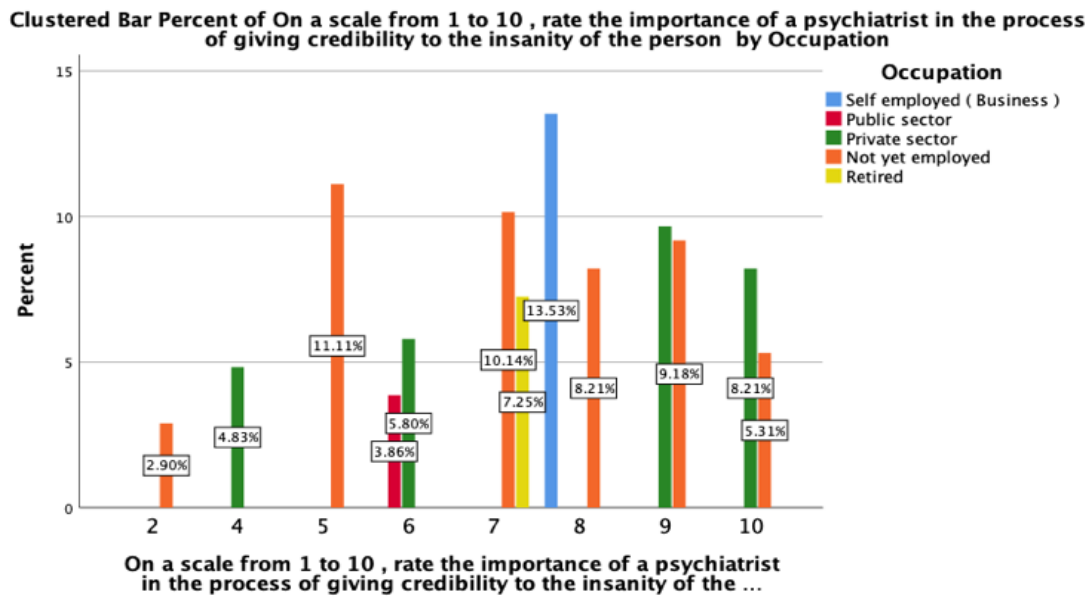
Figure 10

Clustered Bar Percent of On a scale from 1 to 10 , rate the importance of a psychiatrist in the process of giving credibility to the insanity of the person by Educational qualification



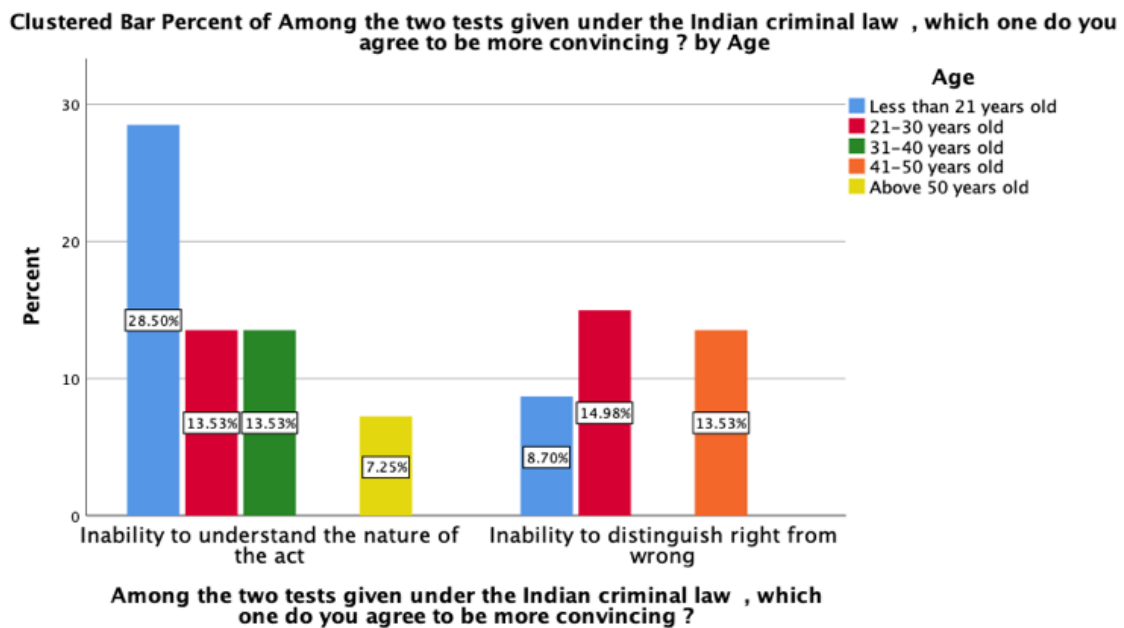
**Legend:** Figure 10 shows the variability of the statement about importance of a psychiatrist in the process of giving credibility to the insanity of the person with educational qualification of the respondents.

Figure 11



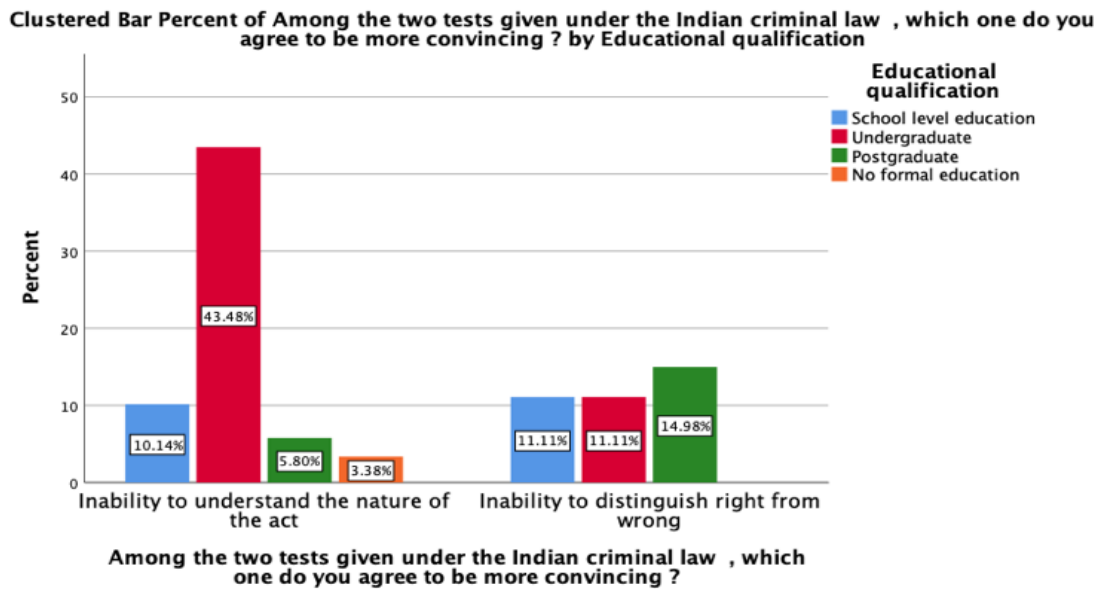
**Legend:** Figure 11 shows the variability of the statement about importance of a psychiatrist in the process of giving credibility to the insanity of the person with occupation of the respondents.

Figure 12



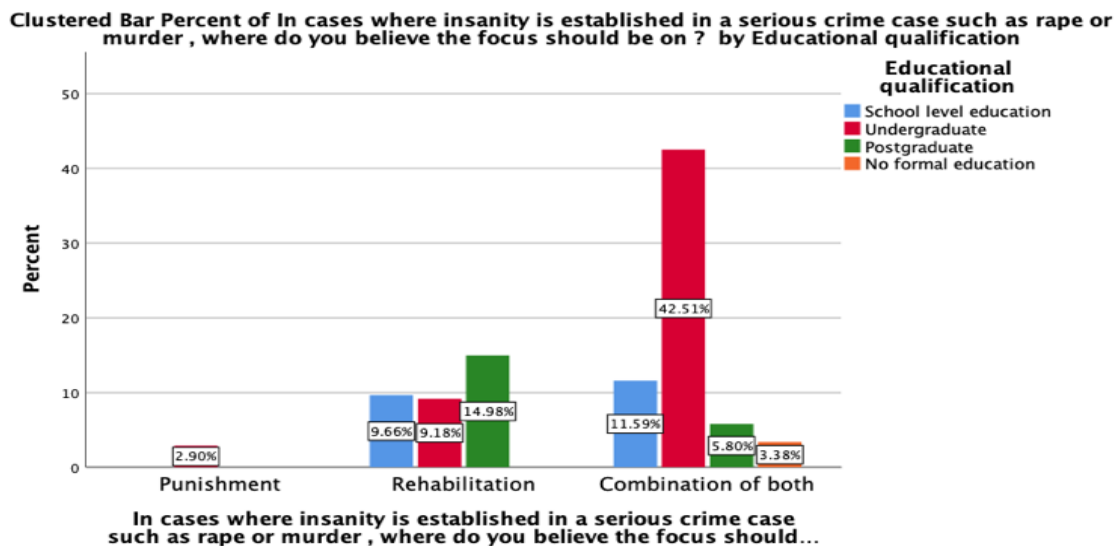
**Legend:** Figure 12 shows the variability of the statement about the most convincing test for insanity with the age of the respondents.

Figure 13



**Legend:** Figure 13 shows the variability of the statement importance of a psychiatrist in the process of giving credibility to the insanity of the person with educational qualification of the respondents.

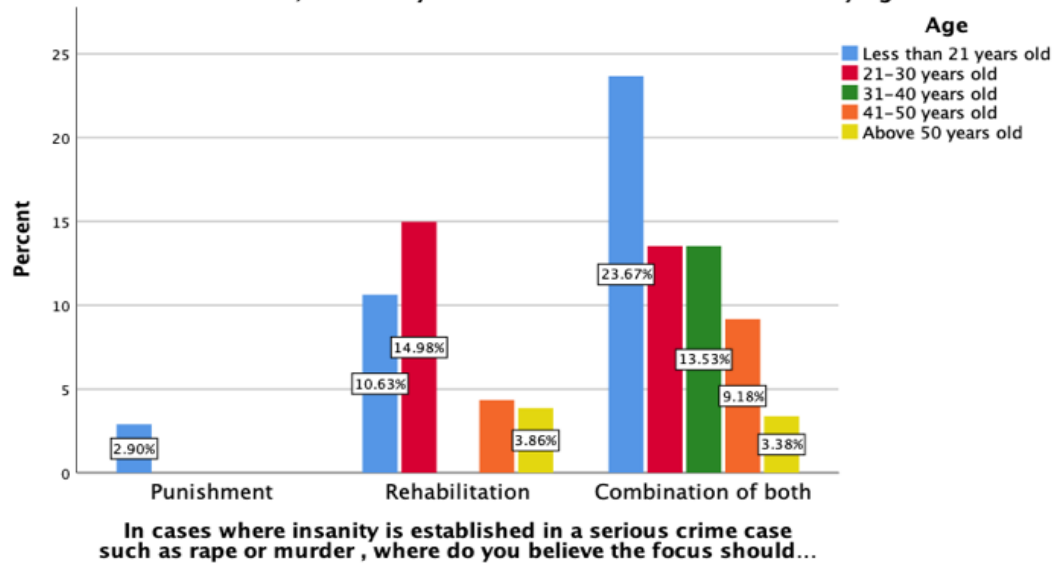
Figure 14



**Legend:** Figure 14 shows the variability of the statement about where the focus should be on when insanity is established in the serious crime case with the educational qualification of the respondents.

Figure 15

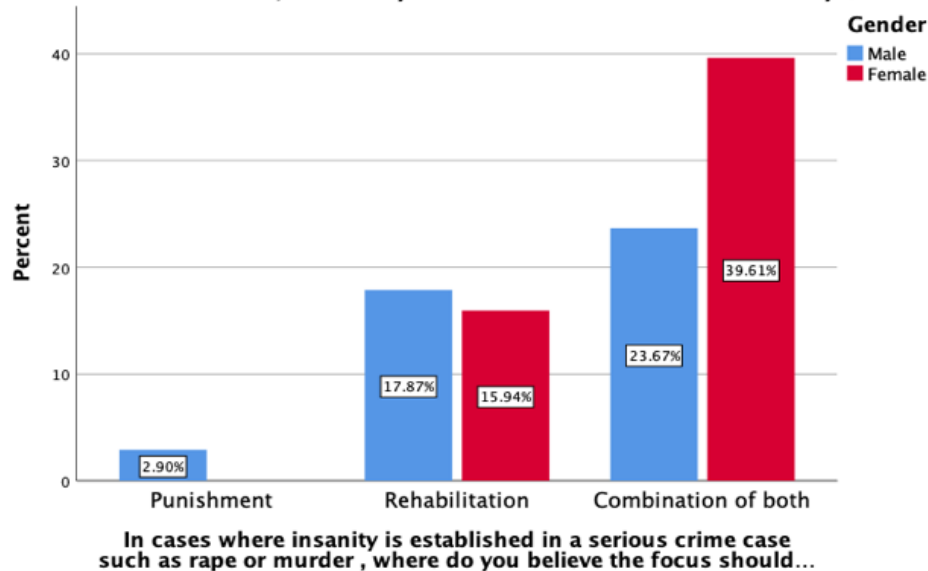
Clustered Bar Percent of In cases where insanity is established in a serious crime case such as rape or murder , where do you believe the focus should be on ? by Age



**Legend:** Figure 15 shows the variability of the statement about where the focus should be on when insanity is established in the serious crime case with the age of the respondents.

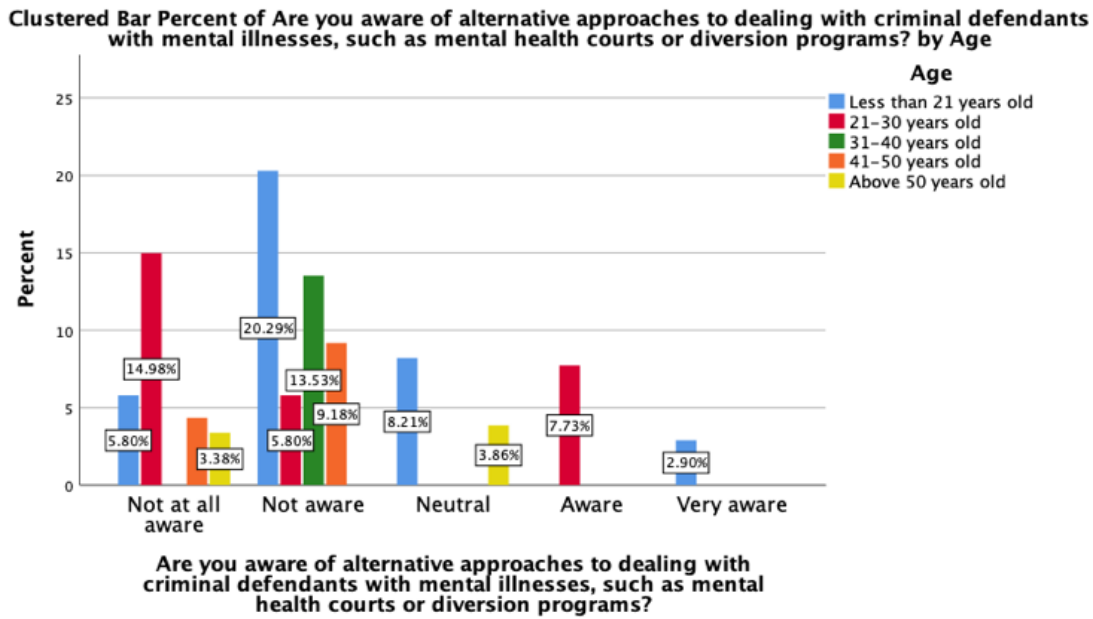
Figure 16

Clustered Bar Percent of In cases where insanity is established in a serious crime case such as rape or murder , where do you believe the focus should be on ? by Gender



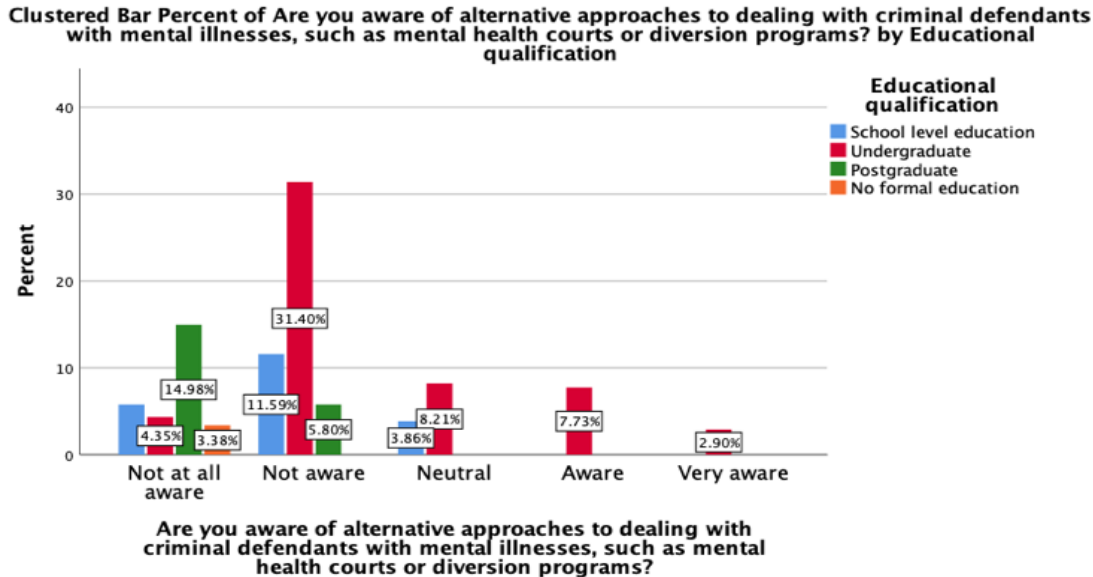
**Legend:** Figure 16 shows the variability of the statement about where the focus should be on when insanity is established in the serious crime case with the gender of the respondents.

Figure 17



**Legend:** Figure 17 shows variability of the statement regarding the awareness of alternative approaches to deal with criminal defendants of mental illnesses with the age of the respondents.

Figure 18



**Legend:** Figure 18 shows the variability of the statement regarding the awareness of alternative approaches to dealing with criminal defendants with mental illnesses with the educational qualification of the respondents.

**(A) Inferential Analysis**

**Chi square 1:** Null Hypothesis: There is no association between the opinion about where the focus should be when insanity is established in a serious crime case and the educational

qualification of respondents.

Alternate Hypothesis: There is an association regarding the awareness of alternative approaches to dealing with criminal defendants with mental illnesses with the age of the respondents.

Educational qualification * In cases where insanity is established in a serious crime case such as rape or murder , where do you believe the focus should be on ? Cross tabulation					
Count					
		In cases where insanity is established in a serious crime case such as rape or murder , where do you believe the focus should be on ?			
		Punishment	Rehabilitation	Combination of both	Total
Educational qualification	School level education	0	20	24	44
	Undergraduate	6	19	88	113
	Postgraduate	0	31	12	43
	No formal education	0	0	7	7
Total		6	70	131	207

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	51.738 <sup>a</sup>	6	.000
Likelihood Ratio	55.614	6	.000
Linear-by-Linear Association	1.004	1	.316
N of Valid Cases	207		

Interpretation: The calculated p value is 0.000. Since P value <0.05, null hypothesis is rejected at 5% Level of Significance . So there is an association regarding the awareness of alternative approaches to dealing with criminal defendants with mental illnesses with the age of the respondents.

Discussion: The finding that only six undergraduates want the focus to be on punishing people may be because of stigma surrounding mental illness among certain segments of the population, including undergraduates. Individuals with this perspective may view mental illness as a personal weakness or character flaw rather than a legitimate medical condition deserving of empathy and treatment.

**Anova 1:** Null Hypothesis: There is no significant difference of opinion regarding the importance of a psychiatrist in the process of giving credibility to the insanity of a person and the age of respondents.

Alternate Hypothesis: There is a significant difference of opinion regarding the importance of a psychiatrist in the process of giving credibility to the insanity of a person and the age of respondents.



ANOVA					
On a scale from 1 to 10 , rate the importance of a psychiatrist in the process of giving credibility to the insanity of the person					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	65.048	4	16.262	4.638	.001
Within Groups	708.256	202	3.506		
Total	773.304	206			

Interpretation: The calculated p value is 0.001. Since P value < 0.05, null hypothesis is rejected at 5% Level of Significance . So there is a significant difference of opinion regarding the importance of a psychiatrist in the process of giving credibility to the insanity of a person and the age of respondents.

Discussion: Most of the respondents find the role of the psychiatrist to be very important in determining the credibility of the insanity , it can be due to individuals having a growing awareness of the importance of mental health in the legal context. With greater access to information and resources about mental health issues, they may recognize the significance of psychiatric expertise in assessing the mental state of individuals claiming insanity as a defense.

### III. RESULT

**In figure 1**, 42.03% of the respondents are somewhat familiar, 28.02% of the respondents are familiar while 5.31% of them are not at all familiar with the concept. **In figure 2**, 63.29% of the respondents chose a combination of both while 2.9% chose punishment. **In figure 3**, 62.8% of the respondents chose inability to understand the nature of the act while 37.2% of them chose inability to distinguish right from wrong. **In figure 4**, 15.46% of the respondents aged 21 to 30 years old are somewhat familiar, 13.53% of 31 to 40 years old are not familiar while 3.38% of the respondents aged above 50 years are also somewhat familiar. **In figure 5**, 26.09% of the females and 15.94% of the males are somewhat familiar while 2.9% of males are very familiar. **In figure 6**, 20.29% of the undergraduates are somewhat familiar, 13.53% of the same are not familiar while 5.8% of the respondents with school level education are also somewhat familiar. **In figure 7**, 19.32% of the respondents living in semiurban and 15.46% of urban people are somewhat familiar with the concept while 2.9% of the urban people are very familiar. **In figure 8**, 13.53% of the 31 to 40 years old rated 8, 11.11% of the respondents aged less than 21 years old rated 5 while 2.9% of the same rated 2 on the scale. **In Figure 9**, 15.94% of the females and 2.9% of males rated nine, 13.53% of the males rated 8 on the scale . **In figure 10**, 21.74% of the undergraduates rated eight, 12.08% of the same rated nine while 2.9% of the same rated two

on the scale. **In figure 11**, 13.53% of the self-employed respondents rated eight, 11.11% of the respondents not yet employed rated five while 2.9% of the same rated 2 on the scale. **In figure 12**, 28.5% of the respondents aged less than 21 years old and 7.25% of the respondents, aged above 50 years old chose inability to understand the nature of the act, 14.98% of the 21 to 30 years old chose inability to distinguish right from wrong. **In figure 13**, 43.48% of undergraduates chose inability to understand the nature of act, 11.11% of the same chose inability to distinguish right from wrong. **In figure 14**, 42.51% of the undergraduate accommodation of both, 14.98% of the post graduates rehabilitation while 2.9% of the undergraduates punishment. **In figure 15**, 23.67% of the respondents aged less than 21 years old chose a combination of both, 14.98% of the 21 to 30 years old chose rehabilitation while 3.38% of the respondents, aged above 50 years old, chose a combination of both. **In figure 16**, 39.61% of females and 23.67% of males chose a combination of both while 2.9% of males chose punishment. **In figure 17**, 20.29% of the respondents aged less than 21 years old chose not to be aware, 14.98% of the respondents aged 21 to 30 years old not at all aware while 2.9% of the respondents aged less than 21 years old were very aware of the statement. **In figure 18**, 31.4% of the undergraduates are not aware, 14.98% of the post graduates are not at all aware while 2.9% of the undergraduates are very aware of the statement.

#### IV. DISCUSSION

**In figure 1**, 5.31% of them are not at all familiar with the concept ,because the defense of insanity may not receive extensive media coverage or public attention compared to other legal topics or high-profile criminal cases. As a result, individuals may not have had opportunities to learn about this defense through mainstream media channels. **In figure 2**, 63.29% of respondents may have a basic understanding that individuals who claim insanity as a defense are likely struggling with mental health issues. As such, they may recognize the importance of addressing mental health needs rather than solely focusing on punishment. **In figure 3**, 62.8% of the respondents chose inability to understand the nature of the act. This can be due to the idea of not comprehending the nature of one's actions resonates with common perceptions of insanity and mental illness. Respondents may find this criterion more relatable and intuitive compared to other legal tests for insanity. **In figure 4**, 15.46% of the respondents aged 21 to 30 years old are somewhat familiar, this can be due to young adults may primarily rely on informal sources of information, such as social media, peers, or entertainment media, which may not cover legal topics comprehensively. As a result, their knowledge about legal defenses like insanity may be limited or superficial. **In figure 5**, 2.9% of males are very familiar, this can be due to traditional gender roles and societal expectations may lead to differences in the exposure

and prioritization of legal matters. Males may be more likely to engage with legal topics or discussions related to criminal law, including defenses like insanity, due to perceived gender-specific roles and responsibilities. **In figure 6**, 13.53% of the undergraduates are not familiar with insanity as a defense. It can be because undergraduate programs may not always include comprehensive coverage of legal concepts, especially those related to criminal law and defenses. Depending on their field of study, undergraduates may not encounter topics like the insanity defense in their coursework, leading to gaps in their knowledge. **In figure 7**, 2.9% of the urban residents are very familiar that insanity is a defense under Indian criminal law. It can be because urban environments often facilitate diverse interactions and discussions, including conversations about legal issues. Whether through community forums, social gatherings, or online platforms, individuals may have opportunities to learn from peers and engage in discussions about legal concepts, including the insanity defense. **In figure 8**, 2.9% of the respondents, aged less than 21 years old, only rated two on the scale. It can be because some respondents may have a high level of trust in the legal system and believe that legal professionals alone are sufficient to determine the credibility of insanity claims. They may perceive psychiatric evaluations as secondary to legal expertise and decision-making, leading them to devalue the role of psychiatrists. **In Figure 9**, 15.94% of females rated 9 on the scale. Females may be more attuned to issues of vulnerability and marginalization, including among individuals with mental illnesses. They may recognize the need for specialized expertise and support to ensure that individuals with mental illnesses are treated fairly and compassionately within the legal system. **In figure 10**, 21.74% of undergraduates rated 8 on the scale, they may have a higher level of trust in mental health professionals, including psychiatrists, and their ability to provide expert opinions on mental health matters. They may value the expertise and insights that psychiatrists bring to legal proceedings involving insanity defenses. **In figure 11**, 13.53% of the self-employed respondents rated eight. Self-employed individuals may value professionalism and expertise in various domains, including mental health. They may recognize psychiatrists as highly trained professionals with specialized knowledge and skills, whose input is essential for making informed decisions in legal proceedings involving insanity defenses. **In figure 12**, 28.5% of respondents aged less than 21 years old chose inability to understand the nature of the act as a more convincing test. Young individuals may have received limited legal education or exposure to criminal law concepts, leading them to rely on more straightforward criteria for assessing insanity. The inability to understand the nature of the act may be easier to grasp and apply compared to other legal standards, such as the ability to distinguish right from wrong. **In figure 13**, 43.48% of the

undergraduates chose inability to understand the nature of the act as a more convincing test. Media portrayals of insanity defenses in popular culture often focus on dramatic depictions of individuals lacking awareness of their actions. These portrayals may shape undergraduates' perceptions of insanity and influence their preference for criteria related to cognitive incapacity, such as the inability to understand the nature of the act. **In figure 14**, 14.98% of postgraduates chose rehabilitation because postgraduates often have a deeper understanding of criminal justice and mental health issues, which may lead them to prioritize rehabilitation over punitive measures for offenders with mental illnesses. Their advanced education may include coursework or research on rehabilitation programs, mental health interventions, and the intersection of mental health and criminal justice. **In figure 15**, 23.67% of respondents aged less than 21 years old chose a combination of punishment and rehabilitation for offenders. Young individuals may be influenced by legal and moral principles that emphasize accountability and consequences for one's actions. While they may recognize the presence of mental illness, they may also believe that offenders should face some form of punishment to deter future criminal behavior and uphold societal norms of justice. **In figure 16**, 39.61% of females chose a combination of both, they may be more inclined to consider the complex interplay of factors, including mental illness, in criminal behavior. They may advocate for a combination of punishment and rehabilitation out of a sense of empathy and compassion towards individuals with mental illnesses, recognizing the need for both accountability and support. **In figure 17**, 20.29% of respondents aged less than 21 years old are not aware of alternative approaches, this can be because formal education systems may not always cover topics related to criminal justice, mental health, or alternative approaches for defendants with mental illnesses. As a result, young individuals may not have received adequate education or information on these subjects. **In figure 18**, 31.4% of undergraduates are not aware of alternative approaches for criminal defense cases of mental illnesses. Undergraduates may rely on limited sources of information, such as textbooks, lectures, or mainstream media, which may not adequately cover alternative approaches for criminal defense cases of mental illnesses. Without access to diverse information sources, they may remain unaware of these options..

## V. CONCLUSION

The defense of insanity in Indian criminal law is a complex and nuanced aspect of the legal system, balancing considerations of individual culpability, mental health treatment, and societal protection. The paper aims to analyze the familiarity of insanity as a defense and its tests and also examines the public's opinion on where the focus should be on when insanity is established in a serious crime case. The researcher found that 42.03% of the respondents are somewhat

familiar with the concept of insanity as a defense under Indian criminal law , 63.29% of the respondents chose a combination of punishment and rehabilitation for the offenders who have insanity as a defense . It was also found that there is a significant difference of opinion regarding the importance of a psychiatrist in the process of giving credibility to the insanity of a person and the age of respondents. However, its application is fraught with difficulties, including the accurate assessment of mental capacity, perceptions, and the potential for abuse or manipulation. While the legal framework provides guidance on the criteria for establishing insanity, there remains a need for greater clarity and consistency in its interpretation and application by the judiciary. Moreover, efforts to destigmatize mental illness and improve access to mental healthcare are essential to address underlying issues and prevent instances of criminal behavior stemming from untreated mental disorders.

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