

COMPOS MENTIS (LATIN) ('KɒMPəS 'MENTɪS)
जाहिर जवाबदेही

POSTPOSITIVE OF SOUND MIND;
SANE

Non Compos Mentis



COMPOS MENTIS

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Non Compos Mentis



A POWER POINT PRESENTATION
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DEFINITION OF COMPOS MENTIS

- ✓ **Sane**
 - ✓ **Mentally sound**
 - ✓ **literally, having mastery of one's mind**
 - ✓ **Sound mind**
 - ✓ **Memory**
 - ✓ **understanding**
- 

TERMS RELATED COMPOS MENTIS

SYNONYMS:-

- ✓ **Balanced**
- ✓ **Clearheaded**
- ✓ **Sane**
- ✓ **Lucid**
- ✓ **Normal**
- ✓ **Right**
- ✓ **Stable**

TERMS RELATED NON COMPOS MENTIS

ANTONYMS:-

- ✓ **Brainsick**
- ✓ **Crazed**
- ✓ **Crazy**
- ✓ **Demented**
- ✓ **Deranged**
- ✓ **Insane**
- ✓ **Lunatic**
- ✓ **Mad**
- ✓ **Maniacal (*Also* Maniac),**
- ✓ **Mental**
- ✓ **Unbalanced**
- ✓ **Unsound**



Brainsick



Crazed



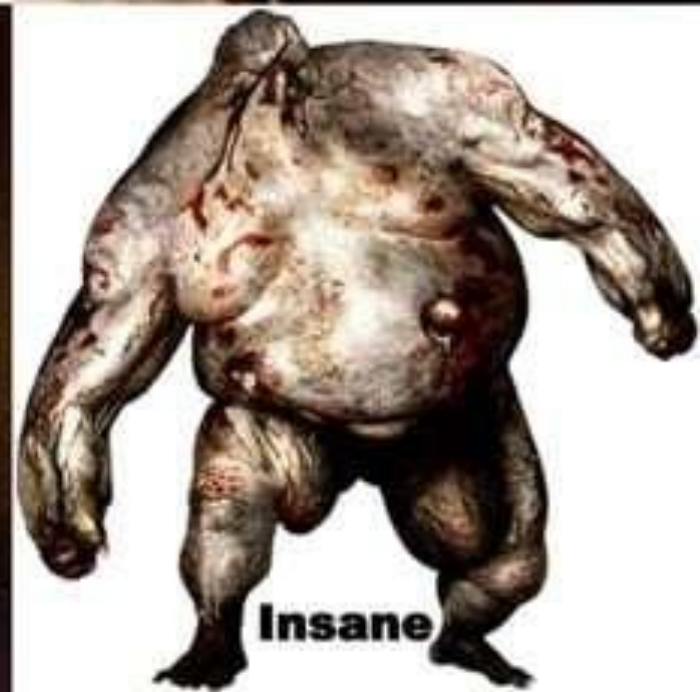
Crazy



Demented



Deranged



Insane



Lunatic



Mad



Maniacal (Also Maniac)



Mental



Unbalanced



Unsound



***Non compos mentis* is a term meaning "not of sound mind"**

It is the direct opposite of **Compos mentis (of a composed mind).**

NON COMPOS MENTIS

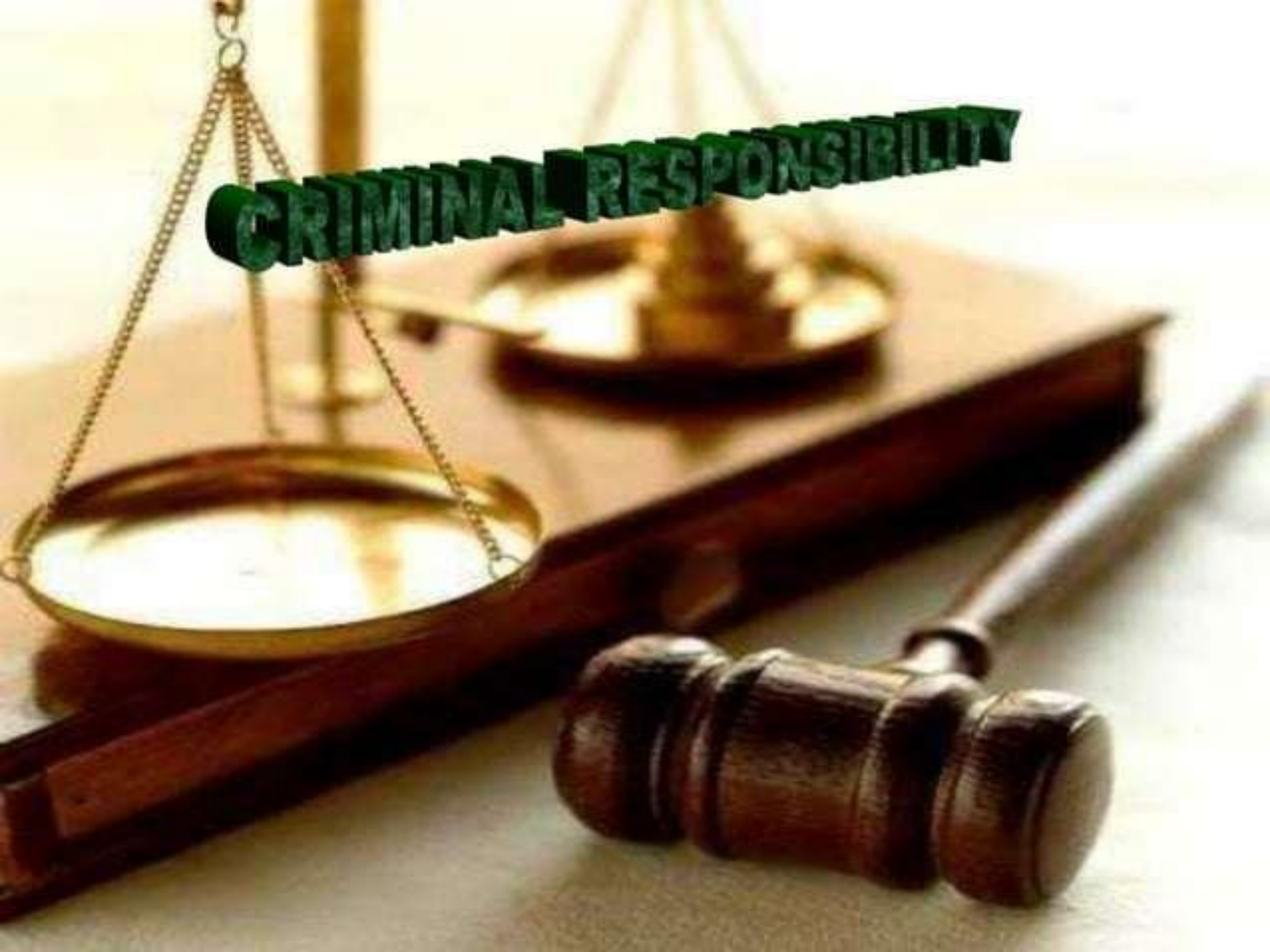
These words signify not of sound mind, memory, or understanding. This is a generic term, and includes all the species of madness, whether it arise from

- ✓ **Idiocy**
- ✓ **Sickness**
- ✓ **Lunacy Or**
- ✓ **Drunkenness**

NON COMPOS MENTIS IN RELATION TO LAW

- ✓ **When one is in a confused state**
- ✓ **Intoxicated**
- ✓ **Not of sound mind**

CRIMINAL RESPONSIBILITY



CRIMINAL RESPONSIBILITY OF THE INSANE

MCNAUGHTON'S RULE

In 1843, one person named McNaughton, under delusion of persecution shot dead Mr. Drummond, the private secretary of Sir Robert Peel, Prime Minister of England. In fact, he wanted to kill Sir Robert Peel but since he could not identify him properly, he shot dead Mr. Drummond by mistake. He was later arrested and sent to prison. Since he was insane and there was no English law at that time to fix criminal responsibility of an insane, a committee of 14 judges were constituted to frame law which resulted in "McNaughton's Rule" or "Legal Test" according to English law which states as follows:

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CRIMINAL RESPONSIBILITY OF THE INSANE

That to establish a defense on the ground of insanity, it must be clearly proved that “at the time of committing the act, the accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong.”

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CRIMINAL RESPONSIBILITY OF THE INSANE

In India, **Section 84 of the I.P.C.** defines the legal test or criminal responsibility of the insane, as:

“Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.”

Section 85 of the I.P.C. defines legal responsibility of a person under intoxication. If it is proved that a person was given intoxication without his knowledge or against his will, and due to intoxication he lost mental reasoning and then committed the crime, he will not be held responsible for it. Drunkenness caused by voluntary use of alcohol or drugs offers no excuse for committing the crime.

Loss of Self-control or Sudden and Grave Provocation


Sometimes, a person may lose self-control, or there is sudden and grave provocation, and as a result, he may commit crime. Common situation is that, if a person sees his wife teased by goons, he may lose self-control and may kill any goon. In such cases doctrine of partial responsibility is used and the murder may be charged the under Section 304 of the I.P.C. rather than Section 302 of the I.P.C. Section 304 the of I.P.C. prescribes less sentence as compared to Section 302 of the I.P.C.

**LOSS OF SELF-CONTROL OR SUDDEN AND GRAVE
PROVOCATION**



INSANITY OR UNSOUNDNESS OF MIND

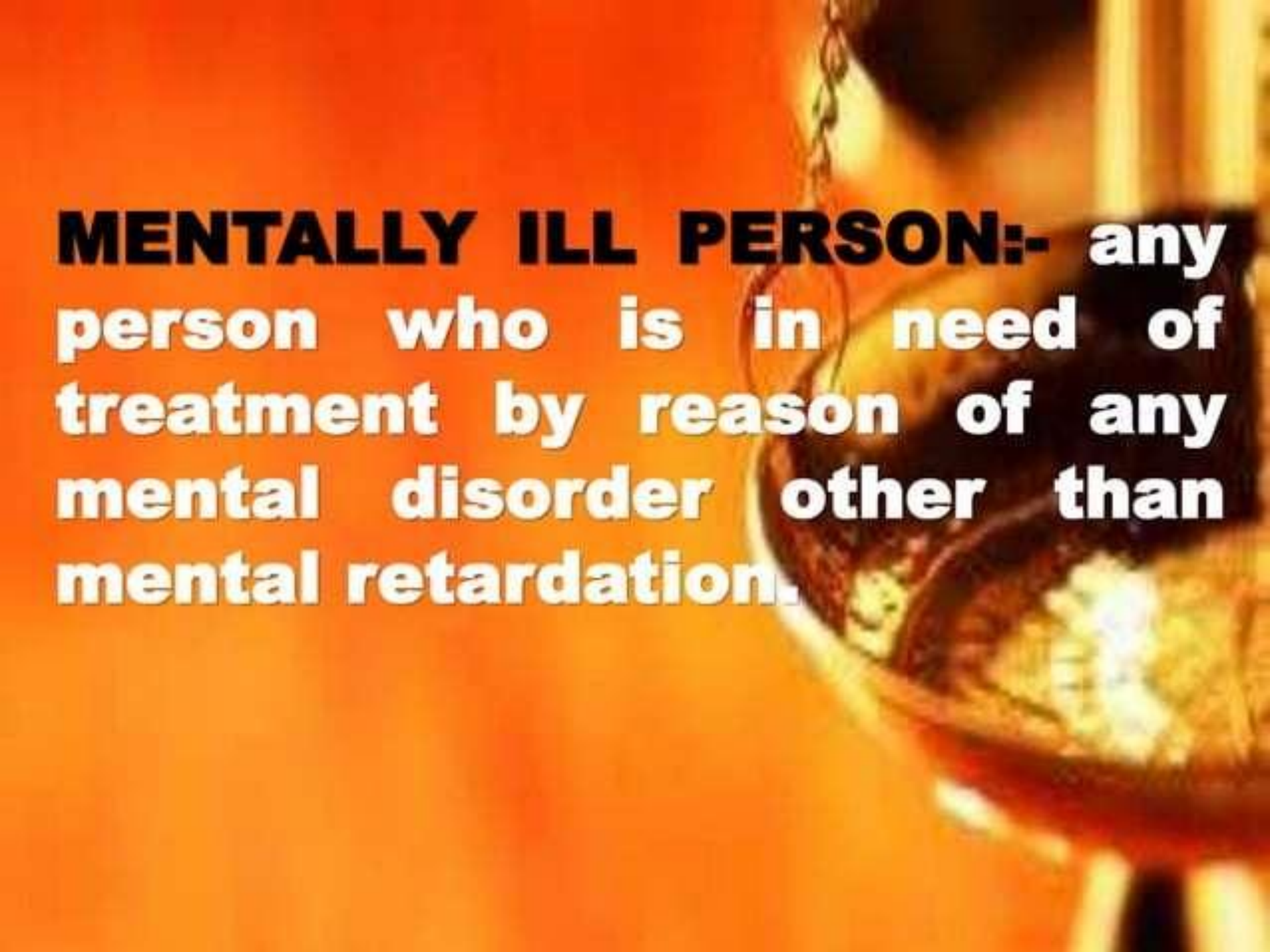




INSANITY OR UNSOUNDNESS OF MIND:- can be defined as a disease of the mind which affects the personality, mental status, critical faculties, emotional processes and interaction with social environment.

MENTALLY ILL PERSON





MENTALLY ILL PERSON:- any person who is in need of treatment by reason of any mental disorder other than mental retardation.

INSANITY

The word “insane” has no technical meaning and is commonly used to refer to individuals who cannot take care of themselves or adhere to the social fabric, due to some mental disorder. It refers to individuals who by virtue of being mentally ill, are not competent to discharge their legal duties and are not aware of the legal implications of their behaviour. In the Indian Penal Code, the phrase ‘unsoundness of mind’ is used as synonymous to terms such as insanity, lunacy, madness or any mental disorder where a person is not capable of regulating his behaviour according to the socio-legal system.

A medical officer is often called upon to opine whether a person is insane or not. He should not opine in a hurried manner, instead he should examine the person in detail and then express his opinion.

CAUSES OF INSANITY

Heredity: Insanity often runs in families. The exact reason is not known. Usually, most of the mental diseases are not transmitted genetically but it has been observed that mental illness runs in families.

CAUSES OF INSANITY

Environmental Factors: If during the early years of childhood, the upbringing of a child is not taken well care of, there are chances of developing mental illness. Attitude of both parents is very important in shaping good personality. Over protection, rejection, unnecessary peer comparison, or sibling rivalry can cause maladjustment in a child. Emotional maladjustment is quite common in adolescent period. A good sex education is very essential for adolescents to fashion their personality according to the social fabric. In adults, domestic quarrels, financial and business losses, failure in love, death of near ones, unemployment and job pressures can precipitate mental illness.

CAUSES OF INSANITY

Organic Causes: Head injuries like cerebral haemorrhages, high fever and epilepsy may induce mental disorder. Addiction to alcohol, opium and dhatura may induce violent behaviour. Addiction to severe narcotics like heroin, cocaine and LSD may cause anti-social behaviour, and the person may commit crime. In severe, systemic diseases like uncontrolled hypertension, diabetes or other debilitating diseases, the person may land up in depression.

ONSET OF INSANITY

The onset of insanity is gradual. The person may be brought to the medical officer for treatment. In some cases the person may malingering to avoid punishment. So, the medical officer has to decide whether insanity is true or false

Differentiate between a true insane person and a person who is pretending to be an insane

S.NO.	FEATURES	TRUE INSANE	FEIGNED INSANE
1.	Onset & Motive	Usually gradual or rarely sudden but almost always without any motive.	Always sudden and there is some motive.
2.	Predisposing/exciting cause	May be present, like h/o insanity in parents	Not present.
3.	Facial expression	There are usually a peculiar characteristic facial expressions like worried look, agitated	Normal or easily distinguishable.
4.	Signs & Symptoms	The true insane individual shows signs and symptoms of insanity irrespective of his conduct being observed or not.	A false insane will show signs of insanity only when he is observed and there is total absence of symptoms when he thinks that he is alone or not being watched.
5.	Characteristic feature	Sign and symptoms usually point to a particular type of insanity. (e.g. schizophrenia, mania, Bipolar disorder etc)	A non insane person will do whatever comes in to his mind and his signs and symptoms don't indicate a particular type of insanity.
6.	Effect of violent exertion	Can stand violent exertion for several hours or days without exhaustion, perspiration or sleep.	Violent exertion leads him to relaxation, exhaustion and sleep.

Differentiate between and a true insane person and a person who is pretending to be an insane

S.NO.	FEATURES	TRUE INSANE	FEIGNED INSANE
7.	Mood	Excited, depressed or fluctuating	May over react to show abnormality in mood
8.	Habits	Habits are invariably dirty or filthy. He may smear his body with stool or urine.	Habits are not usually dirty or filthy.
9.	Physical manifestation	Dry harsh skin, furred tongue, constipation, anorexia (loss of appetite)	Not present
10.	Repeated examination	Not worried about being repeatedly examined	Shows dislike for repeated examinations.
11.	Insomnia	Present	Cannot persist, patient usually sleeps after a day or two
12.	Dressing up	Carelessly dressed	Dressed reasonably properly

CLASSIFICATION OF MENTAL DISEASES

The classification of mental diseases is done according to two well-accepted methods which are as follows:

1. DSM IV: This is an American system. It stands for Diagnostic and Statistical Manual of Mental Disorders, IVth edition 1994.

2. ICD-10: It means international classification of diseases, injuries and cause of death, 10th edition, 1992. ICD-10 classification is more popular and is followed worldwide.

The following is the classification of mental diseases according to the World Health Organisation:

CLASSIFICATION OF MENTAL DISEASES

1. Psychosis (Major Illness): It may be of following types:

(a) Organic psychosis: When there is an organic cause associated with psychosis, it is called 'organic psychosis'. Common examples are alcoholic psychosis, psychosis following head injury, endocrine disturbances, old age, epilepsy, drug dependence, etc.

(b) Functional psychosis: In this, there is no apparent cause of psychosis. It is of following types:

- (i) Schizophrenia.**
- (ii) Manic-depressive illness.**
- (iii) Paranoid state.**

CLASSIFICATION OF MENTAL DISEASES

2. Neurosis (Minor Illness): The following are the common types of neurosis:

(i) Anxiety neurosis.

(ii) Depression.

(iii) Hypochondriacal.

(iv) Obsessive compulsive neurosis.

(v) Hysterical neurosis.

3. Personality Disorders as in Psychopaths.

4. Sexual Perversions.

5. Drug Dependence.

MENTAL RETARDATION

"Mental retardation refers to significantly sub average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period".

MENTAL HANDICAP

It refers to mental sub normality in an individual, acquired at the time of birth or early childhood. Intelligent quotient is low.

It is usually of the following types:

IDIOCY

Here, I.Q. level is around 20. The person is mentally retarded severely. He may be associated with some other genetic problems too. He may need physical and mental rehabilitation to lead a normal life. Usually, idiots remain cheerful as their achievement goals are almost absent and they can lead their life easily on a survival basis.

IMBECILE

Their I.Q. level is between 20 and 50. They are incapable of managing their affairs themselves. They also require physical and mental rehabilitation by a therapist to lead a normal life.

FEEBLE MINDEDNESS

Their I.Q. level is between 50 and 75. They appear normal but their mental faculties, especially intelligence, is less as compared to a normal person. They are usually school dropouts. They do not fare well in academic and financial career. They may get easily involved in criminal activities

CLASSIFICATION OF MR

Level of Retardation	IQ
Mild retardation	50-69
Moderate retardation	35-59
Severe retardation	20-34
Profound retardation	< 20



MENTAL HEALTH ACT 1987

THE MENTAL HEALTH ACT, 1987

An Act to consolidate and amend the law relating to the treatment and care of mentally ill persons, to make better provision with respect to their property and affairs and for matters connected therewith or incidental thereto.

THE MENTAL HEALTH ACT, 1987

It replaces the Indian Lunacy Act of 1912 resulting in change of certain terminologies as shown below

- ✓ **Asylum to psychiatric hospital**
- ✓ **Lunatic to mentally ill person**
- ✓ **Criminal lunatic to mentally ill prisoner**

The mental health act came into effect only in April 1987 in all the states and union territories of India.

OBJECTIVES OF THE ACT

- ✓ **Regulate admission of the mentally ill patient to a psychiatric hospital or psychiatric nursing home and to protect his rights while under detention**
- ✓ **Prevent harm to himself and the society by the mentally ill person**
- ✓ **Protect citizens being detained in psychiatric hospitals without sufficient cause.**

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OBJECTIVES OF THE ACT

- ✓ **Fix liability for maintenance charges of mentally ill patient admitted to the hospital or nursing home.**
- ✓ **Provide facilities to establish guardianship or custody of the mentally ill patient and management of his property.**
- ✓ **Establish central and state authority for mental health services**
- ✓ **Provide licensing and control of psychiatric hospitals by the state government**
- ✓ **Ensure legal aid to the mentally ill person at state expense in certain cases**

MENTAL DISORDER AND RESPONSIBILITY

Responsibility, in the legal sense, means the liability of a person for his acts or omissions, and if these are against the law, the liability to be punished for them.

The law presumes that every person is mentally sound, until the opposite is proved.



RESPONSIBILITY

You made the mess, you clean it up

CIVIL RESPONSIBILITY

The question of civil responsibility arises in following conditions:-

- ✓ **Management of property and affairs**
- ✓ **Insanity and contracts**
- ✓ **Insanity and marriage contract**
- ✓ **Competence of insane to be a witness**
- ✓ **Consent and insanity**
- ✓ **Insanity and testamentary capacity**

MANAGEMENT OF PROPERTY AND AFFAIRS

- ✓ **If a person who owns property becomes insane and is incapable of managing his affairs with sound judgment, a relative or friend can approach the court for judicial inquisition. The medical evidence is given in the form of a certificate which should state “that insanity is of such a degree as to make him incapable of managing his property.”**
- ✓ **On enquire if it's found that the person is incapable of managing his property the court can appoint a guardian or manager depending on the circumstances.**
- ✓ **The court may order the sale or disposal of the person's property, for the payment of his debts and expenses.**
- ✓ **The court may order a second inquisition, if it's reported that unsoundness of mind had ceased.**

BUSINESS CONTRACT

- ✓ **If it is proved that at the time of signing a contract one of the two parties was insane, then the contract becomes legally invalid.**
- ✓ **Insanity developing subsequently to a legal agreement will not necessarily invalidate the contract.**
- ✓ **If at the time of signing, the fact that one of the signatories to the contract was insane was not known to the other party, the contract may not be declared invalid.**
- ✓ **For the purpose of a contract, a person is said to be of sound mind if at the time of making the contract, he is capable of understanding it and forming a rational judgment.**

MARRIAGE

A marriage is considered invalid if at the time of marriage, either party is

1) Incapable of giving valid consent due to insanity.

2) Though capable of giving valid consent, has been suffering from such kind or degree of mental disorder as to be unfit for marriage or procreation.

3) Has been suffering from recurrent attacks of insanity.

THE COMPETENCE OF INSANE TO BE A WITNESS

- ✓ **An insane person is not competent to give evidence, if he cannot understand the necessity of telling the truth due to insanity.**
- ✓ **A person of unsound mind who suffers from delusions, but is capable of telling what he has seen and who understands the importance of an oath, is competent to give evidence**
- ✓ **An insane person is competent to give evidence during the lucid interval.**

CONSENT AND INSANITY

Consent to certain acts like, sexual intercourse or hurt is not valid, if such consent is given by a person who due to unsoundness of mind is unable to understand the nature and consequences of the act.

TESTAMENTARY CAPACITY

- ✓ Testamentary capacity refers to the capacity of a person to make a valid will. The law defines it as possession of a sound disposing mind (**corpus mentis**) which must be certified by a doctor.
- ✓ A will is a document detailing the disposition of property owned by a person, which is prepared by him during his lifetime but takes effect only after his demise.
- ✓ The person who makes the will is referred to as the testator.
- ✓ Will written by the testator in his own handwriting is called "**Holograph will**".
- ✓ It can be revoked or changed any number of times

ELIGIBILITY FOR MAKING A WILL

As per Indian succession act 59, the following persons are eligible to make a valid will

- ✓ **Every person of sound mind who is over age of 18 years**
- ✓ **An insane person cannot write a valid will unless he is in a lucid interval.**
- ✓ **An intoxicated person cannot make a will, unless it is certified by a doctor that he was under his senses**
- ✓ **A deaf dumb or blind person can make a will if he can communicate effectively**
- ✓ **Convicts are not debarred from making a will.**

PROCEDURE

- ✓ **The will must always be in writing, the only exception provided under law is for members of the armed forces who are out on expedition or engaged in warfare. They can make an oral will (privileged will). Muslims are permitted to make an oral will by their personal law.**
- ✓ **There is no particular format for a will. It need not be even on a stamp paper. The testator can write a will himself using a fountain or ball pen (holographic will). The will must be attested by at least 2 witnesses, neither of them can be beneficiaries.**
- ✓ **It is preferable that one of them should be a doctor.**
- ✓ **The signature or thumb impression of the testator is mandatory**
- ✓ **The will comes into effect only on the death of the testator.**

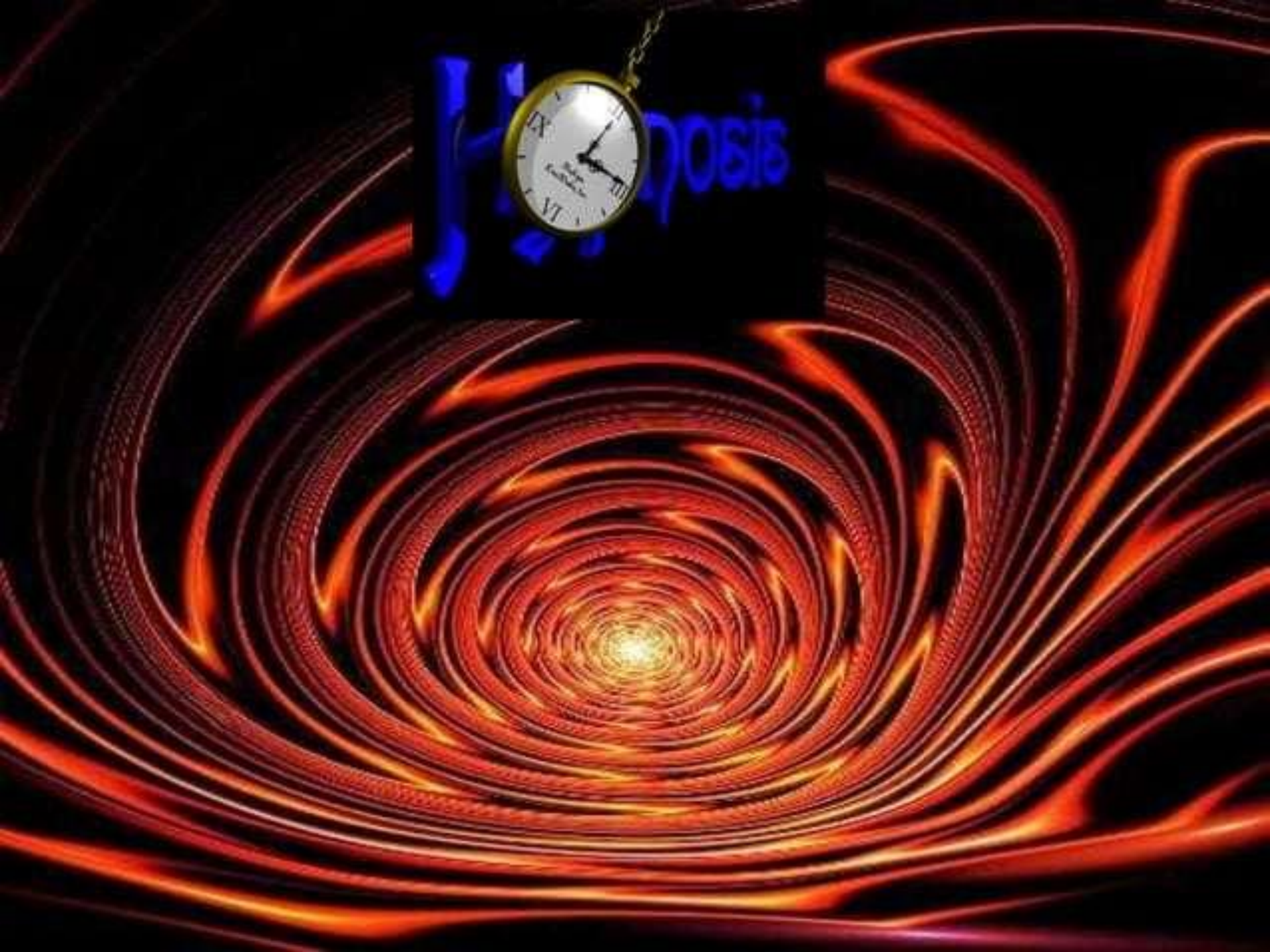
CONDITIONS

- ✓ **The person making a will should**
- ✓ **Have a sound disposing mind**
- ✓ **Have thorough knowledge about his wealth and property**
- ✓ **Be free from undue influence, or fraud**
- ✓ **Do it voluntarily**

HYPNOSIS

It is also a sleep-like stage, indeed by suggestion. But it is very difficult to convince a person in hypnosis to commit some act which he would not do in normal circumstances. It is a wrong impression that a person may commit murder under hypnosis.

Hypnosis



SOME RECENT GUIDELINES

One of the major defects in the M'Naughton's Rule, is that, from deciding that a person is insane, only cognitive (intellectual) faculties are taken into consideration, where as emotional factors, hallucination and the ability of the individual to control the impulse (resistible impulse) are not considered. So, these neurotic disorders are not given any importance. Some western countries have taken this into consideration and have formulated some guidelines. Some of them are known as:

- ✓ **Durham Rule (1954)**
- ✓ **Curren's Rule (1961)**
- ✓ **American Law Institute Test. (1970)**
- ✓ **The Brawner rule (1972)**
- ✓ **The Irresistible impulse**

DURHAM RULE (1954)

The Durham rule states that an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect. The Durham rule was eventually rejected by the federal courts, because it cast too broad a net. Alcoholics, compulsive gamblers, and drug addicts had successfully used the defense to defeat a wide variety of crimes.

The federal insanity defense, established by the Comprehensive Crime Control Act, now requires the defendant to prove, by "clear and convincing evidence," that "at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts".

CURREN'S RULE (1961)

An accused person will not be held criminally responsible, if at the time of committing act, he did not have the capacity to regulate his conduct to the requirement of law, as a result of mental disease or defect.

As per Curren's rule, it was contested that, at the time of committing the criminal act, a person may have the knowledge that what he was doing was wrong but he neither had the capacity nor the will to control (adjust) his act. Therefore such person should not be held responsible.

AMERICAN LAW INSTITUTE TEST. (1970)

A person is not responsible for his criminal conduct if at the time of such conduct as a result of mental disease or defect, he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to adjust his conduct to the requirement of law.

THE BRAWNER RULE (1972)

According to this rule, insanity should be decided by a jury. Under this proposal, juries are allowed to decide the “insanity question” as they see fit.

IRRESSISTABLE IMPULSE

An accused person is not criminally responsible, if he knows the nature and quality of his act and knows that it is wrong, if he is incapable of restraining/control himself from committing the act because the free agency of his will has been destroyed by mental disease.

In 1994. Lorena Bobbitt was found not guilty of a crime, when her defense argued that an irresistible impulse led her to cut off her husband's penis.

**THANK YOU....
ANY SUGGESTIONS....
PLEASE SEND TO...**

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