



## Assessing state of mind in law: A socio-legal perspective

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### Abstract

The intersection of mind and law represents one of the most intricate, philosophical, and essential aspects of jurisprudence. This research explores the role of an individual's state of mind—commonly referred to in legal terms as *mens rea*—within the framework of law, assessing how mental intention, awareness, recklessness, and negligence influence legal outcomes. While the visible act (*actus reus*) is the tangible component of legal scrutiny, it is the invisible mind behind the act that often determines guilt, responsibility, and the nature of justice delivered.

Through a detailed socio-legal analysis, this study examines how various legal systems conceptualize and assess mental states in both criminal and civil domains. The research delves into the doctrinal underpinnings of *mens rea*, the significance of intent, the gradations of culpability, and the legal defenses built around mental incapacity such as insanity, diminished responsibility, mistake of fact, and duress. It also critically evaluates how mental states are interpreted by courts through circumstantial evidence, expert testimony, and evolving neuroscientific tools.

Beyond black-letter law, the article engages with the social dimensions of mental state assessment—such as access to psychological evaluations, cultural interpretations of behavior, and systemic biases in the justice system. It argues that the assessment of mental state cannot be divorced from questions of equity, identity, and social context.

In the contemporary era, with growing awareness of mental health and neurodiversity, the law faces both new challenges and opportunities to adapt. This research highlights the urgent need for a more nuanced, empathetic, and scientifically-informed approach to understanding the state of mind in legal settings.

Ultimately, the paper asserts that the role of state of mind is not peripheral—it is central to the delivery of fair, balanced, and humane justice in modern society.

**Keywords:** Mens rea, actus reus, insanity defense, diminished responsibility, negligence, intention in law, mental capacity, socio-legal analysis, culpable mind, psycholegal evaluation

### Introduction

Every courtroom is a theater of truth — not merely a place of law, but a stage where human behavior is scrutinized in search of justice. In the eyes of the law, an act alone is rarely enough to define guilt or innocence. It's the intention behind the act — the mental state of the individual at the time — that becomes the heartbeat of legal reasoning. The burning question isn't just, "What did they do?" but more importantly, "Did they mean to do it?"

This deeper inquiry into the state of mind is not just philosophical musing — it is foundational to how modern legal systems understand crime, liability, and responsibility. In criminal law, this mental element is formally known as *mens rea*, or "guilty mind." Without it, even harmful acts may not qualify as crimes. A person who acts accidentally, without awareness or intent, is treated differently — and rightly so — than someone who acts with deliberation or malice.

However, the concept of state of mind is not confined to the criminal domain alone. Civil law, too, hinges on mental elements such as negligence, intention, misrepresentation, or undue influence. Contract law asks whether consent was genuine or impaired. Tort law questions whether harm was foreseeable. Across domains, law continuously peels back the layers of human behavior to understand not just what happened, but why it happened the way it did.

Yet, assessing state of mind is not a mechanical task. The law cannot open up someone's mind and read their thoughts like pages in a book. Instead, it relies on clues — behaviors, words, patterns, circumstances, and increasingly, expert testimony and psychological evaluations. Judges and juries are asked to infer mental states from evidence, to navigate a terrain that is often abstract and ambiguous. It is a process both interpretive and intuitive, demanding a delicate balance between objectivity and empathy.

Moreover, mental states are not just individual — they are shaped by society. A person's capacity for intention, awareness, or judgment is influenced by a web of social factors: mental health, trauma, education, culture, even systemic inequalities. Thus, the law's engagement with state of mind is not only a legal task, but a deeply socio-legal one.

In a world that is increasingly attentive to issues of mental health, neurodiversity, and social context, the question of how the law interprets the mind has never been more urgent or complex. This article takes a comprehensive journey through the legal, social, and ethical dimensions of state of mind — exploring how courts assess it, how doctrine defines it, and how justice depends on it.

Because ultimately, the law is not just about acts. It is about understanding the people behind those acts — their intentions, their struggles, their awareness — and ensuring

that the scales of justice weigh both action and mind with equal care.

## The Legal Language of the Mind

### 1. Mens Rea and Actus Reus: A Legal Duet

In the vast landscape of law, two Latin phrases stand like twin pillars holding up the idea of criminal responsibility: mens rea and *The act itself does*. These ancient terms — meaning "guilty mind" and "guilty act" respectively — form the core of how the legal system determines whether a person can truly be held accountable for a crime.

Imagine a stage: actus reus is the performance — the action that unfolds visibly before the court. It could be theft, assault, or even a failure to act when there was a duty to do so. Mens rea, on the other hand, is the script running in the actor's mind — the intention, awareness, or recklessness that drove that performance. One without the other often tells an incomplete story.

A time-honored legal maxim puts it simply:

"The act itself does not make a person guilty unless the mind is also guilty."

This means that even if someone commits an act that appears wrong or harmful, they may not be legally guilty if their mind wasn't in the right (or wrong) place at the time. For example, accidentally stepping on someone's foot isn't assault. But doing it with the aim to harm — even subtly — could be.

So, what exactly counts as a "guilty mind" in the courtroom?

Legal systems, especially in common law countries like India, the UK, and the US, have broken down mens rea into four primary mental states. Think of them as the different "shades" of a guilty mind — ranging from full-blown intention to mere carelessness. Each of these mental states plays a key role in how courts classify an offence and decide on the punishment.

### 2. Intention: The Mind with a Mission

Intention is the most serious and direct form of mens rea. It means the person had a clear goal in mind to bring about a specific outcome. In other words, they wanted the result — whether that result was harm, death, damage, or deception.

For instance, if someone stabs another person knowing and desiring that it will cause serious injury or death, that's intention. This mental state usually attracts the harshest punishments because it reflects a deliberate and purposeful decision to break the law.

### 3. Knowledge: Awareness with Consequences

Sometimes a person might not intend the outcome, but they still act knowing that the consequence is almost certain. That's knowledge.

Say a person sets fire to a building, not to kill anyone, but knowing that people are inside and death is a likely result. The law treats this mental state very seriously too, because acting with that kind of awareness is morally close to intending the outcome.

### 4. Recklessness: A Dangerous Gamble

Recklessness is where the law starts to recognize the grey area between intent and carelessness. A person is reckless when they know there is a risk, but they go ahead anyway, ignoring the potential harm.

Take the example of a person who drives at high speed through a school zone because they're running late. They may not want to hurt anyone, but they're consciously taking a risk that could endanger lives. Recklessness is more than a mistake — it's a choice to ignore danger.

### 5. Negligence: A Failure to See the Obvious

Negligence is the lowest degree of fault in the eyes of law. It applies when a person fails to notice a risk that they should have noticed — that a reasonable person in their place would have seen.

Imagine a shopkeeper leaving a slippery floor unmarked, causing a customer to fall. The shopkeeper may not have meant harm, or even known about the danger — but the law expects a basic level of caution. Failing that can lead to civil liability, and in some cases, even criminal responsibility.

### Why This Classification Matters

The distinction between these mental states isn't just academic — it has very real consequences in court. The difference between murder and manslaughter, for example, often turns on whether the accused acted with intent or recklessness. Similarly, civil damages can be higher when actions are intentional versus negligent.

By understanding the "legal language of the mind," we begin to see how the law doesn't just punish actions — it weighs the motivations, the awareness, and even the blind spots of the human mind. It's a system that seeks not only to judge what people did, but also to understand who they were when they did it.

### Legal Defenses Grounded in State of Mind

The law isn't a heartless machine that punishes every wrongful act without question. It also recognizes that not all minds are equally capable of judgment. In fact, one of the most human aspects of law is its ability to look beyond the act — to understand what was happening inside a person's mind at the time they broke the law. Sometimes, people aren't fully in control. Sometimes, they're confused, manipulated, mentally unwell, or acting out of fear. And in those moments, the law doesn't just demand punishment — it offers protection.

That's where defenses grounded in the state of mind come in. They act as legal shields in situations where an individual's mental capacity, awareness, or free will was compromised.

#### 1. Insanity Defense: When the Mind Loses Grip on Reality

The insanity defense is one of the oldest and most debated legal protections. Based on the famous M'Naghten Rule from an 1843 British case, it says that a person should not be held criminally responsible if, at the time of the crime, they were suffering from such a severe mental illness that they either:

- Didn't know what they were doing, or
- Didn't know that what they were doing was wrong.

Imagine someone in a psychotic state who believes they are defending themselves from imaginary attackers. If they harm someone in that state, the law might conclude that they lacked the mental ability to understand the nature or wrongness of their act.

While controversial — because it sometimes results in acquittals for serious crimes — the insanity defense reflects

a compassionate legal principle: you can't punish someone who was mentally incapable of choosing right from wrong.

## 2. Diminished Responsibility: A Grey Zone of the Mind

Not every mental condition qualifies as full-blown insanity. That's where diminished responsibility comes in. It's often used in murder cases to argue that the accused had a mental abnormality that didn't completely destroy their understanding but significantly impaired their ability to think rationally.

It's a partial defense — it doesn't excuse the crime, but it can reduce the charge from murder to manslaughter, potentially leading to a lighter sentence.

For example, a person with a long history of trauma, severe depression, or a personality disorder may snap under pressure and commit a violent act. They weren't insane in the legal sense, but they weren't thinking with full clarity either. Diminished responsibility acknowledges this grey zone — recognizing that mental health exists on a spectrum, not as a simple yes/no question.

## 3. Mistake, Duress, and Coercion: Foggy Judgments and Forced Choices

The law also understands that sometimes, people act under pressure or confusion — and not out of wicked intent. That's why it allows defenses based on:

- **Mistake of Fact:** If someone acts based on an honest (but wrong) belief, they might not be liable. For instance, if a person grabs a coat thinking it's theirs, it's not theft — it's a genuine mistake.
- **Duress:** This defense applies when someone commits a crime because they were threatened with serious harm or death. For example, if a person is forced at gunpoint to drive a getaway car, the law might excuse their involvement.
- **Undue Influence or Coercion:** Particularly in civil and contract law, people may be pressured into agreements or decisions against their will — often by someone in a position of power. When that happens, the law can declare the agreement invalid.

These defenses show that the law doesn't just ask, "What did you do?" It also asks, "Why did you do it? Were you free to choose otherwise?"

These state-of-mind-based defenses show the human side of justice. They remind us that behind every case file is a complex person — not just a criminal or a wrongdoer, but a human being whose thoughts, mental health, fears, and circumstances matter. Law, after all, isn't just about punishment. It's about fairness — and fairness requires understanding the mind behind the act.

## 4. State of Mind in Civil Law

While we often associate state of mind with criminal trials — where questions of guilt, punishment, and intention dominate — it's equally vital in civil law, which deals with private wrongs and disputes between individuals or entities. Civil law may not involve jail time, but it can deeply affect people's lives — through financial compensation, contract disputes, defamation claims, and more. And in all of this, the mind matters.

In civil law, intent, knowledge, and foreseeability are frequently used to determine liability, the amount of compensation, or even whether a legal obligation existed in the first place. Let's break it down.

**Tort Law: When Minds Cause Harm**

Torts are wrongful acts — not crimes, but actions that cause harm and give rise to legal claims for damages. Many torts revolve around what a person knew, intended, or should have foreseen.

### Defamation: Words, Malice, and Damage

In defamation — where someone's reputation is harmed by false statements — the intent behind the words can be crucial. If someone *knowingly* spreads a lie to hurt another person's reputation, that malicious intent doesn't just prove liability — it increases the damages they may have to pay. The more deliberate the attack, the harsher the legal consequences.

### Negligence: The Mind That Should Have Noticed

Negligence is one of the most common civil wrongs. Here, the law isn't asking whether someone meant to cause harm — it's asking whether they should have known better. It's all about foreseeability.

Imagine a shopkeeper who leaves a wet floor unmarked. They didn't intend for anyone to slip, but a "reasonable person" would have anticipated the risk. The law uses this standard — what a reasonable, careful person would do — to judge whether someone's lack of attention should make them liable.

### Fraud and Misrepresentation: Deception as a Mental Game

In cases of fraud or misrepresentation, it's the intent to deceive that defines the wrong. A false promise or misleading statement becomes a legal issue only if the person knew it was false and intended someone else to rely on it.

So, if someone lies on a loan application to get money they wouldn't otherwise qualify for, their intentional dishonesty makes it fraud. But if someone makes a claim they *believed* to be true — and later it turns out to be false — that's a different story. The law carefully separates innocent errors from intentional lies.

### Contract Law: When Minds Meet to Agree

Contracts are based on consent — but what if one party's mind wasn't fully present? In contract law, mental capacity is a key factor. If someone enters into a contract while intoxicated, mentally impaired, or under duress, the agreement might be void (legally invalid) or voidable (can be canceled by the affected party).

For example:

- A person heavily intoxicated might not fully understand what they're agreeing to — and the contract may not stand.
- A contract signed under coercion or threat isn't truly consensual — and the law recognizes this.
- If someone is misled into a contract through false information, they may be able to undo the agreement under misrepresentation laws.

In all these cases, the law isn't just enforcing technicalities — it's trying to make sure that agreements and responsibilities are fair, voluntary, and conscious.

Even in civil matters, the law pays close attention to the state of mind. Whether someone was careful or careless, honest or deceptive, confident or confused — these mental states shape rights, wrongs, and remedies. It reminds us that justice in civil law isn't only about actions — it's about the thought (or lack of it) behind them.

### **Proving the Invisible: How Courts Assess State of Mind**

How do you prove a thought? You can't pull intention out of someone's brain or X-ray a lie. That's the eternal challenge of the law — trying to prove the invisible. Courts are tasked with assessing what someone was thinking, feeling, or intending at the time of an act. And they must do this with evidence, logic, and a healthy dose of human psychology.

State of mind, unlike a weapon or a contract, isn't a tangible thing. But that doesn't mean it's out of reach. Legal systems have developed smart, often intuitive ways to infer what was going on inside a person's head, based on the surrounding facts and context.

#### **1. Circumstantial Evidence: Reading Between the Lines**

Since most people don't confess their thoughts, courts rely on circumstantial evidence — facts and details that, when pieced together, tell a compelling story.

- **What did the accused do before the act:** Were they preparing, searching, or planning?
- **What did they say to others:** Texts, emails, and conversations can be goldmines of intent.
- **How did they behave afterward:** Did they flee? Try to cover it up? These are often seen as signs of a guilty conscience.

For example, in a murder trial, if the accused bought a weapon, threatened the victim beforehand, and then ran from the scene — a court may reasonably infer intent to kill. The mind leaves traces, even if it's not directly visible.

#### **2. Expert Testimony: When Psychology Meets Law**

In cases involving mental illness, emotional trauma, or capacity to understand, courts often lean on **psychiatrists**, psychologists, or neurologists. These experts assess whether someone's mental condition affected their understanding or control at the time of the act.

- In an insanity defense, a psychologist might testify about the accused's inability to distinguish right from wrong.
- In a civil contract case, an expert may evaluate whether a party had the capacity to understand the terms when they signed.

While experts don't "read minds," they can provide educated insights into how a person with a certain diagnosis typically functions — offering the court a science-backed glimpse into their likely mental state.

#### **3. Doctrine of Presumption: Common Sense and Legal Wisdom**

Sometimes, the law presumes certain states of mind based on the act itself. For example:

- If someone points a loaded gun and fires at another's chest, the law presumes intent to kill — unless proven otherwise.

- In negligence cases, courts ask what a reasonable person would have done. If someone acted far below that standard, the court infers carelessness, even if it wasn't admitted.

These legal presumptions are built on logic and social norms. They fill in the blanks using reason and experience.

#### **4. The Defendant's Own Words: Statements and Silence**

What the accused says — or doesn't say — can shape how their mind is understood.

- Confessions can directly show intention, but must be carefully examined to ensure they weren't coerced.
- Statements made during or after the act can betray guilt, fear, or confusion.
- Even silence, in specific contexts (like during a police investigation), may be interpreted in certain legal systems as suggestive — though this is controversial and limited.

#### **5. The Role of the Jury and Judge: Human Intuition in Robes**

Ultimately, judges and juries make judgment calls. They observe tone, body language, consistency in stories — and they use their human intuition to assess whether the evidence fits a certain state of mind.

The process is a delicate mix of logic, empathy, and legal rules. They must balance fairness with inference, doubt with reason.

Proving someone's state of mind is a bit like tracing the wind — you can't see it, but you can observe its effects. The law, with its centuries of experience, has developed tools to chase the invisible and make it visible. Through witness testimony, expert opinion, circumstantial clues, and legal presumptions, courts seek to answer the oldest question in justice: "What was going through their mind?"

#### **Modern Tools to Assess State of Mind**

Judges and juries are expected to do more than just listen to facts. They must step into the shoes — and often the minds — of the people involved. They're asked to decide what someone was thinking, feeling, fearing, or intending at the moment of action. That means they must play detective, psychologist, and sometimes even philosopher. But how do they do that, especially in a world where minds don't come with subtitles?

Thankfully, the legal system has developed some powerful (and evolving) tools to help assess a person's state of mind. Some are traditional, others are cutting-edge. Together, they help courts answer that key question: What was going on in their head?

#### **1. Circumstantial Evidence: When Actions Speak Louder Than Thoughts**

You can't hold a thought, but you can observe the ripples it creates. Circumstantial evidence is the art of reading between the lines — connecting a person's words, actions, and decisions to what they were probably thinking.

Here's how it works:

- **Behavior before the act:** Did the person prepare? Did they purchase tools or weapons? Search suspicious topics online? These signs can point to premeditation.

- **Behavior after the act:** Did they flee the scene? Destroy evidence? Act unusually calm or panicked? Attempts to cover up or escape often suggest *consciousness of guilt*.
- **Communications:** Texts, emails, DMs, voice notes — today, much of our inner world leaks into the digital space. A single message like “I’ll make them pay for this” can drastically change how a court reads intent.
- **Spontaneity vs. Planning:** If someone reacts impulsively in the heat of the moment, their state of mind is different from someone who planned every move. Circumstantial details help tell these stories.

While circumstantial evidence doesn’t spell things out, it creates a mosaic of probability — giving judges and juries clues to piece together the invisible mental puzzle.

## 2. Expert Testimony: When Psychology Takes the Stand

When the legal system needs deeper insight into someone’s mental functioning, it turns to experts — psychiatrists, psychologists, and increasingly, neuroscientists.

These professionals evaluate individuals involved in legal cases to determine whether:

- The person was suffering from mental illness or cognitive impairment at the time of the act.
- They were capable of understanding right from wrong.
- Their mental state was altered by trauma, developmental issues, or substance use.

For example, in an insanity defence, a psychiatrist may testify that the accused had schizophrenia and was experiencing delusions. Their expertise adds depth and credibility to the court’s understanding of how a mind might behave when not functioning typically.

But this field is rapidly evolving — and so are the tools.

### Enter the Brain Scanner: Neuroscience and the Law

In recent years, neuroscience has started to peek into the courtroom. Advanced tools like fMRI (functional magnetic resonance imaging) and brain scans can detect brain injuries, abnormal patterns, and even emotional responses.

- An fMRI can show which areas of the brain light up during certain tasks, like decision-making or impulse control.
- Brain scans can detect damage that might explain irrational or aggressive behavior.

These technologies raise a tempting question:

### If We Can Map the Brain, Can We Map Intention

The answer — at least for now — is: not quite.

While neuroscience can reveal how a brain works, it struggles to answer why someone acted a certain way. Was it deliberate? Was it instinctive? Was it unavoidable? Technology can point to patterns, but motives and intentions are still deeply human and highly nuanced.

There are also ethical concerns. Should the law use brain scans to declare someone dangerous or criminally liable? Could this invade mental privacy? Are we comfortable with machines judging the depths of a human mind?

Courts are treading carefully. Neuroscience is used mostly in support of expert opinion, not as standalone proof. It’s a tool, not a verdict machine.

### The Mind Leaves Clues

The courtroom may not have mind-reading helmets or psychic witnesses, but it has powerful tools — some old, some new — to assess mental states. Whether through patterns of behavior, expert testimony, or even digital footprints and brain imaging, the law is learning to look inward more thoughtfully.

But at the heart of it all remains a human truth: understanding the mind requires both science and empathy. That’s why the role of judges and juries remains so vital. They must balance facts with feeling, science with sense, and evidence with the eternal mystery of human thought.

### Challenges and Limitations in Assessing State of Mind

Understanding another person’s state of mind is a fragile art. In courtrooms, where decisions carry life-altering consequences, that art becomes even more delicate — and more dangerous when it goes wrong. Despite the legal system’s best efforts to decode the human psyche, assessing state of mind remains riddled with challenges.

#### 1. Minds Are Messy, Not Mathematical

People aren’t robots. We’re emotional, inconsistent, and shaped by personal histories, culture, mental health, and stress. A single person might act with logic in one moment and impulsiveness in another. The law often tries to categorize minds — into “intentional,” “reckless,” or “negligent” — but the reality is messier.

**Example:** A driver who runs a red light might be distracted, emotionally overwhelmed, or genuinely confused — yet the law must fit them into a neat legal box like negligence or recklessness. It’s not always a fair fit.

#### 2. Overreliance on Inference

Courts rely heavily on circumstantial evidence and behavioral cues to interpret state of mind. But these signs aren’t always reliable:

- Fleeing a scene might suggest guilt — or fear.
- Calmness under pressure might seem suspicious — or just be someone’s coping mechanism.
- Deleting messages might look like a cover-up — or just habit.

Judges and juries are human too, and they may read too much (or too little) into someone’s behavior. Cultural biases, emotional reactions, and media-influenced expectations can cloud judgment.

#### 3. The Limits of Expert Testimony

Mental health experts play a key role, but they aren’t fortune-tellers or mind readers. They work with assessments, interviews, tests, and clinical knowledge — but their conclusions can vary.

- Two psychologists may disagree on a diagnosis.
- Symptoms can be exaggerated, masked, or misunderstood.
- Mental illness doesn’t always mean legal incapacity — and vice versa.

Plus, there's always the risk of weaponizing mental health claims. Accused individuals may falsely claim trauma or disorders to avoid punishment, and courts must walk a tightrope between compassion and accountability.

#### 4. **Technology: A Double-Edged Sword**

As neuroscience tools become more advanced, the temptation to treat them as "truth machines" grows. But brain scans can be misunderstood or misrepresented:

- An fMRI might show brain abnormalities, but it can't say *why* a person made a specific choice.
- Brain imaging may dehumanize justice — replacing moral responsibility with mechanistic excuses.
- There's also a risk of inequality — wealthy defendants may access high-end neurological defenses while others can't.

So, while these tools are exciting, their ethical use in law is still evolving — and needs careful regulation.

#### 5. **The Problem of Time**

Another tricky issue: courts try to assess someone's mental state at the moment the act occurred, often months or years later. Memories fade. People change. Context disappears.

It's like trying to reconstruct a thunderstorm from a single puddle.

Even when experts and evidence align, there's always uncertainty. Minds are fluid. Justice, ideally, is not.

The law's quest to understand intent, awareness, and belief is noble — but not foolproof. Despite powerful tools, profound wisdom, and centuries of precedent, the human mind remains the most complex courtroom witness. So, as much as we rely on laws, we must also rely on empathy, doubt, and humility. Because behind every act judged in court is a mind — and behind every mind is a story.

#### **Socio-Legal Dimensions: The Mind Is Not Alone**

In law, we often zoom in on the individual — the accused, the victim, the witness. We try to understand their state of mind as if it exists in a vacuum, untouched by society. But in reality, no mind operates in isolation. Just like law is shaped by the society around it, so too is a person's mental state — and how it's judged.

Socio-legal research helps us zoom out, revealing how class, culture, gender, and systemic power dynamics influence who gets empathy, who gets understanding, and who gets punishment.

#### **Class and Access to Psychological Justice**

Mental health assessments, expert witnesses, and legal representation cost money — often, a lot of it. For those with wealth and privilege, defending their mental state becomes easier. They can afford top lawyers, expert psychiatrists, and persuasive arguments in court. But for poor and marginalized individuals, the system doesn't always offer the same grace. A person suffering from trauma, addiction, or undiagnosed mental illness may go unheard — not because their story doesn't matter, but because they don't have the tools to tell it. In this way, justice becomes tilted. The law may say all minds are equal, but in practice, some minds are more "legible" or "credible" than others, based on resources.

#### **Cultural Bias: Who Defines Normal**

What counts as a "reasonable person"? What is "rational behavior"? These legal standards seem neutral, but they are

often coded with cultural assumptions. A person from a tight-knit tribal or rural community may act out of honor or family duty in ways that seem unusual to urban judges. Mental distress might be expressed through spiritual language or rituals that the court sees as irrational.

When the legal system fails to see through cultural lenses, it risks misreading minds — punishing someone simply because their way of thinking doesn't fit the dominant cultural mold.

#### **Gendered Understandings of the Mind**

Women's mental states, particularly in the context of violence and self-defence, have often been misunderstood or stereotyped. For instance:

- In Battered Woman Syndrome, courts have slowly started to accept that long-term abuse can create a mindset where a woman feels trapped and hyper-alert to danger — even if the final act of self-defence doesn't happen during an immediate attack.
- But still, women's emotions are often seen as either too fragile to trust or too erratic to believe. Their testimonies are more likely to be doubted, and their fear dismissed.

Men, on the other hand, may struggle to argue emotional vulnerability or trauma in court without being perceived as weak or manipulative. The gender binary restricts everyone, making it harder for people to be seen as complex beings with layered minds.

#### **The Uncomfortable Question**

So, we must ask:

#### **Whose minds are we willing to understand — and whose are we quick to punish?**

If the law only listens to minds that are loud, rich, or familiar, it risks reinforcing social inequality. True justice means expanding our imagination — to include the quiet minds, the broken minds, the culturally different minds, and the ones society would rather ignore. Only then can we say that the law truly sees the mind — not just as an object of judgment, but as a reflection of our shared humanity.

#### **Challenges in Legal Assessment: When Minds Are on Trial**

Peering into someone's mind isn't like checking a security camera. There are no instant replays, no perfectly clear footage. When courts try to assess a person's mental state — whether in a murder trial, a contract dispute, or a negligence case — they're not dealing with hard science. They're interpreting behavior, emotions, and circumstances. And that, by nature, is tricky business. Here are some of the core challenges that make legal assessments of state of mind a delicate tightrope walk.

#### **Subjectivity: The Mind Is Invisible**

Unlike a broken bone or a blood test, the state of someone's mind isn't physically visible. Courts rely on clues — what the person said, how they acted, what witnesses observed — and from these fragments, they build a mental portrait. But this is deeply subjective. What one judge or jury finds "intentional," another might see as "impulsive" or "confused." People express themselves differently, shaped by personality, culture, education, and even trauma. And

let's be honest: how many of us truly understand our own mind, let alone someone else's under pressure?

### **False Claims: Two Sides of the Coin**

Mental illness and psychological distress are real — but they can also be misused. Some defendants may fake or exaggerate symptoms to escape liability or soften a sentence. On the other hand, many people with genuine mental health conditions are not believed. Their behavior is dismissed as an act, or they're labeled as simply “difficult” or “unreliable”. This creates a painful paradox: we don't want to punish the mentally unwell, but we also can't let manipulation undermine justice. Courts must constantly ask: *Is this mind truly impaired — or strategically portrayed that way?*

### **Inconsistent Standards: No Universal Scale**

There's no single legal test or tool to measure a person's state of mind. Different countries — and even different courts within the same country — use varying standards, language, and levels of proof.

For example:

- What qualifies as “recklessness” in one jurisdiction might be considered “negligence” in another.
- Some legal systems have detailed criteria for diminished responsibility; others handle it case-by-case.

This lack of consistency can create injustice. Two people with the same mental condition might receive entirely different outcomes — simply because of where they were tried or who was judging them.

### **Balancing Act: Empathy vs. Evidence**

The ultimate challenge is balance. Justice must be compassionate, but not gullible. It must protect the vulnerable, but not excuse harm blindly. It must honor lived experience, while still demanding accountability. This means listening carefully to expert opinions, treating mental health with dignity, and building systems that don't just punish — but understand.

Because when minds are on trial, we're not just debating what someone did. We're wrestling with what it means to be human — flawed, feeling, and sometimes, failing. And justice, at its best, knows how to weigh both the heart and the facts.

### **The Indian Context: Mental State Under the Bharatiya Nyaya Sanhita (BNS)**

In the new chapter of Indian criminal law, the Bharatiya Nyaya Sanhita, 2023 <sup>[1]</sup>. (BNS) steps in to replace the long-standing Indian Penal Code (IPC). But while the code has changed names and structure, the role of state of mind — intention, knowledge, capacity, and awareness — remains central. Justice in India still demands not just facts, but *meaning behind the facts*.

### **Clause 14 BNS: Unsoundness of Mind (Formerly Section 84 IPC)**

This clause continues the legal legacy of protecting those who commit an offence while of unsound mind. If a person, at the time of committing an act, was suffering from a mental illness so severe that they couldn't understand what they were doing or that it was legally or morally wrong, they are not criminally liable.

This is rooted in the historic M'Naghten Rule and shows the law's recognition that punishment makes no sense where understanding is absent. However, courts require strong proof — medical records, expert testimony, and evidence of behaviour — to apply this clause. It's a tightrope walk between protecting the truly ill and preventing misuse.

### **Clauses 101–106 BNS: Homicide and Murder (Replacing Sections 299–304 IPC)**

The difference between culpable homicide and murder still hinges on the mental element:

- Did the person have the intention to cause death?
- Were they aware that their act was likely to be fatal?
- Or did the act happen in a heat of passion, without premeditation?

Clause 101 defines culpable homicide, while Clause 103 defines murder as a specific and more severe form. BNS gives structure to levels of mental involvement and allows courts to scale punishment accordingly — from life imprisonment to the death penalty.

Here, the state of mind decides whether a person is seen as a cold-blooded killer or a reckless human being caught in a tragic moment.

### **Clause 63 BNS: Consent and Mental Capacity in Sexual Offences (Replacing Section 375 IPC)**

In matters of sexual assault, consent is the key — but only if it's given freely and knowingly. Clause 63 clearly defines when consent is invalid:

- If given under fear or coercion
- If the person is intoxicated or of unsound mind
- If the person is not capable of understanding the nature of the act

This clause reflects a deeper truth: consent must come from a mind that is clear, aware, and free. The law now recognizes that real consent cannot exist without real mental capacity.

### **The Mental Healthcare Act, 2017 <sup>[2]</sup>. A Human Rights Approach**

While the BNS handles mental state in crime, the Mental Healthcare Act, 2017 addresses care, dignity, and protection. It decriminalizes suicide attempts (recognizing distress over crime), grants rights to access mental healthcare, and ensures that individuals with mental illness have the right to autonomy and informed decisions. Together, BNS and the Mental Healthcare Act form a bridge between punishment and protection, between crime and care.

In today's India, the law continues to evolve — not just in text, but in empathy and understanding of the human mind. The BNS, while new, holds on to the age-old truth that justice must not only see the act — but also understand the mind behind it.

### **Conclusion: The Soul of Justice Lies in the Mind**

In the grand theatre of justice, the law is not just chasing after actions — it is constantly reaching out to understand intentions. The silent, invisible pulse of a person's state of mind becomes the very soul of legal reasoning. While laws are made of words, justice is made of understanding, and that understanding begins in the mind. Whether we call it

mens rea or simply “why someone did what they did,” this idea is what separates a cold-blooded act from an accidental one, a lie from a misunderstanding, and a criminal from a person in pain. It’s what makes law a living, breathing system — not just a machine ticking off boxes.

But here’s the truth: the mind cannot be seen. There is no stethoscope for guilt, no microscope for motive. Judges and lawyers don’t get mind-reading glasses — instead, they rely on human clues: words spoken in heat, behavior under stress, the presence of fear, confusion, remorse, or calculation. In every case, the courtroom becomes a quiet quest to understand what was happening inside a person, at the moment they acted.

This isn’t just a legal challenge — it’s a moral and philosophical journey. The law is tasked with a nearly impossible job: to read the intangible, infer the invisible, and judge the unknowable. And yet it must try, because without it, justice would be heartless and mechanical. Imagine punishing someone for a mistake they didn’t know they were making. Or forgiving someone who harmed another with cruel intent. That’s where the assessment of state of mind becomes essential — to ensure punishment fits not just the act, but the person behind it.

Modern law is trying. With help from psychiatry, psychology, neuroscience, and social science, courts are becoming more aware of how trauma, mental illness, social pressure, and even cultural beliefs shape the human mind. The Mental Healthcare Act, 2017 <sup>[2]</sup>, in India is one such step — a recognition that minds need care, not just discipline. But challenges remain. Minds are complex, often contradictory. People can fake, forget, or fall apart under pressure. And our legal tools are still evolving — especially in making mental health assessments accessible to all, regardless of class, gender, or background.

So, what must the law do?

It must balance empathy with evidence, and principle with pragmatism. It must be flexible enough to understand a troubled mind, yet firm enough to uphold responsibility. It must listen not just to the facts, but to the silences between the facts, where human experience speaks loudest. Because at the end of the day, justice is not only about what someone did — but why they did it. The heart of justice beats in the human mind.

And when the gavel falls, let it fall not only with fairness, but with wisdom, awareness, and grace — for that is where true justice begins.

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21. The M’Naghten Rule, a foundational standard for the insanity defence, insists that an accused must be incapable of understanding the nature of the act or that it was wrong
22. Under Clause 14 of the BNS, a person suffering from “unsoundness of mind” at the time of committing an act is not liable.
23. The Indian Supreme Court in Shera Ram<sup>3</sup> reaffirmed that the mental condition at the time of offence is pivotal for determining criminal responsibility.