



KUMARI CHANDRA @ SATI LAJNANI V. STATE OF RAJASTHAN

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ABSTRACT

Premenstrual stress syndrome (PMS syndrome) is disorder seen in females before onset of their menstrual cycles. The appellant in the case has taken PMS syndrome as a defence of insanity for committing murder of a child. Several authorities were relied on by the court to comprehend behavioural changes induced by PMS that can affect females to the extent that they can be violent and can even kill a person. The bench gave an order giving benefit of doubt to the appellant and acquitting her. The judgment was not highlighted by mainstream media yet it is controversial as only on the basis of theories and testimonies of three doctors, the bench has widened the definition of ‘insanity’ without any concrete or corroborative evidence.

BACKGROUND FACTS

Kumari Chandra (appellant) has been accused of pushing three minor children into the well with the intention of killing them. She took them from their school on the pretext that she would show them the temple. While two of the three children were rescued but the third drowned. The trial court convicted her for offence under sections 302,307 and 374 of the Indian Penal Code 1860. Hence the appeal was filed in Rajasthan High Court before the bench consisting Mohammad Rafiq J. and Goverdhan Bardhar J.

CONTENTIONS OF THE PARTIES

APPELLANT- the prosecution failed to prove any motive of the appellant to commit murder of children. At the time of incident, the appellant was suffering from mental disease called PMS. She should be given benefit under section 84 of IPC.

RESPONDENT- The three children were seen alive with the appellant immediately before the incident. Had the eye witnesses not seen the children drowning, the life of two children also could not be saved. The appellant-accused was criticised for her conduct and for not maintaining sound character by the parents of the injured children and the deceased which is the motive to kill children. The clear motive behind the offence was taking revenge from the parents. Also, there was no evidence on record that could prove her insanity. Menstruation is natural phenomenon with every woman and it should be not taken as a defence for the criminal act committed.

ISSUE IN THE CASE

Whether at the time of the incident, the appellant was labouring under defect of reason and whether PMS can be a valid defence of insanity for the crime committed?

JUDGMENT AND REASONING

The court relied on the testimonies of three doctors who treated the appellant-accused on different occasions. One of them said that “females do not remain normal in the days preceding to their periods and may even behave violent and become aggressive.”¹ Another doctor said that a woman can

¹Kumari Chandra @Sati Lajnani v. State of Rajasthan, (2018) 3 RLW 2382.



become so irritable during this stage that she may cause injuries to herself and others. The court did not rely on the testimonies of child witnesses as they could be tutored by the prosecution.

The bench also cited a report published in the Duke Law Journal that stated, “*PMS syndrome is a disorder afflicting many women. The symptoms of PMS syndrome include excessive thirst and appetite, bloating, headaches, anxiety, depression, irritability, and general lethargy. The symptoms develop and increase in intensity from seven to fourteen days prior to the onset of menses and disappear rapidly thereafter. PMS syndrome can range in severity from mild to incapacitating, in both a physical and psychological sense.*”²

Another article stated that “*hormonal changes cause women to commit crime during premenstrual stage and women are more liable to be detected in their criminal acts during this time.*”³

The neighbours and relatives of the appellant gave statements that she used to get fits since her childhood and on the date of the incident “*she was frothing from her mouth and was looking mad.*”⁴

The law laid down by the Supreme Court of India is that the burden lies on the prosecution to prove beyond reasonable

doubt that the accused has committed the offence but if the accused by placing all the relevant evidences raises a reasonable doubt in the mind of the judge with regards to one or more ingredients of the crime then the judge has to acquit the accused on the ground that prosecution has failed to discharge its burden.⁵ The evidence placed by the accused may not conclusively prove his insanity at the time of commission of offence.

The bench in this case observed that “*Although the law is not much developed in India as to PMS being set up as the defence of insanity, yet the accused has a right to plead such defence to show that she was suffering from PMS when the crime was committed and the offence that she committed was an involuntary act on her part as she was labouring under the defect of reason or unsoundness of mind. She can, within the scope of Section 84 of IPC set up such a plea and substantiate the same by evidence.*”⁶

The court finally decided that the appellant was able to probabalize her defence that at the time of commission of act her cognitive faculty of understanding the nature of her act was impaired which was triggered by PMS and she was insane. She was given benefit of doubt and was acquitted of all charges.

CONCLUSION

In a country like India where menstruation is a taboo, which also bars women from entering into places like temples, can now be

² *Premenstrual Stress Syndrome as a Defense in Criminal Cases*, Marc P. Press, Duke Law Journal, Vol. 1983, No.1 (Feb., 1983), pp. 176-195.

³ *Menstruation and Crime*, Katharina Dalton, December 30, 1961, pp. 1752–1753.

See

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1970933/?page=1>

⁴Supra note 1.

⁵Dayabhai Chhaganbhai Thakker v. State of Gujarat, AIR 1964 SC 1563.

⁶Supra note 1.



considered as a cause for committing a crime. The appellant in this case has been acquitted by the Rajasthan High Court on the ground of insanity caused by premenstrual stress syndrome (PMS) at the time of commission of the offence by relying on few outdated research articles and statements of three doctors.

The use of PMS as a criminal defence became frequent in 1980s in countries like US and UK which is around the same time when this case was filed. In British cases where two women who, stabbed a barmaid⁷ and killed her lover with a car⁸ respectively, escaped their convictions by arguing they weren't legally responsible for their acts due to PMS. They were given lesser punishment while in this case the High Court acquitted the accused from all the charges despite knowing the fact that she did commit an offence.

A similar issue has been raised in Battered Wife Syndrome (BWS) cases where women are so traumatised by their husbands that they feel unsafe and kill their partners. The foreign jurisdictions have relied on scientific knowledge and not on incomplete and unevolved research materials. The credibility of research papers cited by the bench in this case is questionable as some of them were not work of experts but students and subjects chosen for the research, to find link between PMS and crime, were actually not accused of any crime.

The court did not anticipate the consequences of approval of this ground as a

defence. The whimsical use of PMS can be anticipated as the judgment does not provide any clarity on its scope. The courts will have to ensure that without sufficient medical and scientific evidence, plea of insanity due to PMS is not accepted and it may not stigmatise women who are stereotyped of being overly emotional by the patriarchal society.

⁷ Regina v. Craddock, 1981, 1 C.L. 49.

⁸ Regina v. English, Norwich Crown Court, November 10, 1981.