
WHEN THE MIND IS THE CRIME: IF GUILT IS OBSCURE, IS JUSTICE TRULY BLIND OR SEARCHING?

Niharika Singh, Kamala Nehru College, University of Delhi

ABSTRACT

Actus reus non facit reum nisi mens sit rea

An act does not make a person guilty unless the mind is also guilty

The aforementioned maxim can be immediately recognised by any one with even vague knowledge of law. The conceptual framework of criminal structures is based on two principles - the guilty mind and the guilty act - which serve as the core of moral liability and Indian judicial principles. It seeks to establish a distinction between an accident and a punishable offense, between mens rea and actus reus. However, as we explore this binary classification of law more thoroughly, we come across the fragile balance between justice and truth. Humans and crimes. Motives and mere thoughts. The legal system tends to adopt a rigid perspective that views actus reus as observable tangible proof, while mens rea is often treated as conjectural, speculative. This distinction reveals inherent contradictions. Can justice truly be impartial when it evaluates actions and intentions through the same ideological framework?

The commentary here looks forward to questioning the paradoxical ambiguity of the idea that forces us to see not only what was done but why it was done. This opens the door to larger and perhaps significant questions to legal thought often dismissed or over stated in black or white. At the foresight the concept may seem vague and abstract, almost philosophical. But can guilt be measured? Is intent always presumed or can its true nature ever be known? What happens if someone commits a crime without having a criminal mind, or worse, if someone assumes they have a criminal mind when they don't? And evil is not evil for the sake of evil, nor is crime a single act. A person may cause evil not only by action but by inaction as well. But buried beneath a complicated moral conflict influenced by the system, society, and pain.

Am I justifying the mind behind the crime? No, that would be malarkey. But I seek to understand when and why the mind itself becomes the crime. This essay attempts to understand morally grey waters of legality, the psychological details of a guilty mind and what is true justice?

INTRODUCTION - BLACK AND WHITE OR GREY

In the Kafkaesque world of the 1914 novel *The Trial*, Joseph K wakes up one morning to find himself arrested. Arrested, yes. What was he accused of one might ask. A crime he did not know he committed, a crime whose nature is never revealed to him throughout the hearings and lingers still after his execution. His case unravels in a mix of invisible laws and accusations in dingy courtrooms which hangs in the air around him. Where guilt preceded the trial and punishment written before his mind even knew what his fault was. Kafka's masterpiece points out one unmistakable thing - when law is dismantled from morality it becomes arbitrary machinery instead of a house which upholds justice. It speaks of justice twisted by the very hands that try to uphold it. In legal terms one can simply state, Josef K was caught in a system that accused him of *actus reus* without a clear *mens rea* - body was held liable but the mind remained unaware of any wrongdoing. The idea seems peculiar, but so is the presupposition that a person's thought can be clearly divided into guilt or innocence. Black or white.¹

So in reality does justice remain just or does it reflect dangerously close to this opaque world where punishment is absolute.

THE FRAGILITY OF ABSOLUTE INTENTION

The chief focus of criminal law around the world is crime and punishment. In the entirety of the legal field it is a fact and certainty that there is no principle more important than *mens rea*. Yet it definitely remains the most elusive and subjective one. In theory both *mens rea* and *actus reus* must be proven for a person to be liable. But in practice, we often see law disproportionately claiming towards the act while intent is sidelined. The law assumes that a convict has the mind to intent and that their psychological state can be reconstructed. When the act is violent or public, *mens rea* is conveniently ignored under pressure and backlash of sentiment. When the accused holds socio political privilege, *mens rea* is over interpreted in favour. The truth being that *mens rea* does not exist in a vacuum.

¹ Franz Kafka, *The Trial*, trans. Willa and Edwin Muir (New York: Schocken Books, 1998). Kafka's novel offers a chilling depiction of Josef K, a man who is arrested and put on trial by a mysterious and faceless legal system for a crime that remains unspecified. The work is an arbitrarily form of justice without guilt in a world steeped in existential dread—reflecting contemporary fears alongside moral grey areas, state surveillance, and declining justice systems rooted in intent.

In landmark cases like *Kehar Singh & Ors. v. State*, Kehar Singh was convicted of conspiring in the then prime minister Indira Gandhi's assassination without directly physically participating in the murder. Meaning that the hearing heavily implied on the idea of inferred mens rea - disguised sympathy and alleged support to the cause which was constructed as criminal intent.

It won't be wrong to imply that Kehar Singh was defined by not what he did but what he might have believed internally. Can only devotion to a cause, no matter how imperfect, be regarded as having criminal intent?² While in the *Priyadarshini Mattoo* case (*Santosh Kumar Singh v. State*), the accused was once acquitted despite deep forensic evidence of rape and murder. The court stated the lack of intent and doubt over mens rea which was followed by public outrage and severe criticism. Eventually the case was taken to higher courts and Singh was convicted. The failure here was not merely legal or a lack of understanding of the human mind and functioning - it was moral.³

The sheer contrast is glaringly visible. While in one case the accused despite evidence and act was shielded with the advantage of belonging to privileged and powerful strata of society, in the other mere thought was enough to provoke guilt and punishment. Thus, Mens rea was applied selectively and erratically, sometimes seen as a narratively inevitable and fitting, in the other discarded as optional or hesitant. We see the gap between moral and legal justice. Between public law and private views. Hypocrisy lies in this treatment of how and where this principle is interpreted.

IS CRIME TRULY CRIMINAL?

If neither mens rea nor actus reus gives us a defined standard for criminality. We come at crossroads then questioning ourselves - what is crime and if crime is truly criminal? Is it always a product of malicious intent or something embedded beyond that? To question crime itself is

² *Kehar Singh & Ors. v. State* (Delhi Administration), AIR 1988 SC 1883. The politically charged assassination of Prime Minister Indira Gandhi, part of a broader conflict, was taken by the Supreme Court as Kehar Singh's politically sensitive conviction for the murder under Section 120B of the Indian Penal Code. It exposed a flaw where the Court presumed a conspiracy on insufficient circumstantial evidence. The judgement reaffirmed that in politically sensitive cases where evidence is scant, intent (mens rea) is presumed based on the level of participation and the surrounding context.

³ *Santosh Kumar Singh v. State through CBI* (2010) 9 SCC 747. Singh was acquitted during the trial but was later convicted by the High Court and the conviction was confirmed by the Supreme Court. While the prosecution sought the death penalty, the Court instead sentenced Singh to life imprisonment. The case provoked public debate on the interplay between intentions, social privilege, and systemic bias in the functioning of the judiciary, especially in sensationalized criminal cases.

to challenge the very fabric of legality. Terms like intent, unlawful, malicious, unwilful, knowing, fraudulently, corrupt, dishonest are hurled across courtrooms in arguments judging the characters of the accused. But one must note each and every of these terms is capable of bearing a meaning and differently in each case, context and sentence. Similarly mens rea differs in different crimes but there is one common binding element to it all. The doing of a wrong act barred by the law. The law probes into the mind of a criminal in order to ensure that no one shall be punished in the absence of culpability.⁴

Society prepares the crime, the criminals commit it

- Henry Thomas Buckle

Sociologists like Emile Durkheim and Micheal Foucault argued that crime is not necessarily, deliberately evil but society defines crime to reinforce their ideological expectations and barriers.

Even acts of political violence and insurgency are mostly rooted in deeper motives and marginalisation of sections. In many cases the so called guilty mind is not guided by rage or motive but by alienation, repression, trauma, beliefs. An activist breaking curfew or protests are put down stating unconstitutional assembly but the state is not penalised for injustice that ignited the protests. Evil is branded as a social diagnosis rather than a fact. This is not an excuse to hide crimes but to reveal and understand it in greater depths. The concept seems to be dangling between presumption of intention or criminality.

Let's consider the case of K.M. Nanavati v. State of Maharashtra⁵, Nanavati shot the lover of his wife Prem Ahuja once he got to know of the affair. The actus reus - pulling the trigger of the gun - which led to the death of Ahuja was clear, undisputed, unchallengeable. The question in front of the judge was if the murder was planned or a crime of passion. Bombay High Court ultimately convicted Nanavati, overruling the jury verdict after all the act can not be separated from the person himself. But the case sparked heated debate over the nature of morality and

⁴ A. Hart and the Doctrines of Mens Rea and Criminal Responsibility - Richard A. Wasserstrom; In his essay, Wasserstrom not only critiques Hart but also defends a novel view of criminal responsibility, asserting that intent is crucial in the legal and moral blame allocation within the construct of criminal law.

⁵ K.M. Nanavati v. State of Maharashtra (AIR 1962 SC 605). It remains one of India's most iconic criminal cases. The Supreme Court, setting apart the jury's views, convicted Nanavati under Section 302 of the Indian Penal Code for the murder of his wife's lover. The judgment is frequently referenced for its take on conception of mens rea, the legal boundary between murder and culpable homicide, and the impact of provocation on the assessment of criminal intention.

adultery. Was Nanavati a victim himself as a betrayed husband or the criminal in killing his wife's lover. Was he acting in the heat of the moment, rage or his own view of poetic justice?

WHAT DOES JUSTICE LOOK LIKE?

Absolute justice is achieved by the suppression of all contradiction, therefore it destroys freedom - Albert Camus

A word repeated again and again and again till it becomes redundant throughout the courtrooms and benches is - justice. Or as Kantian philosophy states that law and justice is nothing but pure reason. Justice is constant, perpetual, virtue and a vice, elusive yet within grasp. Justice is as elusive as the idea of philosophy and morality my review carries. Justice is trust in the word of law and its judgment. Justice is not revenge or punishment. It is to deter humans and not make them suffer. Justice is the hope that some day human society will be correct. Behind every great fortune there is a crime, Balzac states and I quote. But behind every crime there is something beyond intention. No man is a villain in his own eyes after all. Can we take the liberty to say sin is nothing but human nature and its vicarious tendencies. Minds are intricate and contradictory at times.

The famous and yet infamous imagery of lady justice as blindfolded with a balance and sword is not merely figurative or hinting at objectivity. A truly just system accepts the morally twisted aspect of the human mind and its desire, its will. Crime is not just an act, it's a story. It pretends to hold certainty of the intentions of its actor and the act, but that's far from the truth. To truly understand crime, its mens rea or actus reus, its consequences and punishments, we must be willful to divulge into morally grey zones of law, philosophy, psychology and humanity. To truly understand crime, we must move beyond the idea that actus reus and mens rea alone equate to crime. We must interrogate the society and that shapes them. Understand the inexplicability of the human mind.

Between these lines of actions and intentions lies the soul of justice. Justice must be human before it is legal. There can be no justice without morality. If otherwise, perhaps the law must first put itself behind the stands.