

Principle of Mens Rea

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ABSTRACT: *In essence, the idea of criminality is associated with the social order. The behaviour of the members of society inter se is governed by a sense of reciprocal respect and trust for the interests of others. While most individuals believe in peace and unity, there are quite a few who deviate from this usual pattern of conduct. This puts on the State a duty to uphold normalcy of society, which it exercises by means of the instrumentality of legislation. In India as well as other nations, Mens Rea, or the mental aspect of crime, is a very important feature of criminal law. In India, most laws include the guilty mind aspect in order to render an act criminally responsible for prosecution by an individual. The very nature of criminality is Mens Rea. It is not a felony without possessing a motive to behave in such a way that it brings damage to persons or goods. Mens Rea's existence ensures that the wrongdoer has the capacity to choose between what is good and what is not.*

KEYWORDS: *Criminal Law; Guilty Mind; Intentions; Mens Rea; Malafide Intentions; Motive.*

INTRODUCTION

Mens rea and Actus Reus are two aspects of a felony. The guilty mind of Mens Rea mens and Actus Reus means guilty Act. To constitute a felony, these two elements are required. Until these two factors are present in the crime, a person may not plead guilty. The Latin term, *actus reus non facit reum nisi mens sit rea*, suggests that if the mind is not guilty, an act does not make a person guilty. Actus Reus constitutes a tangible part of a felony. It may be the form of an act, a state of affairs or an omission. Mens Rea is the emotional aspect of a felony. That's what goes on within the head of the convict. The real intention of the person, indirect intent or recklessness[1].

Criminal law is the core of the concept "actus reus non facit reum nisi mens sit rea." Many courts argue that this argument is a holy precept in criminal jurisprudence. Without Mens Rea, most courts agree it is difficult to commit crime without Mens Rea (guilty mind). The suspect should continue to carry out the offense. The origins of Mens Rea's definition come from the criminal rule of Anglo-Americans[1].

The Mens Rea Doctrine did not legally applicable to the crimes in the Indian Criminal Code. It is also totally out of place here. Each crime is described quite specifically in the Indian Penal Code, 1860. Not only does the description specify what the accused may have done, it also specifies the state of his mind with respect to the crime as he was doing it. According to the Indian Penal Code, both crimes are related to motive, information or reason to believe. Any offense founded on the definition of criminal intent or mens rea[2].

Mens Rea applies to criminal intention. The literal sense of "guilty mind" in Latin. Mentis Reae is the plural of mens rea. A mens rea means a criminal's mind set when committing the offense. It is important to prove mens rea in order to punish the criminal. Usually, the defence must show that the fair doubt that the criminal committed the crime with a guilty mind set is held aside. The definition of purpose was famously demonstrated by Justice Holmes when he said "even a dog knows the difference between being stumbled over and kicked"[2].

The well-known Latin maxim enunciates the correlation between mens rea and a general offense. Actus reus means an act that is wrongful. Mens rea means an intention which is unlawful. The maxim suggests that, unless the conscience is still guilty, an act does not itself make one guilty. The simple commission of an illegal act or even breach of the law is not an offence. In order to display the act as a felony, it normally needs several extra elements. Mens Rea is a scientific expression. It is one of the main components of criminal guilt. It is said that a criminal crime is committed only where an act is performed voluntarily. Therefore, an act only becomes illegal when it is performed from a guilty conscience[3].

The implication here is that Mens Rea is required for a criminal act. Any offense that happens regardless of any statute often involves a criminal mind set. Where a statute establishes an act, it includes the mens rea factor to establish it in the eyes of law as an offence or felony. Therefore, the clear language of a statute read pursuant to an inference (of arguable weight), which can be rebutted, that whether there is mens rea, the universal rule of law that no offence may be perpetrated has not been ousted by the unique enactment[4].

Motivation is all that motivates a man to create a purpose. It is ulterior intention, in other words; while intention is immediate mental state. The purpose is about the means, while the motivation is about the result. The reason for taking the crime home to the accused, while not a sine qua non, is important to the matter of intent. Basically, the motivation is a hint to the purpose[5].

DISCUSSION

For human beings to live safely and without fear of harm to their life, bodies and possessions, the preservation of peace and order is necessary in every community. This is only possible in jurisdictions where the criminal code is efficient and fairly powerful to deal with lawbreakers. In reality, a state's identity depends on the efficacy of its primary duty of preserving peace in the land by maintaining law and order. People can continue to be without a fully established system of civil law or property law in a state, but they cannot afford to be without a criminal law system[6].

This (Penal) is the rule on which men put their absolute dependency for defence from all the deepest injury to persons and organizations that human actions can cause. By the same time, the greatest power we authorize official agencies to put to bear on people is regulated by penal law. Its promise as a protection weapon is only balanced by its ability to kill[6].

A subset of public law is criminal law. It authorizes the infliction of State retribution. State is a participant in the criminal cases as crime is not only a wrong against the individual but also against the whole society. Crime law is restricted to very limited limits and can only be extended to particular open actions or omissions capable of being easily demonstrated, which impose such evils on acts or omissions. Crime is what the state has definitely declared as punishable by an act of the Legislature. In other words, aside from legal approval thereof, there is no such thing as violence[6].

In the Penal Code, 1860, and in the Criminal Practice Code, 1973, India's criminal law is codified. While the fundamental law is the Penal Code, the adjective or administrative law is the Criminal Procedure Code. The rules of the Penal Code had no impact on the provisions of any particular statute or state law[7].

While any person is liable to punishment under the Penal Code by way of Sec. 2 of the Penal Code, the criminal courts have no authority to prosecute such people except though they have violated the provisions of the Code, viz. President and Governors, Foreign Sovereigns, Diplomats, Alien Rivals, Foreign Army, Diplomatic Officers and Warships. A corporation or partnership is included in the term entity. A company is thereby responsible under the Code for penalty. In criminal law, the principal or master can only be found accountable for the actions of his subordinates or servants if it is proven that the acts of the person who allegedly committed the offense were instigated or otherwise encouraged by him[8].

Nowhere does the Criminal Code describe what a felony is. A felony may be said to be an act of commission or omission, contrary to statute, tending to the bias of a class, for which punishment can be imposed as the consequence of criminal proceedings taken in the interest of the State. If a man makes a mistake, he is said to be responsible for it. Criminal obligation occurs when a citizen commits an act that is criminal in nature. A criminal crime is committed only after an act is performed voluntarily, which is prohibited by statute. It is only voluntary acts that constitute infractions[8].

Where there is strong evidence of motivation for the offence, this offers the courts more guidance in determining that the defendant was responsible, although the lack of clear evidence of intent does not always point to the opposite inference. In the same way, there could be a crime without a motive in which the greatest motive may not impel a party to commit an offence. It should be remembered that a person cannot be absolved from criminal responsibility by the purity of intent. Therefore, if a guy tries to kill his hungry kids because he thinks they're going to go on to a better place, his intention is fine, but his intent is false[8].

In order to assess criminal traits, the motivation for an offense should not become a litmus test. The motive becomes immaterial where there is direct proof against the perpetrator. But where circumstantial evidence remains, the lack of incentive is beneficial to the defendant. The basic concept of criminal law is that motivation is meaningless and that only motive is important. However, in some situations, the intent becomes important[8].

It is the intent in court cases that makes the crime false, while the act may not be wrong in itself. Further, motivation becomes important in situations where a specific intention is a part of the concept of a criminal offence. The intent takes on relevance in legal liability[8].

Negligence is the third type of Mens Rea. Negligence is a liability to take care of. In other words, where a person is careless if he fails to exercise duty or caution when executing a lawful act, the notion of fair negligence is not specified anywhere. Therefore, the measure of good care rests on the perception of the responsible man who is able to refuse to take care of reasonable care and whether his acts do injury to others, it is considered a person's careless actions, this negligent behaviour is treated as a mens rea for a person's criminal obligation[9].

The motive acts as the intention's fire. The explanation that somebody is going to do something is the motive. It is the fountain from which the acts spring, while the objective to which they are directed is aim. Goal means that the intention of inspiring something determines the motive for an Act to be performed. The purpose is the fundamental component of making an individual responsible for a crime that is usually compared with the motivation. In fact, motive is not a lawful aspect in a crime. Intention is the result of motive. Motive plays a vital part and we are left to start with what they have acted with a positive or evil motive without a knowledge of why people commit such offences in the way they do[9].

If it is committed with malicious intent, an act becomes a felony. In order to commit a crime, evil motive or guilty mind is vital, otherwise a person will not be considered accountable and punished. A well-known maxim is focused on Mens rea. Actus non facit reum nisi mens sit rea which implies that unless his intention was so, behaviour would not make a man guilty. There was no difference between felony and tort earlier in English criminal law. Criminal law was based on absolute liability and penalty was generally in the form of cash penalties in those days[10].

Therefore, the emotional nature of crime was negligible, but later physical punishment was replaced by injury. Now from here, mens rea got value. As this time, with the passing of time, mens rea became a factor of determining crime, mental element of crime was recognized. The Act should be knowingly committed in respect of any criminal liability. No person may be held accountable under any fear or coercion for an act committed. For example, A points revolver on B, for instance, and say to open C's house lock. The B Act is not optional here, but it was against his will. Purpose and motivation is a separate aspect of a crime Motive can be good or evil, but the person is held responsible for the crime if the Intention is not good[10].

CONCLUSION & IMPLICATION

An offense committed deliberately would thus hold a more serious penalty than if the defendant behaved purposely, recklessly, or negligently. The MPC has had a major influence on a number of states' penal codes and continues to be prominent in the promotion of mens rea debate.

The requirement of mens rea is based on the premise that one must have a criminal state of mind and be aware of his or her misconduct; but a person does not need to realize that to be guilty of a felony, their action is unlawful. Instead, the convict must be mindful of the 'evidence that make his actions fit the description of the crime.'

Mens Rea applies to criminal intention. The literal translation from Latin is "guilty mind." Mentis rea is the plural of mens rea. A mens rea refers to the constitutional state of mind necessary in order to prosecute a certain defendant of a specific crime.

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