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BETWEEN SANITY AND SUFFERING: BATTERED WOMAN SYNDROME AND THE FAILURE OF GYARSIBAI V STATE

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ABSTRACT

This paper critically examines the reasoning of Justice Dixit in Gyarsibai W/O Jagannath v The State (AIR 1953 MB 61), focusing on the two limbs of section 300, clause 4 of the Indian Penal Code, 1860[2]: knowledge of imminent danger and the absence of excuse . The paper argues that the court applied an unjustified sane/insane binary to the knowledge inquiry and narrowed the statutory language of 'excuse' beyond what the provision requires. Drawing on battered woman syndrome scholarship, the comparative jurisprudence of R v Ahluwalia, R v Lavallée, and R v Thornton, and Indian developments from Suyambukkani to Manju Lakra, the paper argues that the framework applied in Gyarsibai was incapable of accommodating the psychological realities of sustained domestic abuse.

CASE SUMMARY

FACTS OF THE CASE

Gyarsibai W/O Jagannath v The State[3] was decided by Justice Dixit of the Madhya Pradesh High Court on 23 October 1952. Gyarsibai lived with her husband Jagannath, their three children aged seven, five and one and a half, and her sister-in-law Kaisarbai. The household was marked by persistent quarrels between Gyarsibai and Kaisarbai, and Jagannath regularly beat Gyarsibai, blaming her for the discord. On 14 August 1951, Kaisarbai told Gyarsibai to leave the house. Gyarsibai took all three children, announced her intention to jump into a well, and did so. When the villagers found her, she had survived but her three children had drowned.

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[2] *now Section 101, clause 4 of the Bhartiya Nyaya Sanhita, 2023*

[3] *Gyarsibai W/O Jagannath v The State*, AIR 1953 MB 61

FRAMING THE LEGAL ISSUE

The central legal issue was whether the deaths constituted murder under Section 300, clause 4 of the Indian Penal Code. [4] This provision elevates culpable homicide to murder where two conditions are met: first, the accused must have knowledge that the act is so imminently dangerous that it must in all probability cause death; second, the act must have been committed without any excuse for incurring that risk.[5]

COURT'S REASONING AND ANALYSIS

THE KNOWLEDGE INQUIRY

The Sessions Court convicted Gyarsibai under section 302 for murder and under Section 309 for attempt to commit suicide, sentencing her to life imprisonment and six months respectively, to run concurrently. The High Court upheld both convictions. On the knowledge limb, the court held that every sane person is presumed to possess knowledge of the dangerous character of their acts, and that this knowledge is not negated by any mental condition short of insanity.

THE EXCUSE INQUIRY

On the excuse limb, the court reasoned that the words 'without any excuse' contemplate situations where the act was done to prevent a greater evil and found no material suggesting that Gyarsibai could not have escaped her situation except by jumping into the well. The court held that both limbs were satisfied for a conviction of murder under Section 302 as Culpable Homicide not amounting to murder under Section 304[6] was unavailable in the absence of an excuse.

THE COMMUTATION OF SENTENCE

Justice Dixit, however, recommended that the government commute the sentence to three years, on the ground that Gyarsibai, though not legally insane, could not have been in a normal state of mind when she jumped.[7] The conviction and the commutation recommendation pull in the opposite directions.

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[4] Indian Penal Code, s 300, cl 4.
[5] *Ibid.*
[6] Indian Penal Code 1860, s 304
[7] *Gyarsibai (*n1*)*

CASE ANALYSIS AND LITERATURE REVIEW

THE SANE/INSANE BINARY AND ITS FAILURE

THE COURT'S KNOWLEDGE FRAMEWORK AND PRIOR AUTHORITY

Justice Dixit held that every sane person is presumed to possess knowledge of the nature of their act, and this knowledge is not negated by any mental condition short of insanity. [8] The test employed was binary: the accused is either legally insane and incapable of possessing knowledge, or sane and therefore fully in possession of knowledge. No intermediate category is recognized.

The court's own sentencing recommendation, however, undermines this binary. The court acknowledged that Gyarsibai was not, and could not have been, in a normal state of mind when she jumped. The judgment therefore identifies three factual categories of mental state: insane, sane but not normal, and normal. At conviction, she is treated as though she possessed the same quality of knowledge as a person in full command of her faculties. At sentencing, the court concedes that she did not. These two positions held by the court are inconsistent.

Prior authorities took a different approach. In Emperor v Dhirajia,[9] a woman in sudden panic threw her children into a well and jumped after them. The Allahabad High Court assessed her actual mental state, accepted that knowledge varies between person, and convicted under Section 304 for culpable homicide not amounting to murder. In Supadi Lukada v Emperor, [10] a woman jumped into a well unaware that her infant was strapped to her back, the Bombay High Court found knowledge entirely absent and convicted under Section 304-A. Whereas Gyarsibai occupies the far end where knowledge was present and any excuse was rejected the conviction for murder sustaining. The decisive change between Dhirajia and Gyarsibai was not factual but methodological. The earlier courts assessed the knowledge factor subjectively but in Gyarsibai the assessment was shifted to an objective standard, and the judgment offers no justification for this departure.

BWS AND THE FAILURE OF THE BINARY

Lenore Walker's 1979 work on battered woman syndrome (BWS) provided the psychological framework that was missing in 1952. [11]Walker identified a three-phase cycle of violence: tension-

[8] *Gyarsibai* (n 1).
[9] *Emperor v Dhirajia*, AIR 1940 All 486
[10] *Supadi Lukada v Emperor*, AIR 1925 Bom 310.
[11] Lenore EA Walker, *The Battered Woman* (Harper & Row 1979) 42–54.

building, acute battering, and contrition. Over repeated cycles, the victims develop what Walker termed as learned helplessness, a state in which escape is perceived as impossible even when alternatives are available objectively.[12] Learned helplessness does not render a person legally insane. It does, however, alter how she processes risk, perceives available alternatives, and evaluates danger. [13] Battered women are not a homogeneous group as confirmed empirically, where the psychological responses clustered into at least three distinct profiles, with suicidal ideation present in over 40% of cases.[14] A legal test that makes this spectrum into a single presumption of knowledge cannot be sustained on the evidence.

COMPARATIVE ANALYSIS OF THE KNOWLEDGE STANDARD

The Dhirajia court adopted the subjective approach.[15] Gyarsibai abandoned this subjective inquiry in favor of an objective test without deliberating the rationale for this shift. The Supreme Court subsequently confirmed in Kesar Singh v State of Haryana that knowledge under Section 300 must be assessed on the specific facts of each case.[16] The Canadian Supreme Court took the principle further in Lavallée,[17] holding that the standard of reasonableness itself must be evaluated from the perspective of a person who has experienced sustained abuse. Gyarsibai does the opposite it substitutes the actual accused with an abstract standard, treating her as interchangeable with the reasonable person.

THE EXCUSE INQUIRY AND THE SLOW BURN

THE COURT'S NARROWING OF 'EXCUSE'

Section 300(4) requires that the act be done 'without any excuse for incurring the risk.' The statute does not define 'excuse.'[18] The court construed the term as requiring the prevention of a greater evil, adding a limitation the provision does not contain. Pillai's commentary on the corresponding provision

[12] Walker (n 10) 55–70.
[13] Walker (n 11) 55–70.
[14] Gül Karakurt and others, 'Intimate Partner Violence against Women in Turkey: A Synthesis of the Literature' (2014) 29(7) Journal of Family Violence 693, 694–695.
[15] *Dhirajia* (n 9).
[16] *Kesar Singh v State of Haryana*, Crim App No 754/2008 (Supreme Court), cited in Aditi Dhir, 'Analysing the Concept of Intention and Knowledge under the Indian Penal Code, 1860' (2023) 3 Indian Journal of Integrated Research in Law 1, 5.
[17] *R v Lavallée* [1990] 1 SCR 852.
[18] *Gyarsibai* (n 1).

supports the broader reading, noting that 'without any excuse' covers situations that fall short of the five special exceptions to Section 300.[19]

AHLUWALIA, THE SLOW BURN, AND THE EXCUSE INQUIRY'S FALSE PREMISE

The problem is what the excuse inquiry assumes. By asking whether Gyarsibai could have found an alternative, the court presupposes she was in a position to deliberate rationally. The court fails to acknowledge the years of domestic abuse that had degraded that capacity to deliberate. Walker's learned helplessness model explains the mechanism behind this; repeated cycles of violence produce a psychological condition in which the victim perceives alternatives as unavailable, even where an outside observer would identify them.[20] The excuse inquiry, as the court framed it, presupposes the very capacity that sustained abuse erodes.

In R v Ahluwalia[21], the facts of the case gave rise to the court acknowledging the battered woman syndrome. Kiranjit Ahluwalia endured ten years of sustained abuse before setting fire to her husband while he slept. The court of Appeal rejected the prosecution's reliance on the time gap to establish premediation, accepting instead that battered woman experience a 'slow burn' reaction. The accumulated trauma operates on its own timeline and a gap between provocation and response does not indicate premeditation. Gyarsibai's conduct after years of beatings culminated in being told to leave her own home which reflects the syndrome.

The decision in Ahluwalia stirred jurisprudential conversation in India on the cumulative effects of violence experienced by a woman during her marriage, effects that had neither been recognized by the legislature nor the courts. Scholars argued that a redefinition of provocation was essential to account for sustained abuse of this kind.[22] R v Thornton (No 2)[23] reinforced this, and the resulting pressure led the English Parliament to replace provocation with loss of control under the Coroners and Justice Act 2009, removing the requirement that loss of control be sudden.[24]

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[19]KI Vibhute (rev ed), *PSA Pillai: Criminal Law* (16th edn, LexisNexis 2025) para 24.4.4.

[20]Walker (n 11) 42–54.

[21] *R v Ahluwalia* [1992] 4 All ER 889 (CA)

[22]NR Madhava Menon, 'R v Ahluwalia: The Vindication of Battered Women' (1993) 5(1) National Law School Journal 172, 173–175.

[23]*R v Thornton (No 2)* [1996] 2 All ER 1023 (CA).

[24]Coroners and Justice Act 2009 (UK), ss 54–56.

GENDERED ASYMMETRY OF THE LEGAL STANDARD

There is also a structural asymmetry in the doctrine as applied. Dhirajia involved sudden panic in the face of an acute threat, and the court accepted the excuse whereas Gyarsibai involved cumulative suffering under chronic abuse, and the excuse was rejected without justification. The scholarship on Indian criminal defences suggest that they are built around male confrontation patterns, requiring suddenness and a single triggering event.[25] A study on domestic violence held that abuse should be measured by intimidation and control, not solely by discrete physical acts.[26]

Although Indian Legislature has not enacted any equivalent legislative reform like England,[27] Indian Courts have, however , improvised in applying the BWS doctrine in the way of Nallathangal Syndrome. Suyambukkani v State of Tamil Nadu[28] was the first application of the Nallathangal Syndrome, reducing murder to culpable homicide not amounting to murder. Manju Lakra v State of Assam[29] accepted sustained provocation under Exception 1 to Section 300. Amutha v State[30] applied the Nallathangal Syndrome at the anticipatory bail stage. The syndrome takes its name from a Tamil folk narrative in which a woman, driven to despair by her husband's cruelty, kills herself and her children. Indian courts have used it as a judicial framework to recognise that sustained domestic abuse can diminish a woman's culpability. These remain judge-made interventions, not legislative reform.

THE GAP THAT REMAINS

Both limbs of Section 300(4) were applied in Gyarsibai through frameworks that are not equipped to accommodate battered woman syndrome. The knowledge inquiry imposed a sane/insane binary that the court itself could not sustain after the conviction stage. The excuse inquiry demanded rational deliberation from a person whose capacity for it had been consequentially degraded by years of abuse. The court's recommendation that the sentence be commuted to three years[31] amounts to an acknowledgment that the conviction produced a disproportionate result. But a commutation recommendation does not create a place for an intermediate category of knowledge inquiry.

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[25] Sharada Medarametla, 'Battered Women Who Kill: The Indian Context' (2017) Christ University Law Journal 53.
[26] Heather R Bingham, 'Addressing Domestic Violence through Collaborative Approaches' (2005) 79 North Dakota Law Review 103, 108–110.
[27] Coroners and Justice Act 2009 (n 25), ss 54–56.
[28] *Suyambukkani v State of Tamil Nadu*, 1989 Cri LJ 1117 (Mad).
[29] *Manju Lakra v State of Assam*, 2013 SCC OnLine Gau 319.
[30] *Amutha v State*, 2014 SCC OnLine Mad 7364.
[31] *Gyarsibai* (n 1).

The Bharatiya Nyaya Sanhita, 2023, which replaced the IPC [32], still lacks a diminished responsibility defence.[33] It provides no statutory definition of 'knowledge' or 'intention' as independent mental elements.[34] The need for reform was identified in Indian law as early as 1993, noting that Section 498-A IPC was the only provision that came close to recognizing domestic violence and had been used only in dowry cases.[35] Gyarsibai exposed this gap in 1952 and the enactment of an entirely new criminal code in 2023 was the opportunity to close it which was not taken and the gap persists.

[32] Bharatiya Nyaya Sanhita 2023, ss 100–101

[33]Michael Hor, 'Homicide' in Jeremy Horder (ed), *Homicide in Criminal Law* (Routledge 2008).

[34]Harpreet Kaur, 'Crime against Human Body: Murder under Indian Penal Code' (2020) 3 International Journal of Law Management and Humanities 907, 910–911.

[35]Menon (n 23) 175–176.