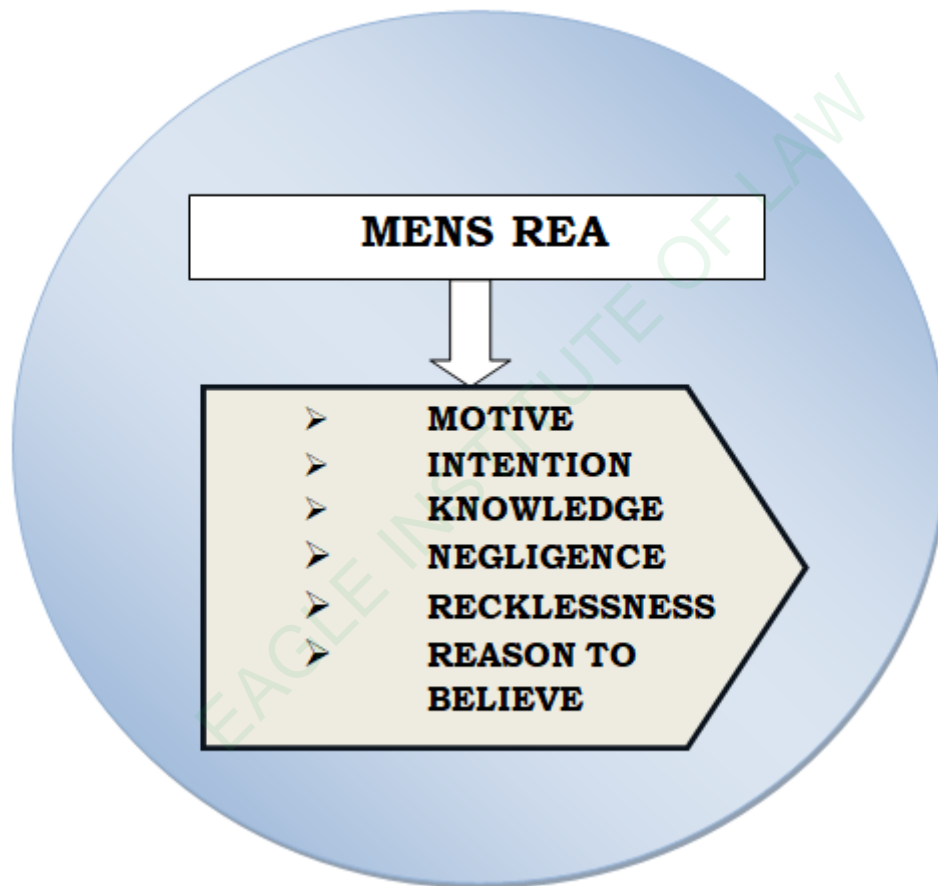




# **EAGLE INSTITUTE OF LAW**

## **ELEMENTS OF MENS REA**



1. Motive, 2. Intention, 3. Knowledge, 4. Negligence, 5. Recklessness,
6. Reason to believe

- The primary difference between intention and motive is that intention specifically indicates the mental state of the accused, i.e. what is going on in his mind at the time of the commission of a crime. In contrast, motive implies motivation, i.e. what drives a person to do or refrain from doing something.
- A person commits theft of some biscuits to satisfy his hunger. Here the motive is for good purpose namely satisfying his hunger but his immediate act of theft being with bad intention is punishable.
- When intention is in question, it plays a fundamental role that must be demonstrated to establish guilt. However, motive does not necessarily need to be present and does not always have to be proved in order to determine the criminal's culpability.
- If a person kills her mother to receive an inheritance, the inheritance is motive. This does not establish state of mind to commit murder. Prosecution must prove intent by showing killing was planned and deliberate.

MOTIVE	INTENTION
Motive is the ulterior (hidden) intention.	Intention is immediate mental condition.
Motive is the ulterior (implied) purpose of the act.	Intention refers only to the immediate purpose with which an act is done.
Motive is not the primary element for affixing culpability, so it need not be proven.	On the contrary, when the intention of a person, is the element of affixing criminal liability, it must be proven beyond reasonable doubt.

- Motive is something which prompts a man **to form an intention** (Motive serves as the driving force behind forming an intention). It is an emotion which impels a man to do a particular act. The motive of an act is not a sufficient test to determine its criminal character. The general rule is that motive is irrelevant in determining criminal liability. However, it is relevant on the question of intention. Even if the motive is pure, the act done under it may be criminal.
- Where there is clear proof of motive for the crime, this lends additional support to the court's finding that the accused was guilty but the absence of clear proof of motive does not necessarily lead to the contrary conclusion.
- Motive for an act cannot become a litmus test to determine the criminal characteristics. Where there is direct evidence against the accused, the motive becomes immaterial. But where there is circumstantial evidence, absence of motive is favourable to the accused.
- Motive is a personal notion, which is to be found through indirect evidence in a case.
- **Intention is derived from person's motive:** The motive is an **indirect way to prove** that something was done intentionally or knowingly. For instance, a defendant in an assault case may claim that he punched the victim by accident and thus did not have the necessary intent for an assault. Suppose the prosecution can demonstrate that the defendant and victim had been arguing shortly before the alleged assault. In that case, that motive can serve as circumstantial evidence that a defendant did intend to punch the victim. Alternatively, defendants can use the prosecution's lack of evidence of a motive as a "reasonable doubt" to avoid criminal liability.
- In order to establish the guilt of the accused, law takes notice of intention and knowledge but not motive. Although motive is not a sine qua non proving the guilt, it is relevant on the question of intention.

- **Intention** : The intention is the supposed action or purpose of the crime. It is the result of the motive and has a higher level of culpability since a harmful action was committed. The intent is characterised as a deliberate action and conscious effort to break the law and commit the offence. No matter whether the act is committed with good intent or bad, if a person does something purposefully and consciously which is prohibited by the law, it will amount to criminal liability.
- It has been held in **State of U.P. Vs E Nahar Singh, AIR 1998 SC 1328** that when the participation of the accused is established by the evidence of the eyewitnesses, absence of motive pales into insignificance and cannot be a ground to justify his acquittal.

## **KNOWLEDGE**

In criminal law, knowledge is one of the degrees of mens rea that constitute part of a crime.

Under the principle of ignorantia juris non excusat, ignorance of or mistake about the law is no defence. The mens rea of knowledge refers to knowledge about certain facts. This term applies if a person is aware that his or her actions will have certain results but does not seem to care.

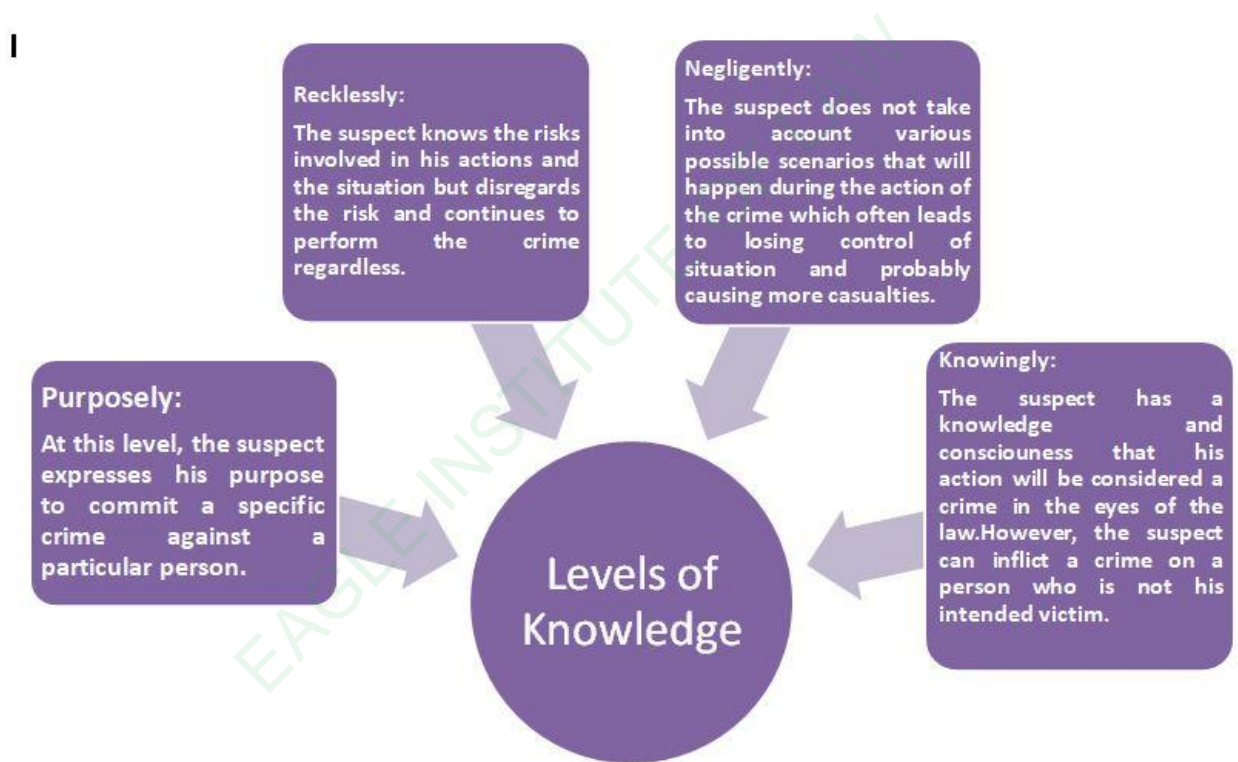
For example, if a person violently lashes out (hit) at someone, inflicting harm may not be her primary goal. However, if she was aware that harm would be a predictable result of her actions, then she is guilty of having criminal knowledge.

If the doer of an act knows or believes that dangerous result will emerge from his act, he will be said to have acted with the most direct intention to hurt. A man is presumed to intend the probable consequences of his acts.

For example, 'A' sets fire by night to an inhabited house in a large town for the purpose of facilitating robbery and thus causes the death of a person. Here, 'A' may not have intended to cause death, but he knew that death was a probable consequence.

### Levels of Knowledge

There are four levels of knowledge under criminal law which are necessary to understand clearly and separately to establish criminal liability.



**Negligence** is a breach of duty imposed by law. Negligence may be civil or criminal depending upon the nature and gravity of the negligence. Criminal negligence is gross and culpable neglect or failure to exercise reasonable and proper precaution to guard against any injury, Negligence is an omission to do something which a reasonable man, guided by those considerations which ordinarily regulate the conduct of human affairs, would do.

The defendant fails to meet the standard of care that a reasonable person would exercise, resulting in harm.

Example: A doctor fails to diagnose a patient correctly due to carelessness, leading to harm.

**Recklessness:** The defendant is aware of a substantial risk that their actions could cause harm but chooses to proceed anyway.

Example: A person drives at high speed in a crowded area, risking an accident.

**Culpability:** A mental state that includes purposely, knowingly, recklessly, and negligently

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