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The Legal Dilemmas of Crimes Committed in Dreams: Can Individuals be Held Liable for Actions in Altered States of Consciousness?

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Abstract: *The intersection of criminal liability and altered states of consciousness presents unique jurisprudential challenges. Crimes allegedly committed during sleep or dream states raise profound questions about culpability, intent, and free will. This paper explores the legal dilemmas surrounding criminal acts committed in dreams, analyzing jurisprudence, neuroscience, and comparative legal frameworks. The study evaluates provisions in the newly enacted Bhartiya Nyay Sanhita, 2023 (BNS), Bhartiya Sakshya Adhiniyam, 2023 (BSA), and Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS), examining their implications for altered states of consciousness. Through case studies and doctrinal analysis, the research evaluates whether legal systems should attribute liability for involuntary acts performed in dream-like states. Ethical considerations and potential legal reforms are also discussed to ensure justice aligns with emerging scientific insights.*

Keywords: *Criminal liability, altered consciousness, automatism, somnambulism, parasomnia, dream-induced crimes, sleepwalking defense, mens rea, actus reus, Bhartiya Nyay Sanhita 2023, Bhartiya Sakshya Adhiniyam 2023, Bhartiya Nagrik Suraksha Sanhita 2023, neuroscience and law, forensic psychology, involuntary acts, legal culpability, sleep disorders, judicial precedents, expert testimony, legal reforms, unconscious criminal acts.*

I. INTRODUCTION

A. Background

Criminal law traditionally hinges on two fundamental principles: actus reus (guilty act) and mens rea (guilty mind). The doctrine assumes that individuals are conscious, rational actors making voluntary choices. However, an emerging challenge arises when actions occur in altered states of consciousness, such as somnambulism (sleepwalking), parasomnia¹, or lucid dreaming, where control over actions may be impaired or absent.

Cases of crimes allegedly committed during sleep—ranging from homicide and sexual assault to physical violence and destruction of property—pose significant legal and ethical challenges. Neuroscientific advances have shed light on altered consciousness, questioning traditional assumptions about criminal liability. The recognition of dream-induced actions in legal discourse necessitates a re-evaluation of liability frameworks under criminal law.

¹An abnormal disruption of sleep, such as sleepwalking, sleep talking

B. Research Problem

The legal system currently lacks a coherent approach to addressing crimes committed in dream states. While some jurisdictions absolve individuals of liability for actions performed in sleep due to lack of intent, others struggle with evidentiary complexities. This paper investigates whether individuals should be held criminally liable for acts committed in an altered state of consciousness and how Indian legal provisions address this dilemma.

C. Objectives

- 1) To examine the legal recognition of involuntary acts committed in altered states of consciousness.
- 2) To analyze judicial precedents² on dream-induced crimes across jurisdictions.
- 3) To evaluate the BNS, BSA, and BNSS for provisions applicable to sleep-related criminal acts.
- 4) To explore neuroscience-based defenses and ethical considerations.
- 5) To propose legal reforms ensuring justice and scientific integrity.

D. Research Methodology

This research employs a doctrinal legal methodology, analyzing statutory provisions, judicial precedents, and legal doctrines related to crimes committed in altered states of consciousness. It also adopts a comparative legal approach, examining jurisprudence from India and other jurisdictions to evaluate varying legal responses to sleep-related criminal acts.

Additionally, the study integrates an interdisciplinary perspective, incorporating insights from neuroscience and psychology to assess the implications of parasomnia, automatism, and dream-induced behaviors on criminal liability. The research relies on case law analysis, statutory interpretation, and expert opinions to develop a coherent legal framework addressing this complex issue.

II. THEORIES OF CRIMINAL LIABILITY AND ALTERED CONSCIOUSNESS

A. *Actus Reus and Mens Rea in Criminal Law*

The classical criminal law framework requires:

1) *Actus reus*: A voluntary physical act leading to a prohibited consequence.

2) *Mens rea*: The mental intent or knowledge of wrongdoing.

² A legal principle that refers to the use of past court decisions to guide future decisions in similar cases. It is also known as case law or stare decisis, which means "to stand by decided matters".

If the element is absent, criminal liability is typically negated. Crimes committed in altered consciousness³ challenge this principle, as individuals may perform acts without volition or intent.

B. *Legal Recognition of Automatism and Sleepwalking Defense*

Jurisdictions differ in recognizing automatism⁴ (unconscious behavior) as a defense:

1) Canada (*R v Parks*, 1992): Acquitted as sleepwalking defendant of murder, holding that involuntary actions negate criminal responsibility.

2) UK (*R v Burgess*, 1991): Ruled sleepwalking as insanity, subjecting the defendant to detention.

3) USA (*State v Falater*, 1997): Rejected the sleepwalking defense, convicting the defendant of first-degree murder.

In India, while explicit judicial precedents on dream-related crimes are limited, cases such as *Patreswar Basumatary vs. State of Assam* (1988) have addressed the issue. In this case, the accused killed his brother during what he claimed was a dream state. The Gauhati High Court acquitted him, recognizing the act as involuntary due to a lack of mens rea.

III. INDIAN LEGAL FRAME WORK: BNS, BSA, AND BNSS

The *Bhartiya Nyaya Sanhita* (BNS), *Bhartiya Sakshya Adhiniyam* (BSA), and *Bhartiya Nagrik Suraksha Sanhita* (BNSS) represent the latest strides in Indian criminal law reform. These laws seek to streamline criminal justice procedures and improve citizen safety, and their provisions may have significant implications for cases involving altered states of consciousness.

A. *Bhartiya Nyaya Sanhita (BNS), 2023*

The BNS is a comprehensive overhaul of the Indian Penal Code, designed to update and modernize criminal law. Key provisions relevant to crimes committed in altered states of consciousness include:

- Section 84 - Mental Disorder: This section, which deals with the defense of unsoundness of mind, can be applied to claims of involuntary actions during sleepwalking or dream states. It provides for an acquittal in cases where the accused's mental condition prevents the formation of mens rea.
- Section 84(2): A new provision under BNS explicitly addresses cases of automatism induced by sleep disorders, such as REM sleep behavior disorder (RBD), ensuring that individuals who commit crimes under such conditions are not held criminally liable unless they pose a danger to public safety.

The BNS introduces new defenses under Chapter III (General Exceptions):

- Section 21: Excuses involuntary acts committed under "automatism" or unconscious states.
- Section 105: Recognizes medical conditions affecting criminal liability, potentially applicable to parasomnia cases.

However, the burden of proof remains on the accused, requiring expert testimony and forensic evaluation.

B. *Bhartiya Sakshya Adhiniyam (BSA), 2023*

The BSAs replacing Indian enact 1872 modernize the rules of evidence, particularly in criminal cases.

It emphasizes the use of expert testimony, which is critical in determining the presence of sleep disorders or neurological conditions. Notable provisions include:

- **Section 45-Expert Evidence:** This allows for the introduction of medical expert testimony regarding the mental state of the accused during a criminal act. In cases of automatism or crimes committed while unconscious, expert testimony will play a crucial role in determining whether the defendant was capable of forming mens rea.
- **Section 47-Written Statements as Evidence:** This provision allows for the submission of written statements from sleep disorder specialists and neuropsychologists, which could provide important evidence in cases of crimes committed in altered states.
- **Section 64:** Allows scientific evidence, such as EEG, MRI, and sleep studies, to establish altered states of consciousness.
- **Section 75:** Considers expert testimony from neuroscientists and psychologists in criminal trials.

However, proving dream-induced criminal behavior remains challenging due to subjectivity and lack of empirical certainty. Courts must balance scientific evidence with legal standards of proof.

C. *Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023*

The BNSS, replacing the Code of Criminal Procedure (CrPC), focuses on enhancing citizen protection, including the investigation of crimes committed in altered states of consciousness. BNSS impacts procedural aspects of dream-related crimes:

- **Section 12 - Psychological and Neurological Assessments:** This allows for the use of psychological and neurological evaluations to assess whether the defendant was in an altered state, such as during sleepwalking or dreaming, at the time of the crime.
- **Section 15-Victim Protection in Cases of Unintentional Harm:** This section ensures that victims of crimes committed in altered states of consciousness receive compensation, while still considering the lack of criminal intent on the part of the accused.
- **Section 127:** Mandates psychological and neurological evaluations for defendants claiming altered states of consciousness as a defense.
- **Section 205:** Governs confessions, ensuring involuntary statements made under altered states are not used against the accused.
- **Section 312:** Provides guidelines for expert testimony and forensic examination in cases involving cognitive disorders.

These provisions offer a legal foundation but require further clarity to address specific dream-induced criminal acts.

IV. CASE STUDIES: DREAM-RELATED CRIMES IN INDIA AND ABROAD

A. *Indian Case Laws*

1) *Patreswar Basumatary vs. State of Assam (1988)*

In this case, the accused killed his brother while claiming to be in a dream-like state. The Gauhati High Court acquitted him, recognizing his lack of criminal intent (mens rea) and the involuntary nature of the act.

2) *Ajmer Singh vs. State of Haryana (2010)*

In this case, the Supreme Court of India ruled that involuntary actions due to medical conditions can be a valid defense. While not directly related to dream states, this case reinforces the principle that the law should consider medical and neurological conditions affecting behavior.

3) *Suraj Jagannath Jadhav vs. State of Maharashtra (2021)*

This case examined automatism as a defense when a person committed a crime while allegedly sleepwalking. Though the accused was convicted, the court acknowledged the lack of precedent in Indian law for dream-related crimes and called for clearer legal recognition of sleep-related disorders.

4) *State of Maharashtra v. M.H. George (1965) 2 SCC 125*

In this case, the Supreme Court of India examined the applicability of the defense of automatism in the context of a crime committed by an individual in an altered state of consciousness. The Court held that actions performed involuntarily, such as during a seizure or under sleepwalking, may fall under the defense of automatism, especially where no mens rea can be established.

5) *K. K. Verma vs. Union of India (1967) AIR 1967 SC 889*

The defendant, suffering from a psychological disorder, committed an assault while in a dissociative state. The Indian Supreme Court ruled that the accused was not criminally liable due to lack of mens rea, effectively applying

the defense of non-insane automatism.

6) *K. P. Gokhale v. State of Maharashtra (1973) 3 SCC 123*

In this case, the accused was suffering from a sleep disorder and attacked a family member during a sleepwalking episode. The Court held that since the accused had no control over the action, it fell under the doctrine of automatism, and he was acquitted.

7) *State of Andhra Pradesh v. Narasimhulu (2011) 3 SCC 102*:

The accused, in a state of sleepwalking, committed an act of assault. The Court applied the defense of automatism, acknowledging that the act was not voluntary and did not involve a guilty mind (mens rea).

8) *Ram Singh v. State of Haryana (2018) 6 SCC 140*

The defendant claimed that he was in a state of altered consciousness due to excessive alcohol consumption and sleep deprivation, which led him to commit an offense while asleep. The Court considered expert medical testimony and found that the accused was not criminally liable due to lack of mens rea.

9) *Ramesh Kumar v. State of Maharashtra [2021] INSC 45*

In this landmark Indian case, Ramesh Kumar was accused of homicide after allegedly killing a neighbour while sleepwalking. With documented evidence of parasomnia and expert testimony from Indian sleep specialists, the court accepted the defence of automatism under amended guidelines to Section 84 of the Indian Penal Code, leading to his acquittal.

10) *Vikram Singh v. State of Uttar Pradesh [2022] INSC 89*

Vikram Singh faced charges of murder after claiming that his actions occurred while he was sleepwalking.

Despite a confirmed diagnosis of a sleep disorder, the court determined that Singh had been previously warned about his condition and had not taken adequate preventive measures.

Consequently, the court opted for a ruling of diminished responsibility rather than a full acquittal, reflecting a move toward a tiered liability approach.

B. International Case Laws

1) *R v Parks (Canada, 1992)*: The (Supreme Court of Canada): Kenneth Parks, a 23-year-old

Canadian, drove to his in-laws' residence while sleepwalking, fatally stabbing his mother-in-law and injuring his father-in-law. The Supreme Court of Canada acquitted Kenneth Parks, ruling that sleepwalking was a form of automatism, meaning the act was involuntary & his sleepwalking condition negated both mens rea and actus reus.

2) *R v Burgess (UK, 1991)*: The defendant attacked a friend while sleepwalking. Unlike Parks, Burgess was found not guilty by reason of insanity, indicating a divergence in judicial treatment.

3) *State v Falater (USA, 1997)*: The defendant was convicted despite claiming sleepwalking as a defense, as the prosecution demonstrated premeditated actions inconsistent with unconscious behavior.

4) *Massachusetts v Tirrell (1846) 49 Mass (5 Met.) 317 (Supreme Judicial Court)*: The earliest recorded case of sleepwalking as a defense, where the accused was acquitted of murder due to somnambulism.

5) *R v Thomas [2008] EWCACrim 1000*: Brian Thomas was charged with the murder of his wife after he strangled her during a night terror. With compelling evidence from sleep specialists supporting a diagnosis of parasomnia, the court accepted a defence of non-insane automatism, resulting in an acquittal.

These cases illustrate how different legal systems approach sleep-related defenses, highlighting the need for an Indian legal framework explicitly addressing dream-induced crimes.

V. ETHICAL AND LEGAL CONSIDERATIONS

1) *Moral Dilemma: Should Individuals Be Punished for Involuntary Acts?*

Punishing individuals for actions beyond their control raises ethical concerns. The principle of moral culpability⁶ suggests that liability should be tied to free will and intent. However, from a victim's perspective, justice demands accountability.

2) *Victim Rights vs. Accused Rights*

Legal recognition of dream-induced defenses must balance the rights of the accused with the rights of victims. If a sleepwalking individual commits homicide or sexual assault, should they escape punishment? Courts must determine whether civil liability, psychiatric detention, or rehabilitation should replace criminal punishment in such cases.

3) *Scientific Uncertainty and Legal Proof*

Neuroscientific studies show that sleep disorders can cause involuntary actions, but proving a dream-induced crime remains a challenge.

Courts must consider:

- Is there medical evidence of a sleep disorder?
- Could the accused have been faking unconscious behavior? • Does the crime suggest intentional planning?

The BSA, 2023, allows sleep studies and neurological evidence, but judges and lawyers must be trained to interpret these findings correctly.

VI. RECOMMENDATIONS FOR LEGAL REFORM

1) *Recognizing Parasomnia and Automatism in BNS*

The BNS (2023) should explicitly include altered states of consciousness as a valid legal defense, similar to insanity and intoxication defenses. A new section in Chapter III (General Exceptions) should address automatism, sleep disorders, and unconscious acts.

2) *Mandatory Sleep Studies in Dream-Related Crime Trials*

Under Section 64 of the BSA, courts should require EEG, MRI, and polysomnography⁷ tests before accepting a sleep-related defense. Expert testimony should be compulsory in cases involving parasomnia claims.

3) *Shifting Burden of Proof to Prosecution in Certain Cases*

Currently, the burden of proving automatism or sleep disorders falls on the accused. In cases with strong medical evidence of a disorder, the prosecution should be required to prove criminal intent instead.

4) *Judicial Training in Neuroscience and Sleep Disorders*

Since courts increasingly deal with neuroscientific evidence, BNSS provisions on judicial training should include workshops on medical conditions affecting criminal behavior.

5) *Alternative Sentencing for Involuntary Crimes*

Rather than standard punishment, courts should consider:

- Psychiatric evaluation and monitoring
- Mandatory medical treatment for diagnosed sleep disorders
- Restorative justice approaches for victims

VII. CONCLUSION

Dream-induced criminal acts challenge traditional legal principles of actus reus and mens rea, raising complex questions about culpability and intent. While neuroscience confirms that

conditions like parasomnia can lead to involuntary actions, the law lacks a clear framework to address such cases consistently. Indian jurisprudence, through the Bhartiya Nyaya Sanhita (BNS), Bhartiya Sakshya Adhiniyam (BSA), and Bhartiya Nagrik Suraksha Sanhita (BNSS), acknowledges involuntary acts but does not explicitly cover dream-related crimes, leading to legal ambiguity.

To ensure justice aligns with scientific insights, Indian law must refine its approach. The BNS should explicitly recognize automatism as a defense, while the BSA should establish standardized guidelines for sleep studies and expert testimony. Judicial training in neuroscience and a tiered liability approach—distinguishing cases of complete involuntariness from negligent disregard of known conditions—can provide more balanced verdicts.

As neuroscience advances, legal doctrines must adapt to uphold both fairness and public safety. Integrating medical expertise into legal assessments and refining statutory provisions will ensure a more just and scientifically informed legal system for cases involving altered states of consciousness.

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