

The Dilemma of Murderous Mothers: Exploring the Liability of Postpartum Psychosis as a Criminal Defense within the Legal Framework of Sri Lanka

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Abstract

Postpartum Psychosis (PPP) is a disorder in women who give birth while suffering from extreme agitation, hallucination, confusion, delusion, violence, suicide, and feeling of persecution. A few women; one in a thousand births, develop this disorder and will act on their impulses and harm or kill their babies or themselves. The etiology of PPP is not clearly defined, but many potential etiological factors have been implicated in developing this disorder among women. The risk factors among the possible factors are environmental, psychosocial, and biological factors. Women suffering from PPP have shown severe emotional imbalance, which applies as a criminal defence under criminal law in foreign jurisdictions. The main purpose of this research is to study the applicability of PPP as a criminal defence in the Sri Lankan criminal justice system by exploring criminal laws in foreign jurisdictions such as India, the United Kingdom and the United States of America. This research is mainly based on the normative method and qualitatively retrieved internet documentary analysis. This work has identified that the defence of insanity is applied to PPP by foreign jurisdictions to exonerate the accused from criminal liability. Presently, within the Sri Lankan Criminal Justice system, PPP is applied as an exception to murder, to mitigate the punishment but not as a defence. This work tries to find ways to apply PPP as a criminal defence by applying suitable contemporary developments in foreign jurisdictions to bring justice to women suffering from PPP in Sri Lanka.

Keywords: *Postpartum Psychosis, Defence of Insanity, Criminal Law, Criminal Liability, Sri Lanka*