

Pre-Menstrual Syndrome and Women Criminality: Applicability of Pre-Menstrual Syndrome as a Criminal Defence in the Sri Lankan Context

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Pre-Menstrual Syndrome (PMS) is a group of psychological and physical symptoms experienced by reproductive-aged women before their menstruation. Its aetiology is unknown and the prevalence is varying from woman to woman. Various researchers have been working for about 30 years and revealed that the nature of behavioural changes of severe PMS and female criminality has a close relationship. Many criminal justice systems allow female suspects to plead PMS as a diminish responsibility to mitigate their punishments. The main purpose of this research is to study the applicability of PMS as a criminal defence in the Sri Lankan context. Further, the researcher will explore the utilisation of substantive laws such as the Penal Code of Sri Lanka relating to PMS as a diminish responsibility/mitigatory factor. This research is mainly based on the normative method and qualitatively retrieved internet documentary analysis. Through this work, it is revealed that the national jurisdiction is in backwater to address PMS as a criminal defence although, in the light of the Penal Code, the defence of PMS could be applied in court houses of Sri Lanka. Further, it found that none of the reported cases addresses the issue of PMS so far in Sri Lanka. Through this research, it is recommended that the defence counsels and expert medical personnel should take immediate actions to introduce PMS as a criminal defence and /or mitigating factor in the Criminal Justice System of Sri Lanka. Further, the judiciary needs to apply the defence of PMS when delivering judgments in order to bring justice to female suspects severely suffering from this syndrome.

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