



Mental Health and the Indian Legal System

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1) INTRODUCTION

A lot of people have a lot of questions and queries regarding the concept of mental illness. It would be easier to get to know the physical reason for a physiological ailment, making it easier to diagnose and more correct. Whereas, the assessment of "mental illness" is subject to the person assessing it formed keeping in mind the medical and legal structure of the country. For a long time, society has linked criminal activity with mental disorders, especially in the grave and extremely violent crimes. Surveys conducted to gain public opinion around the world showed that people think that crimes and mental disorders are linked. For example, a survey was conducted in America in 2006 regarding schizophrenia. Results of the survey showed that 60% of people had an opinion that schizophrenic patients would act violently toward other people.

There are many questions surrounding the phrase "crime and mental disorder". Is there a relationship between criminal activity and a person's mental disorder? Are there particular types of mental disorders that could lead to specific types of crimes? There is a larger risk of a person with a mental disorder getting arrested. If we are trying to learn about the relationship or absence of one between mental disorder and crime, there are two ways in which it can be done. Firstly, we would investigate if there is a presence of a mental disorder in convicted criminals. Lastly, we would investigate if there is a presence of criminal behaviour in patients with mental disorders.

Another viewpoint is that public understanding of mentally diseased patients is the same as that of a criminal. It is largely due to the wrong representation by the media which refers to criminals as "crazy people". But there is a lot of data that doesn't support this view. The important element due to which mentally diseased people are correlated with criminals is the false labeling of mentally ill individuals as criminals.

Every individual has mental abilities which comprise elements like emotion, intelligence, memory, understanding, etc. Sometimes one of these elements is impaired it can be the cause of mental disorders and anxiety. There are two types of beliefs in most countries when it comes to mental illness and crimes. The first belief is that any crime done in unsoundness of mind cannot be considered a crime and the person with an unsound mind arrested for that crime should not be punished for the said crime because he is not aware of the nature and consequences of his act. Therefore, it is believed that a person with an unsound mind is less guilty than a person with a sane mind. The second belief is that punishment for unsound offenders should be less than the punishment that would normally be given for that said crime.

Mental health is one of the most important topics currently. Especially talking about teenagers. They might not always share how they are feeling. Awareness about mental health is very important for teenagers, especially after a rough time, like the pandemic. It has been seen that during the pandemic, things like financial instability, lack of social support from friends and family, and fewer physical meetings have led the kids to spend more time on the internet which has led to a significant increase in their stress levels. Many teenagers have come forward and talked about their experiences concerning mental health and have participated in various surveys but still, there are many teenagers who are scared to come forward and vocalize. A survey was conducted by parents of teenagers, between the ages of 13 and 18. Results of the survey show that out of 997 children - one in three girls and one and five boys were going through anxiety. UNICEF gave out a report which showed that of over 8440 participants, 27% reported anxiety and 15% reported that they have experienced depression in one week. We are talking about teenagers and conducting mental health surveys on teenagers because it is very important to identify the symptoms of mental disorders at an early stage and provide remedies like counseling medication and therapy.

2) ROLE OF MENTAL HEALTH IN CRIME

When we talk about the term mental disorder it can mean different things but basically, it refers to a special group of individuals who have a diseased mind. In England and Wales, there is an act called The Mental Health Act of 1983 which has provided us with four categories of mental disorders namely - mental retardation, mental illness, psychotic disorder, and other mental disabilities. According to mental health professionals, mental disorders are a consequence of some kind of damage to the individual's brain which alters the individual's ability to judge a good or a bad deed and the ability to perform actions properly. This alteration of their mental abilities can cause them to commit crimes as well as be involved in dangerous problems. There is a major difference between a mental disorder and a mental illness. In a mental illness, the individual's mind is weak due to some injury or some damage to the brain, whereas, in a mental disorder, the individual's brain is either not fully developed or it is in an imperfect condition. It has been observed that when two individuals are mentally ill and have the same illness, their behaviors would still be different from each other so it becomes very difficult to perfectly

define mental illness. It is also observed that a healthy individual's beliefs and a mentally ill person's mind are always at war with each other. A mentally ill person cannot fully comprehend the difference between good and bad actions because of their mental illness. Individuals who are suffering from mental illness commit crimes, either knowingly or without knowing the repercussions of their actions. People who are suffering from mental illness view themselves as being very different from other people who are mentally healthy. Many studies have shown that people suffering from mental illness also commit suicide, among other crimes. Those studies have also observed that suicide leads to a number of questions as we have seen in the past various cases where an individual has murdered his entire family and committed suicide after but still the cause of the crime and the mental health of the individual committing the crime is not known.

The attitude of the criminal justice system towards mental health has changed as their earlier approach suggested that most people fake mental illness to not be liable for the acts done by them. This approach, by the criminal justice system, has proved to be a failure and has caused many problems. In recent times, due to recent developments in cases like Mahendra K.C., the criminal justice system is changing its perception of mental illness. Due to the changed perspective of the criminal justice system, it is safe to say that the future of the criminal justice system has a great view towards mental illness in India. Crimes which relate to mental health issues are extremely delicate and it is important that the criminal justice system looks at the matter with a lot of seriousness. The main step to take here is changing the old ideology that we used to approach mental health issues.

3) THE ATTITUDE OF INDIAN SOCIETY TOWARD MENTAL HEALTH

By the time an individual reaches the age of 14, approximately one-fourth of all mental illnesses have appeared. Worldwide, the statistics for people suffering from mental illness have reached around one billion and out of these, substance abuse proves to be fatal for about 30 lakh people each year. Statistics for suicide show that at least one individual commits suicide every 40 seconds. It has been said by many researchers that a person will not be healthy if his mental health is not working efficiently. Mental health refers to a state of mental wellness that helps a person to efficiently handle everyday problems and work in a productive manner. When an individual's mental health is disrupted, it can mean that there is an issue with the functioning of that individual's mind. Combined, those are called mental health problems.

Individuals suffering from mental health problems find it difficult to perform regular family activities and maintain a social life. On the other hand, an individual who has stable mental health will find it easier to work in a productive manner and not be prone to mental breakdowns. Mentally well individuals will be capable of controlling their stress and anxiety. Therefore, we can say that our overall mental health consists of our psychological, social, and emotional wellness. Our mental health is a great influence on how well we function in our daily routine. Problems and illnesses like anxiety, depression, post-traumatic stress disorder (PTSD), and many more are incorporated into mental health issues. Due to the recent transformation of our social world into a virtual one, many mental health issues have surfaced. For example, it is not healthy for an individual if he or she is comparing himself or herself to others. As a result, the individual will suffer from reduced self-confidence and self-esteem which can lead to stress and anxiety and if left untreated, these can convert to severe mental disorders which would destroy his mental health completely.

In India, many people are unaware of mental health issues, and even those who are aware, take mental health for granted. The government, along with the people, has tried to educate the masses about the importance of mental health. The government has taken steps to bring awareness to people and one of those steps includes introducing a platform called the MANAS (Mental Health and Normalcy Augmentation System) application. It is an application that helps Indian citizens improve their mental health through ways like teleconsultation. Resources like health tracking and record of health data of an individual will also be available and stored in the app which will be helpful in the future for consultation. The primary function of MANAS is the promotion of mental health in individuals of ages between 15 to 35. The aim of this app is to create such a community that is mentally and physically healthy and builds a new and happier India. In addition to the MANAS app, the government has also provided us with a statute that concerns itself with the mental health of the people. The statute is called The Mental Health Act, 2017. According to Section 309 of the Indian Penal Code, attempting to commit suicide was a crime but this act of 2017 decriminalized that provision. The main reason behind the decriminalization of the attempt to commit suicide is that people finally realized that a person who attempts suicide must be mentally ill or deeply miserable. If we punish that person, it will only increase their sorrow and turn into a mental breakdown. Punishing a person going through that mental sorrow should be considered torture. The Mental Health Care Bill, 2013 was introduced in Rajya Sabha in the year of 2013 and was finally passed and enacted in 2017. This act of 2017 replaced the earlier Mental Health Act of 1987.

There has been a concern regarding the mental health of people in India by various psychologists but still, people rarely discuss the topic of mental health. Individuals, these days, are more concerned with competing with their peers in the employment sector than focusing on their mental health. It becomes very difficult to address the problem of mental health at hand because our country lacks the number of psychiatrists we have. Most Indians have an orthodox mindset and consider this problem as taboo so the problem remains unattended. Many Indians pay very little attention to their loved ones' mental health and believe that time will heal all their mental wounds without any external force helping them. Also, people with mental illness or drowning mental health do not share their condition or situation with other people because they are scared that society will judge them for their illness. According to recent research conducted by the Indian Journal of Psychiatry, it was concluded that after the pandemic, approximately half of the population of the country was impacted because of the pandemic. Some of those impacts included less sleep duration along with light sleep and some people also experienced psychological discomfort. And still, during the tough times of the pandemic, very little attention was paid to mental health. In India, due to the orthodox mindset of people, they believe that people who are suffering from mental illness are either mad or called crazy. Due to this very reason, people are scared of accepting that they are going through mental health issues and they do not go for a consultation with psychiatrists.

In India, mental health is considered a stigma and it is very expensive because of which many people are not able to seek treatment. On the other hand, the people who can afford to seek treatment lack awareness and accessibility to the treatment. Populations of special people in India like homeless people, people living in old age homes, orphans as well as children in juvenile centers are more likely to get mentally ill and this population of people has not gotten the same attention for mental illness as other populations. Recent research conducted has concluded that the expenditure incurred for the treatment of mental illness can cause a family to go broke as the costs for treating mental illness are very high. People who are in their middle age mostly suffer from mental issues and it is a drawback for the person as well as the economy because that middle-aged person will not be able to function productively. It is very essential for our country to openly talk about mental health issues and address them. The taboo should be removed from society and people should encourage each other to seek treatment for mental problems. The government should also encourage people to talk more openly about issues of mental illness and should tell people to get treatment if they are suffering.

4) MENTAL HEALTH AND THE INDIAN LEGAL SYSTEM

The system for governance and overseeing law operations in India is called the Indian Legal System. India is a very religious and philosophical country. In the earlier times of Arthshastra and Manusmriti, ranging from 400 BC and 100 AD respectively, these were the governing laws of the country. Manu, the creator of Manusmriti, had a philosophy that he preached in his script, which was tolerance. During the times when India was ruled by Islam, a new law came, which was only applicable to the Muslim community, called Sharia. When Britishers came to India and made it a part of their empire, the earlier traditions came to an end and the country was governed by the common law of Britain. Hence, we can say that the current judicial system of India has taken up the majority of its laws from Britain. Most of the Indian laws are taken up from the English Common Law System. As we know that Britain does not have a single codified document for their constitution, the majority of their laws are governed by Acts by Parliament, precedents, and conventions. Therefore, it is safe to say that the laws made for people suffering from mental illnesses in India are derived from British laws.

There is a very strong correlation between the treatment of the mentally ill and the concept of mental illness when we talk about law. The main concern of the psychiatrist is to diagnose a mentally ill patient correctly and move ahead, thinking about the well-being of the patient. On the other hand, the main concern of the court is the well-being of society and to investigate if the mentally ill person is dangerous to society. Before 1980, statutes and laws passed for people suffering from mental illness looked only at the situation with concern about society only. Whereas, after 1980, the laws that were passed also included the rights of mentally ill people.

4.1) CONSTITUTION OF INDIA

Article 21 of the constitution of India gives us the provision for life and personal liberty. It says that every person has a right to life and personal liberty which is guaranteed under this article. The right to life and personal liberty also includes other rights like the right to read and write, the right to give expressions and gestures, the right to move freely, and the right to communicate with other members of society.

Section 16 of the Representation of People Act, 1950 says that a person with an unsound mind will be disqualified from registration in the electoral roll which will be announced by a competent court. After a competent court declares a person to be of unsound mind, that person will not be allowed to hold any public office mentioned under the Constitution. The main public offices that are mentioned are the Office of the President, Vice-President, Members of Parliament, and State Legislatures.

4.2) LAWS IN THE INDIAN LEGAL SYSTEM FOR PEOPLE WITH MENTAL ILLNESS

In India, even before independence, the legal system had laws on paper related to mental health and the rights of mentally ill individuals. These provisions are:

- 1) The Lunacy (District Courts) Act, 1858
- 2) The Lunacy (Supreme Courts) Act, 1858
- 3) Indian Lunatic Asylum Act, 1858
- 4) The Military Lunatic Act, 1877

All of the above-mentioned acts have provided us with procedures for establishing mental asylums and how to admit people who are mentally ill. The Indian Lunacy Act of 1912 was the first act to lay down provisions and aware people of the rights of people who are mentally impaired. Mental asylums were called mental hospitals at that time and were established in 1922 after the Lunacy Act of 1912. These asylums were under a central authority that was responsible for regulating and supervising them. The act provided us with a clear procedure on the certificate and how to admit a patient into the asylum. The Lunacy Act, 1912, for the first time in India gave out the provision for voluntary admission by the mentally ill patient into the asylum. The main concern was to curb society from being harmed in any way because of mentally ill people and that there are no accidents where a sane person would be admitted to the asylum. These hospitals were staffed with psychiatrists who worked full-time in these hospitals. The Act also provided procedures for calling a mentally ill person to court and inquiring about an issue. After the completion of 2nd World War, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. Due to the outdated nature of the Indian Lunacy Act of 1912, the Indian Psychiatric Society came up with a new draft, to replace it, called the Mental Health Bill of 1950.

4.2.1) Mental Health Act, 1987

In 1987, Mental Health Act was an important act because it provided the definition of “mental illness” and also gave guidelines on the appointment of mental health authorities for efficient regulation of asylums and nursing homes for mentally ill people. This Act introduced a new way of treating mentally ill people by caring for them and not confining them to a particular place and holding them in custody. Following the guidelines provided by this Act, Central Mental Health Authority was created for the supervision and regulation of mental asylum at the Central level and the State Mental Health Authority was established to supervise the same at the State level. These authorities were also responsible for giving advice to the State and the Central government on matters of Mental Health. The act also provided provisions regarding the management and safekeeping of any properties that belong to people with mental illness. The Act also provided guidelines for police officers as well as the magistrate on how to handle cases that include mentally ill people and the procedure to avoid the cruel treatment that they have to suffer. The Act also included punishments that would be given to people who go against any provision of the act. The Mental Health Act of 1987 had a lot of significant features but it was criticized from the very beginning. The main reason and area for criticism were that it only gave out the procedures for admitting and guarding people with mental illness but it did not address their rights and what kind of care they should receive. The procedures and guidelines provided under this act are so complicated that the government was not able to implement those theories into practical life. The government could not implement the rules made under this act. This act did not go through a proper review by any court and because of this reason, its constitutional validity also came into question as it was considered an infringement of Article 21(personal liberty).

4.2.2) Persons with Disability (Equal Opportunities, Protection of Rights, Full Participation) Act, 1995

This act came into force in 1995. The main objective of the Act was to eliminate inequality when it comes to benefits enjoyed by non-disabled persons. The act also aimed to stop disabled people from getting abused and exploited. This act provided guidelines about the duties that the government should perform while creating programs that would help people with mental disabilities to get into the social mainstream. This Act classifies disabilities into two forms - mental illness and mental retardation. The Act contains provisions regarding benefits that are available to people with disability and the way to seek those benefits. The current status of this act is that it is being revised keeping in mind the United Nations Convention for Rights of Persons with Disabilities, 2006 (UNCRPD).

4.2.3) United Nations Convention for Rights of Persons with Disabilities, 2006

The United Nations Convention for the Rights of Persons with Disabilities came into effect in the month of December 2006. The Parliament of India ratified this convention in 2008. The countries that have adopted and ratified UNCRPD have to amend their laws of the land in accordance with the rules of the convention. As a result, all of the mental health laws in India got reviewed. In earlier times, mental disabilities were seen from a social perspective and the main concern for treating the mentally disabled was for social welfare. The convention shifts the focus from the issue of social concern to an issue of human rights. This shift was based on the presumption that there would be legal capacity and equality. Article 2 of the United Nations Convention for Rights of Persons with Disabilities says that people with disabilities have a right to be legally capable and be treated with equality in all phases of life. Article 3 of the convention provides that it is the duty of the state to ensure that people with disabilities are able to access support in order to exercise their right to legal capacity. Article 4 provides preventive measures that could be used to safeguard people with disabilities from getting abused by the system. This convention does not contain any provision which says that forced inventions should be prohibited and it also doesn't have a provision that allows mandatory mental health care.

The Mental Health Act, 1987, started its process of amendment which led to the submission of a Bill in the Parliament called the Mental Health Care Bill, 2011. Persons with Disability Act, 1995, has also undergone revision and instead of this Act, a new bill has been submitted. The bill is called the Rights of Persons with Disabilities Bill, 2011. Later on, the Mental Health Act, 2017 came into force replacing the Act of 1987, and the Rights of Persons with Disability Act, 2016, replaced the Act of 1995.

4.3) MENTAL HEALTHCARE ACT, 2017

The Mental Healthcare Act was passed by the government in 2017. This act was considered a step to cater to the needs of millions of Indians suffering from mental illness and wanting to seek help. The main objective of the act is to protect and execute the rights of mentally ill people and to give responsibility to the state to provide inexpensive mental healthcare to patients. Some of the drawbacks due to which the Mental Health Care act 1987 was replaced by the act of 2017 are –

- The definition provided of "mental illness" in the act of 1987 was restricted to "mental disorder" only and due to this, the scope of the definition was very limited.
- The Act of 1987 was not prepared while keeping in mind the guidelines provided by WHO for people with mental illness.
- The 1987 Act paid more attention to providing licenses to the authorities rather than talking about people with mental illness and their rights.

Mental Healthcare Act, 2017, commenced on 7th July 2018. The preamble of this Act provides for services and healthcare, related to mental health for people who are suffering from mental illness. It also outlines the rights that the act grants to people with mental illness while they are getting their

healthcare services. This act is a developing act and it focuses on the patient and their rights. The most important chapter of the act is Chapter 5 which talks about the rights of persons with mental illness.

Section 2(s) of the Mental Healthcare Act, 2017, defines "mental illness" as "a substantial disorder of thinking, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is the condition of arrested or incomplete development of mind of a person, especially characterized by sub normality of intelligence."¹

This Act gives the right to patients with mental illness to approach the institutions that provide rehabilitation facilities in hospitals and also at home or supported places of accommodation. It also grants mentally ill patients the right to confidentiality, cruelty prohibition, right to equality, and right to confidentiality. This Act also lays down restrictions in the form of certain procedures like sterilizing men and women as a way of treating mental illness. Procedures like the chaining of patients or secluding a patient from other patients were also restricted. The act provides guidelines for conducting research on mentally ill people and ways in which neurosurgical treatments can be used for the treatment of patients with mental illness. This act also states that it is the duty of the government to give treatment and care in the form of rehabilitation to a mentally ill person or a person who attempts to commit suicide.

Chapter 15 of the act provides for penalties and punishments. The punishments provided under this chapter are very harsh as they penalize for establishing and maintaining a mental health institution in contravention of the sections of the Act. The weak link here is that it is difficult to determine whether a contravention has been done on purpose or by mistake.

This Act, being very important and useful, has its shortcomings too. For instance, Section 87 of the Act provides that without the consent of the mentally ill patient, it would be allowed to admit the patient and treat him (only at the request of the nominated representative of the mentally ill individual). But the shortcomings can still be revised and amended.

4.4) RIGHTS PROVIDED UNDER MENTAL HEALTHCARE ACT, 2017

4.4.1) Right to gain access to healthcare facilities

Any mental health care facility provided and funded by the government will be accessible to any person who is in need of mental health care. According to the Act, the mental health care facility provided by the government should be acceptable to mentally ill people and their families. The Act also mentions that the facilities should not be expensive and the quality of their mental health professionals should be good. The Act does not want finances to be a burden for the mentally ill person and it is the right of the mentally ill person to have access to services of good quality.

The Act also ensures that the quantity of services is enough for the person to heal and that the mentally ill person does not have to travel a long way to access these services. The Act provides that it is the duty of the government to make healthcare facilities, funded by the government, in each and every district. If there is no mental healthcare facility in the district where a person with mental illness is residing, it will be the duty of the government to make sure that another healthcare facility is accessible to him free of cost as the cost will be given by the government. The Act says that there shall be no discrimination on any basis (gender, caste, religion, etc.) that shall refrain a person from getting access to proper healthcare services. And no healthcare provider will hinder the mentally ill person's right to access healthcare facilities.

4.4.2) Right to make an Advanced Medical Directive to the Doctors

An advanced medical directive means that a person without any mental illness would direct the doctor in advance, the steps that would be taken in case the person making the declaration gets mental illness. The person can also mention in their directive how they don't want to be treated as well. For instance, if a person makes an advanced medical directive that if in the future, his mental state deteriorates to a stage called the vegetative state, where the brain function is basically gone, and the advanced directive says that the person doesn't want any outside support like a ventilator, so he can write it all in advance and the doctor will follow the wishes of the patient through the directive.

The person who is making the directive will also have a right to appoint a person as a nominee whose duty will be to take all the treatment decisions and the nominee has to work in the best interest of the mentally ill person.

4.4.3) Right to Prohibition of Cruel and Inhumane Treatment

Alike Article 21 of the Constitution which ensures the right to a dignified life, the Mental Healthcare Act of 2017 also lays down a provision that a mentally ill person has a right to a dignified life as well. The Act also ensures the right to be protected from any kind of humiliating or inhumane treatment in any healthcare facility. The Act also provides other rights such as safety, hygiene, and the right to privacy.

¹ [Legal Rights of the persons with Mental Illnesses- A detailed study \(ipleaders.in\)](https://www.ipleaders.in/legal-rights-of-the-persons-with-mental-illnesses-a-detailed-study/)

4.4.4) Right to Access Free Healthcare Facilities

The act provides free-of-cost healthcare facilities to people who are either homeless or so poor that they cannot pay for availing the healthcare services. All establishments that are funded and run by the government shall be free for all the people who are mentally ill and below the poverty line. The government also has a right under this act to assign this provision of a free facility to other healthcare establishments as well. An Essential Drug List is notified by the government where medicines are listed for people who have mental illness and those medicines will be provided to those people free of cost. It will be the duty of the government to make this available in all government-funded healthcare institutions.

4.4.5) Right to Live in the Society

It is the duty of the government under this act to provide the mentally ill person services and facilities so that the person can live in society along with their family. These people are also a part of society and should not be secluded. In cases where the family of the mentally ill person has abandoned the person, the government has a duty of providing facilities and services. This act also provides another right to a new mother whose child is below the age of 3. The right is that if the mother of a child below the age of 3 is mentally ill, she will not be separated from her child on the basis of mental illness. This right also has a reasonable restriction that if the mother is harmful or dangerous to the child, the child will be taken away from the mother's custody temporarily.

4.4.6) Right to Information and Confidentiality

According to this Act everybody, even mentally ill people, are capable of making their own decisions. So, the Act says that while making any decision, the mentally ill person should be well informed. A mentally ill person has the right to information such as the right to know why he has been admitted and what kind of treatment he will get and it also includes information regarding any sort of side effects that might occur due to the treatment. This information has to be conveyed to the mentally ill patient as well as his representative in an understandable language.

This act also provides the right to confidentiality to every person going through mental illness. This confidentiality is only limited to his mental illness and the treatment that is being provided to him for that illness. Confidentiality sometimes also includes information on mobile phones or any recording devices. So, according to this Act, it is the duty of mental health professionals to only reveal information if it concerns public safety or any other person's safety. The other exception to the right of confidentiality is that a mental health professional can disclose information to the representative of the mentally ill person or disclose it to any other mental health professional for further treatment.

4.5) LANDMARK JUDGEMENT

Case law - Accused X vs The State of Maharashtra, 2019

The Hon'ble Supreme Court has given judgment in this case. This case is considered a landmark judgment in defining the relationship between mental illness and crime.

The facts of the case are that a person was accused of murdering and raping two girls who were minors. The case was introduced in the Trial Court and the court considered this case to be extremely rare so the accused got convicted and was sentenced to the death penalty. This case was appealed in the High Court as well as the Supreme Court but they also upheld the decision of the Trial Court. A revision petition got filed in the Supreme Court again and got dismissed again. After a while, the review petition was opened again on the grounds that the accused who was sentenced to the death penalty is mentally unstable as this sentence was awarded 17 years ago. Due to the accused being mentally ill, commutation of sentence will be considered a violation of Article 21 of the Indian Constitution. The ask of the petitioner was to convert the sentence of the death penalty to a sentence of life imprisonment.

According to the Hon'ble Supreme Court, there was no evidence that supported the claims of the Petitioner in his petition. The Court had two major issues in this case -

- 1) The decision of the Trial Court to not correspond with Section 235 (2) of The Code of Criminal Procedure, 1973 while sentencing the accused was right or wrong.
- 2) The issue of the Supreme Court was that after the conviction of a criminal if the convict gets mentally ill, will it be possible to convert their sentence of the death penalty to the sentence of life imprisonment?

On hearing these issues, the petitioner responded that according to Section 235 (2) of the Criminal Procedure Code, which talks about the right of the accused to get a pre-sentence hearing, was denied to the petitioner as his sentence and conviction orders were given on the same day.

The Apex Court gave judgment in this case. The first issue was rejected by the Apex Court. The Apex Court investigated to resolve the second issue and searched for answers like the meaning of mental illness, case history, etc.

The Apex Court, after careful consideration, found out that the accused was diagnosed with mental illness in 1994 and due to long imprisonment, the mental illness escalated. But the Apex Court felt that they could not forget the severity and brutality of the crime so the Court reduced the sentence of the death penalty and awarded the accused the sentence of life imprisonment.

5) CONCLUSION

Even though many people argue that the criminal justice system and mental health are two completely different topics, they are still connected in some ways. The main reason for the rise of mental health problems in India is people not talking about their mental health problems because they think that they will be judged as it is still stigma and a taboo in India to be suffering from mental health conditions. More than half of the people in India do not seek help from mental health professionals and they do not even talk about it due to their fear of being judged. The second reason that people do not seek help from professionals is that it is extremely costly and most middle-class people would not be able to afford the right kind of help. This is where the Mental Health Act, of 2017 comes into the picture and it provides less costly or free mental healthcare services to people who cannot afford these services or are below the poverty line. Due to this Act, it has been made possible that a person suffering from mental illness will not stop seeking help due to financial reasons. The Act has also made people aware of the rights that mentally ill people possess and it is very important to educate people regarding this topic. The link between mental health and the criminal justice system is the concept of mens rea and actus reus. Mens rea focuses on the mental part of the act and includes the intention behind the act whereas actus reus focuses on the physical part of the act. Even though it is established that people who are mentally ill should not be penalized and incarcerated but the statistics say that at least one of every three convicted prisoners is suffering from mental illness. After the release of prisoners from the prison, there is no support system in place to provide any assistance to prisoners. Female prisoners also suffer from mental health issues as they also have to face gender discrimination in prisons.