



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

---

## Mental Health linked with Crimes

Prashant Sharma<sup>a</sup>

<sup>a</sup>Government Law College, Mumbai, India

*Received* 26 March 2022; *Accepted* 13 April 2022; *Published* 18 April 2022

---

*Nowadays mental well-being is the key to a healthy life of a person. The right to health including mental health is a fundamental right under article 21<sup>1</sup> of the Indian Constitution. When a person's mental health derogates it leads to anxiety, uneasiness, depression, fluctuation in blood pressure, and other chronic diseases. Mental health is associated with crimes that lead a person to commit crimes when a person is not in a state of mind to make decisions with reasonable care. The article brought attention to the analysis of how the mental health of a person is associated with crimes & how we can maintain our mental wellbeing. The article takes into account the perspective of society toward a person who is diagnosed with mental illness. This article also brought up some cases related to the human right violation. It discourses legislation in India related to mental health which protects the rights of a person who is in an unsound state of mind or diagnose with mental health issues.*

**Keywords:** *mental health, crime, health.*

---

### INTRODUCTION

The mental health of a person is an ability to deal with stress, make decisions & other related issues. The mental health of a person includes emotional, psychological & social well-being which affect how a person thinks, acts & feels in different situations. Today people are very busy with their day-to-day life whether a student in school and college, an employee of a

---

<sup>1</sup> Constitution of India, 1950, art. 21

company, an entrepreneur who is working on a new project, a housewife who is concerned with her daily responsibilities & so on. People are ignorant about their mental health because it is intangible we can feel it but cannot see it. On the contrary, people are extremely concerned about their physical health & in order to maintain their physical health they do exercise regularly but when it comes to mental fitness they are completely unaware of the fact that how to maintain their mental health. The ignorant attitude of a person toward their mental health is not only harmful to that person but also detrimental to society at large. In many cases, mental illness results in violation of law & crimes are committed due to mental health issues.

### **MENTAL HEALTH & PERSPECTIVE OF INDIAN SOCIETY**

Earlier society termed men or women who have a diagnosis of a mental illness as a psycho or crazy or mad or lunatic person. These terms have certain language sensationalizes mental illness & reinforces stigma. These terms suggest to a person who has a diagnosis of mental illness that there is a lack of quality of life for people with mental illness which ostracize them from a community or group on the mere grounds of mental health issues & label them lunatic & unfit to live along with their community or society. Regular occurrence of ostracizing people from society due to their derogating mental health creates a fear in the mind of people who are suffering from mental illness that if they disclose the fact that they are diagnosed with a mental illness then the society will ostracize them & they have to live a tedious secluded life where people are reluctant to interact with them.

Earlier people also think that a mentally ill person is a threat to society as he or she can harm anyone at any point in time without any justification. In spite of the fact that he or she is suffering from a mental health issue, people keep on provoking & harassing them by calling names like crazy or lunatic or psycho in front of other people. Today, many people are aware of the fact that our mental health issues are as important as our physical health issues. They know that we need to maintain our mental health along with our physical health but still, there is an urgent need for more awareness about mental health so there are no stones left unturned.

Many organizations are working on mental health awareness as well as providing medical aid to the people who are diagnosed with mental illness. These organizations conduct the regular workshop in coaching classes, companies, firms, society, educational institutes, etc, which include certain activities like solving puzzles, acting & drama, one on one interaction, speaking on social issues & so on. These are fun activities in which you were completely engaged and mental health experts of those organization start observing your behavior & determine whether you are suffering from any mental issue or you are doing activities like a prudent person.

### **MENTAL HEALTH ASSOCIATED WITH CRIMES**

A person's mental health is a primary factor in order to take rational decisions using the application of the mind. Mental well-being also helps to determine the consequences of those actions that a person attempts to do with reasonable care toward other people. If a person is unable to take the rational decision as a prudent man with reasonable care toward other people then it will result in a violation of law & he/she shall be booked for committing crimes against a person or society. we have seen multiple times that a person is accused of heinous crimes & the accused take the plea that he was not in a reasonable state of mind in order to decide the consequences of their actions. Sometimes it was a genuine plea but in some cases, it was found that the accused take such pleas in order to escape from punishment after the crime was reported that was committed by the accused. We cannot desuetude the fact that mental illness is a genuine problem & if we failed to address it within the time then there are a number of innocent people were punished for the crimes that they were never intended to commit at any point in time in their life. Sound mental health is the primary source of thinking, taking decisions & evaluating the consequences of our actions.

### **LEGAL ASPECT**

The right to health is a basic human right that includes mental health covered under section 2(d)<sup>2</sup> of the protection of the Human Right Act, 1993 defined as the rights relating to life,

---

<sup>2</sup> Protection of Human Right Act, 1993, s 2(d)

liberty, equality & dignity of the individual guaranteed under the constitution of India. In 1948, the United Nation in Declaration of Human Rights affirms the basic principle that a mentally ill person should be treated with humanity & respect for the inherent dignity of the individual. There are multiple cases where the Supreme Court of India intervened in order to improve the functioning of the mental asylum. In the case of **Supreme Court Legal Aid Committee v State of Madhya Pradesh**<sup>3</sup>, the Supreme Court of India ordered to improve the condition & functioning of Gwalior Mental Asylum & provide better facilities to the patients boarding in Gwalior mental asylum.

In the case of **Sheela Barse v Union of India**<sup>4</sup>, non-criminal mentally ill people were detained in the jails of West Bengal. Supreme Court of India held that the detention of a non-criminal mentally ill person in jails is illegal & unconstitutional in the eyes of law. It was also termed as an inhuman activity that patients who were suffering from Mental health issues were detained without convicting or committing any crime in the jails of West Bengal. In the case of **Chandan Kumar v State of West Bersal**<sup>5</sup>, the Supreme Court of India admonish the mental hospital at Mankaundi, Hooghi & ordered to eliminate inhuman activities upon the patients by unruly & use of iron chain to physically control the patient by the hospital staff. The Court ordered the medical treatment for these patients and the cessation of such inhumane activities that harassed the patient. These are just a few cases that were reported in the past but there are many instances where such inhuman crimes were not even reported & patients were killed mysteriously without providing any justification by the medical authorities.

In India, Medical Health Care Act, 2017<sup>6</sup> provides guidelines on how to treat a patient suffering from mental health issues. It also includes certain health benefits which include a person shall have the right to appoint a nominated representative to take the crucial decision in the interest of the patient. Mental Health Care Act, 2017 also provide certain benefit related to the right to access mental health care, free & quality services, the right to community living, living in a safe environment, hygiene condition for living, getting basic amenities, right to legal

---

<sup>3</sup> *Supreme Court Legal Aid Committee v State of Madhya Pradesh* AIR 1995, SC 204

<sup>4</sup> *Sheela Barse & Ors. v Union of India* (1986) SCALE (2)230

<sup>5</sup> *Chandra Kumar Poddar v State of West Bengal* (1999) 2 CALLT 552 HC

<sup>6</sup> Medical Health Care Act, 2017

aid, protection from cruelty, inhuman behavior toward the patient is not tolerated in any circumstances, right to get free medicines & no use of electrotherapy without anesthesia.

Section 309<sup>7</sup> of the Indian Penal Code (IPC), 1860 criminalizes an attempt to suicide & a convicted person shall be liable to pay a fine or one year of imprisonment or both & a bailable offence. The sentence that was mentioned in Section 309 was excessive in nature. Now a person attempts to commit suicide we are presumed to be “suffering from mental health issues” & shall not be subjected to punishment, investigation & further prosecution. It is an optimistic approach to providing medical aid to the person who is suffering from extreme stress & mental illness that leads the accused to a situation where he or she wants to end his or her life without caring about their family & friends. In 1982, the government of India launched the National Mental Health Program (NMHP) to improve the mental health of the people & improve the status of mental health in India by creating more awareness & providing medical assistance to the patient who is suffering from mental health issues. NMHP has 3 components which include Treatment of the mentally ill, Rehabilitation of the mentally ill person & prevention & promotion of positive mental health.

## **MENTAL HEALTH LAW IN INDIA**

People are suffering from various mental health issues that cause anxiety, depression, mood swings, nervousness, uneasiness, fluctuation in Blood Pressure & other problems related to emotional psychological wellbeing. A person may suffer from mental health issues due to distancing oneself from people & favorite hobbies. A person could suffer from mental illness by regular consumption of tobacco, cigarette, alcohol, drugs & other substances that have the tendency to intoxicate a person. Human feelings such as a confused state of mind, anger, sadness, or scared may also trigger mental health problems. The constitution of India Guaranteed the right to life with personal liberty under article 21 ensuring citizens of the country, as well as a foreigner, live freely within the territory of India & were allowed to interact with each other. Article 21 of the Indian Constitution is a Fundamental Right & the Supreme Court of India in one of its judgement pronounced that Fundamental Rights are the

---

<sup>7</sup> Indian Penal Code, 1860, s 309

basic structure of the Indian Constitution. Mental asylums in India were governed under legislation passed by the Parliament. This legislation provides guidelines for the establishment of a mental asylum. It also provides guidelines for the regulation of mental asylum, facilities provided to the patient & procedure of admission for the patient in a mental asylum.<sup>8</sup> The legislation also passed an act in 1999 for the welfare of the people who are mentally retarded & suffering from a severe mental health issue that does not allow them to live independently & unable to live along with their family. The National Trust act, 1999<sup>9</sup> was passed to protect the rights of the people who are not mentally sound & provide equal opportunities to them in order to facilitate their life.

## CONCLUSION

We witnessed a sudden increase in mental health cases that resulted in either suicide or turning into criminals by committing crimes during the Covid19 period when a person's mental health was in a detrimental state as they were confined in their homes. There is neither contact among the people except in virtual meetings nor much interaction among the people. During the Covid19 pandemic, we have seen that mental health issues are playing into the gallery because it was the time when a large number of people suffering from mental health issues. The discussion over mental health issues will create awareness among the people that help to get access to a large number of people. Those who are suffering from mental illness will come up & ask for a medical diagnosis. The government of India envisages the establishment of the Central Mental Health Authority & State Mental Health Authority. Self Help Groups were organized to help people who are suffering from mental health along with community participation & help in reducing the social stigma that is associated with mental illness. There is an urgent need for mental health professionals to deal with the patients & provide them proper care so that they can recover as soon as possible. Special treatments are given to juveniles because they are unaware of the consequences of their actions that resulted in a crime that is committed by the juvenile.

---

<sup>8</sup> Manish Lakhawat, 'Human Rights of Mentally ill Persons' (*Legal Service India*) <<https://www.legalserviceindia.com/articles/mentai.htm>> accessed 25 March 2022

<sup>9</sup> National Trust act, 1999

The plea of mental illness taken by the accused shall be taken into consideration & investigation shall be conducted by the authorities before convicting the accused by the Court in order to avoid convicting an innocent. there is a need for the establishment of regulating authority for Mental Asylum that conduct regular visits & survey to improve the condition & facilities that were provided to the patients in the mental asylum. It is not only the Government or organization's responsibility to maintain the mental health of individuals but also individuals play a significant role in maintaining their mental health. In order to maintain mental health, people should meditate for 15-20 minutes daily, take 7-8 hours of sleep daily, they are advised to listen to music for 20-30 minutes daily, they should avoid over-thinking & procrastination, start spending quality time with family & friends, they are advised to avoid those people who discourage them to do work & study, for sound mental health individuals are advised to adopt a pet & start spending time with animals as they don't have any alter motive to hurt you but they truly love you, start doing some creative work like painting, content creating, writing, vlogging, gaming, etc to maintain your mental well being.

#### **ENDNOTE FROM THE AUTHOR**

There is a special message to the reader from the Author that those who are suffering from mental health issues, facing unbearable stress, worried a lot about the future, feeling anxiety & sleeplessness, feel low energy throughout the day, want to end up all the suffering or any issues related to your mental well being. The Author advised you to talk about it with your family, friends, mentors, collogues, teachers, or people around you. They will surely help you, it is not a matter of embarrassment but a matter of audacity that you come up with the issue in front of people when no one wants to discuss it because of fear or threat that they were ostracize from the community or society and required to live secluded life away from the people. You may be a torchbearer to someone who is suffering from similar situations related to mental well & you are not supposed to take extreme steps such as suicide, murder, or violating laws that will cause unliquidated damages to your family & loved ones who cannot be compensated by any remedy.