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HUMAN RIGHTS OF MENTALLY ILL PEOPLE

Sidharth Dev¹

INTRODUCTION

The rules and laws made to protect mentally ill people, like Mental Health Act 1985, Mental Health Care Act 2017, shows dangerous conditions of mental patients and rights and the protection they deserve. As they are mistreated, misused by the public, they should have protected legally. But that does not happen always. We can see patients are tortured and unscientific ways of treatments. Some are confused as some paranormal issue or treated in concept of religious beliefs and which results to another tortures. And also, many patients are kept isolated and denied their rights to dignity. Mental Health Care Act, 2017 specifically deals with their rights. It shows whatever power they have as a citizen to decide their own life. Their right to safety, dignity, and to protect themselves from mistreat and torture.

SOCIAL CONDITIONS

India is a country having a lot of people who are strongly devoted to traditions and religions. And because of the myths and beliefs, mental health and mental issues are some issues, where people having a lot of misunderstandings. Patients have attacked by public due to these myths. But like anyone else they also deserve rights. Decisions like Mental Health Care Act 2017 shows legal and moral importance of this issue. But like making of law, it is equally important to implement the law and make sure that law is implemented properly.

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STAGES OF DEVELOPMENT

Making laws of mental health had started even during the colonial period in India some are Lunacy Act 1858, Indian Lunatic Asylum Act 1858, Military Lunatic Act 1877. Under these Acts patients but detained in poor living conditions. This led to Introduction of Indian Lunacy Act 1912. It brought in fundamental change for management of mental hospitals but lacked in human rights, which led to Mental Health Bill in 1950 and finally implemented as an Act in 1987, but lacked on detailing treatment facilities, and led to Mental Health Care Bill 2013 and Mental Health Care Act 2017.

HUMAN RIGHTS OF MENTALLY ILL PEOPLE

Our society have a lot of myths about Mental Health and Mental issues. Our society have a lot of misunderstandings about this issue. Some believe children will not have this, some believe it is infectious disease, any many people deny the possibility mental illness they may get, but their behaviour towards the patients are the thing which makes it dangerous. Assumptions like Mental patients are generally aggressive, they are no use to society, will results to several attacks, unscientific way of treatment, and isolation from public. Some a believe it as ghost, and it led to several tortures as treatment. As these problems have been happening for many years, law makers and ruling bodies have given importance to their issues. Indian Lunacy Act, Indian Health Act 1987 are examples of changing measures and changing need for laws. Mental health Care Act 2017 have made a noticeable development in ideas about their rights and safety, some of them are:

1. Right to access to Health Care facilities,
2. Right to access to Quality Health Care,
3. Government shall make necessary services,

4. Right to Dignity,
5. Right to Community Living,
6. Right to Protection from Cruel,
7. Right to Protection from Abuse,
8. Right to Information about Treatment,
9. Right to Confidentiality.

The biggest threat to implement these are the behaviour of the people. Many of the complaints are ignored and tortures have been justified by illogical reasons. In many of the cases instead of giving proper treatment, patients are forced to face several tortures in name of traditions and religious beliefs. Behaviour of staffs in hospital s itself should be changed. Hospital fire in Erwadi which led to the death of 25 inmates who were tied to the poles, shows the condition of care and treatment they receive. Consulting psychiatrist itself treated as a shame, even avoiding minor stress in starting May led to suicides. So, like implementation of laws, educating people is also important.

LANDMARK LEGAL PRECEDENT

The Hon'ble Supreme Court's judgment in *Accused X vs. The State of Maharashtra*,² is famous as one of the milestone decisions in this space. The said case assists us with deciphering the mind-boggling connection among wrongdoing and psychological sickness.

For this situation, the denounced was accused of the assault and murder of two minor young ladies. The Trial Court expressed that this case went under the class of "*most extraordinary of interesting*" case and granted a capital punishment to the blamed. On request, the High

² Criminal Appeal No. 680 OF 2007.

Court and Supreme Court too affirmed the choice of the Trial Court to be right. On documenting a correction request, the Apex Court again excused something very similar. Notwithstanding, it was the point at which the instance of *Mohammed Arif vs. Supreme Court of India*³, was referred to that this case was returned as it was held that all audit petitions that are excused through dissemination should be resumed. It was submitted as the protection of the Petitioner that the sentence was conveyed before 17 long years and during this course, the denounced have created psychological maladjustment which disregards Article 21 of the Indian Constitution and that such a circumstance would be "*a happening situation justifying replacement of capital punishment to life detainment.*"

The Apex Court, nonetheless, put on record that the Trial Court as well as the High Court considered all viewpoints and given the denounced a very sizable amount of freedom to hear him and his entries. The Court expressed that the Trial court put on the record of the monotonous history of the Petitioner of committing the very offense and ignored his accommodation that his mom and more youthful sibling were reliant upon him. The High Court also went past the extent of Section 235(2) of the Cr.P.C. to give the Petitioner a compelling an open door to cite proof. In light of the aforementioned conditions, the principal issue was dismissed by the Apex Court.

The Hon'ble Supreme Court subsequent to thinking about all factors that lead to the responsibility of the wrongdoing and the lawful parts of relieving conditions that can be considered to preclude a sentence granted in a most extraordinary of uncommon case acknowledged the second main thing in need of attention. It was expressed that the Petitioner has had a few types of mental peevishness from 1994 and experienced long detainment as a death row convict. The ruthless

³ (2014) 9 SCC 737.

manner by which the wrongdoing was perpetrated and his propensity to carry out them can't be overlooked accordingly. The court diminished capital punishment to life detainment sans the right to abatement for this situation.

The Apex Court went above and beyond to express that the State Government should consider this case as the Mental Healthcare Act, 2017, and on the off chance that the Petitioner is seen as entitled, accommodate his freedoms under the Act.

CONCLUSION

Mental health is an issue having high importance. People who are isolated in name of Mental issues, people who are killed and tortured because of this issue shows importance of legal support they deserve. Studies of CPRD and UDHR also shows the same. Our Indian Constitution have provided legal rights and legal duties to the people. Now people have duty to provide many things. People should help to spread awareness about legal rights among people. It is never late to start and solve the issue.

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