

Accused 'X' Vs State of Maharashtra

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ABSTRACT:

The new era of recognition of mental-illness of prisoners has commenced with this judgment. With the Supreme Court allowing commutation of Death sentence to Life imprisonment of convicts suffering from mental-illness under exceptional circumstances. Seventeen years before the cognizance of court in this matter, the petitioner has suffered long incarceration as a death row convict, which resulted severe mental-illness such Schizophrenia or Some type of Psychosis. The judgment further issued guidelines to be followed in future cases. In addition to the immediate effect this judgment might have, it future holds interesting outcome of similar cases. Moreover in a country like India where 1 in 4 people suffer from mental health issues, the apex court does directly convey it's message regarding the importance of mental health and illnesses. Usually criminals are seen as cruel and a threat to society, however they're humans at the end of the day who found themselves in unfortunate circumstances and couldn't think beyond the temptation of the moment. It doesn't call for life Time of cruelty. And in our staunch opinion, it is not unfair to victims as the person convicted is given what he deserves, death comes to all regardless of their activities and post conviction mental illnesses are due to several factors being afraid of death is just one of them Criminals are without a doubt threat to society, they're harmful, but their activities do not exclude their families. A person who is already suffering for his deeds should not pay more for problems caused by circumstances. Even when their capital punishment is reversed, mental illnesses like schizophrenia, depression, PTSD last a lifetime if not treated well. Even with proper therapy the results cannot be guaranteed. Lastly The right to dignity of an accused does not dry out with the judges ink, rather it subsists well beyond the prison gates and operates until last breath. This classic judgment upholds right to dignified life, which is corner stone of our constitution.

Keywords: Death-sentence, Mental-Illness, Life-Imprisonment, Right to Dignity.

I. INTRODUCTION

As regards the scope of the words "life and liberty" which occurs in 5th and 14th amendments of U.S. Constitution, Field. J observed "*By the term "life" as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all these limits and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body or amputation of an arm or leg or the putting out of an eye or the destruction of any other organ of the body through which the soul communicates with the outer world..... by the term liberty, as used in the provision something more is meant than mere freedom from physical restraint or the bonds of a prison.*"¹

This Statement of Law was approved by the constitutional bench of apex court in *Kharak singh vs State of Uttar Pradesh*². Article 21 of the Indian Constitution has been held to be a succinct term to include within itself

¹ Munn V. Illinois, (1877) 94 US 113.

² (1964) 1 SCR 332.

all the categories of rights which go to make personal liberties of a man other than those dealt within clause D of Article 19(1). The Burden to justify the curtailments thereof must squarely rest on the State.

Mental illnesses are health conditions involving changes in emotion, thinking or behavior (or a combination of these) "Mental illnesses are associated with distress and/or problems functioning in social, work or family activities" as defined by American Psychiatric Association, hence anything causing someone mental illness is deprivation of his quality life further leading to violation of Article 21. Mental Illnesses are medically recognized and hence has as much as creditability as any other physical illnesses concerned even when it comes to person who is imprisoned. Mental health illnesses as health threat has been considered as a concern by judiciary as well as the legislature which has been reflected in Mental Health Act 2017 and many dictums passed by several courts in the country. However the case in question does expose a condemnable side of Indian Prisons and prisoners care, also we present contention regarding how post conviction mental illnesses of prisoners should be dealt with equal importance.

II. FACTS IN BRIEF

The instant matter pertains to reopening of the review petition, to Review final judgment dated 16.05.2008 passed by Supreme Court. Which upheld 2 years of rigorous imprisonment and Death sentence imposed upon petitioner?

The petitioner herein is accused of committing rape and murder of two small girls. The Trial court found that all the circumstances formed a complete chain pointing to the guilt of petitioner.

Then the High Court of Bombay in Criminal Appeal confirmed the conviction and sentence as awarded by the Trial Court including the sentence of death.

The matter was finally taken to the Corridors of Supreme Court in criminal Appeal, Supreme court confirmed the same holding that the case at hand falls into category of 'Rarest of Rare'.

The Accused in Present Review Petition pleaded on entirely new ground of Post Conviction Mental Illness. Which forced the full bench to develop landmark ratio in which Full bench dealt with the complex questions of mental illness and crime?

III. JUDGMENT

On the basis of various Evidences and opinion offered by expert psychiatrist, the petition was allowed and Death sentence was commuted to life imprisonment. The Full Bench also issued various guidelines which need to be followed in future cases which are discussed in Case Analysis below.

IV. ANALYSIS & COMMENT

The Guidelines issued in the instant case makes this ratio unique and landmark in the history of criminal jurisprudence of India, As it held's that 'Post Conviction Mental Illness' is the mitigating factor which appellate courts needs to consider while sentencing an accused to death Penalty. This Itself developed a New Ground where an accused can plead on basis of Severity of his mental illness and get justice directly from Lower Courts. The Full Bench while defining the 'Test of Severity' held that "*Considering that India has taken an obligation at an international forum to not punish mental patients with cruel and unusual punishments, it would be necessary for this Court to provide for a test wherein only extreme cases of convicts being mentally ill are not executed. Moreover, this Court cautions against utilization of this dicta as a ruse to escape the gallows by pleading such defense even if such aliment is not of grave severity.*" Moreover, due to legal constraints on the recognition of broad-spectrum mental illness within the Criminal Justice System, prisons inevitably become home for a greater number of mentally-ill prisoners of various degrees. There is no overlooking of the fact that the realities within the prison walls may well compound and complicate these problems.³ Furthermore taking more humanitarian and strict approach The Full Bench also held The State Governments are obliged Under Section 103 of the Act to setup a mental health establishment in the medical wing of at least one prison in each State and Union Territory, and prisoners with mental illness may ordinarily be referred to and cared for in the said mental health establishment. This Classic Case has already dispensed justice to thousands of people like 'Accused- X' herein, and who are in extreme sordid conditions in overcrowded Indian Prisons. But the ends of justice could be more fulfilled when it reaches to the last person of the society.

The biggest challenge in front of terminally ill patients is the knowledge of their death, reveals a Yale study. Mental illnesses like depression and schizophrenia are most common among life sentence prisoners. To understand the importance of the judgment one must be aware of the severity of the problem, there are there no full time Psychiatrists only visiting psychiatrics, across Maharashtra in prisons and even though the section 103 of MENTAL HEALTH CARE ACT 2017 clearly states every prison shall have one.⁴ The present judgment invites a new dawn to a new India which Is making efforts in pace with the rest of the world when it comes to mental health.

V. CONCLUSION

Our end note towards closure of this case comment Is to heartily appreciate and signify the impact that this judgment will have in near future. Also an ode to the honorable Bench who have paved a way for better life of the imprisoned. Being a landmark judgment per se, this judgment has potential to reverse many intense

³ Liebling, Maruna and McAra et al., The Oxford Handbook of Criminology (6th Ed.(2017)).

⁴ <https://www.outlookindia.com/magazine/story/mental-health-suffers-in-maharashtras-jails/300608>

punishments as given in this case. In a country like India, where large sum of population demands Capital Punishment for grievous crimes, it would be very debatable and interesting of what impact it will have on laymen perspective towards reversing capital punishment on grounds of mental illnesses. Despite of our current best efforts, we still aren't halfway to our goal of 'Quality Dignified life' as mentioned in the first paragraph in regards with article 21. Furthermore with the research which insist on better involvement of concerned authority towards the mental health of prisoners as there is no alternative for them apart from what is being served.

As truly said by Walter Lippmann 'For most part, we do not first see, and then define, we define first and then see'