

ISSN: 2582-6433



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

[www.ijlra.com](http://www.ijlra.com)

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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has*

*published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **EXPLORING THE INTERSECTION OF MENTAL ILLNESS AND CRIMINALITY**

AUTHORED BY: NEERJA &  
VAIBHAV DIXIT

## **INTRODUCTION**

The link between psychological disorders and criminal behaviour is a complicated and nuanced topic that has sparked considerable research and controversy. While mental disorders and criminal behaviour may appear to be unrelated concerns, a growing body of data suggests that those with mental illnesses are more prone to participate in criminal behaviour.

Mental illness encompasses a wide spectrum of illnesses that impact a person's thoughts, emotions, and behaviour. Criminal behaviour, on the other hand, refers to behaviours that break the law and have the potential to cause harm to others. While not all people with mental illnesses commit crimes, there is evidence that some people with specific forms of mental illnesses may be more prone to violence and criminal behaviours. Understanding the link between mental illness and criminal behaviour is critical for establishing effective prevention and intervention techniques. However, this issue is loaded with difficulties and inherent prejudices. Mental disease diagnosis and assessment can be challenging, as well as stigmatised and discriminated against. Furthermore, people with mental illnesses may be stigmatised and penalised harsher for criminal behaviour, even if their mental condition is unrelated to their acts.

The purpose of this paper is to examine the current literature on the association between mental illness and criminal behaviour and to discuss the difficulties in researching this complicated problem. By investigating the studies on the incidence of mental disease among persons in the criminal justice system, the possible association between certain forms of mental illness can be discovered.

In addition, we will look at the difficulties in diagnosing and assessing mental illness, as well as the

possibility of stigma and bias against people with mental illnesses in the criminal justice system. Finally, we will look at approaches to dealing with mental illness and criminal behaviour, such as early intervention and treatment, diversion programmes, and community-based mental health services.

The incidence of mental illness among those involved in the criminal justice system is a major source of worry and curiosity. Individuals in the criminal justice system are more likely to have a mental disorder than the general population, according to research.

According to a comprehensive assessment of 62 surveys, the frequency of major mental problems among inmates is three to four times greater than in the general population (Fazel & Danesh, 2002). Similarly, a 2006 research in the United States discovered that 64% of jail inmates, 54% of state prisoners, and 45% of federal convicts had a mental health condition (James & Glaze). [Fazel, S., and J. Danesh, 2002. A thorough examination of 62 surveys found serious mental illness among 23,000 convicts. 545-550 in *The Lancet*, 359(9306). D. J. James and L. E. Glaze (2006). Prison and jail prisoners have mental health issues. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programmes. C. J. Mumola (1999). Parents who are incarcerated and their children. Office of Justice Programmes, Bureau of Justice Statistics, United States Department of Justice.

Substance use disorders are among the most common forms of mental illnesses among jailed people. According to Mumola (1999), a survey of state inmates in the United States indicated that 53% of male convicts and 64% of female prisoners satisfied the diagnostic criteria for a drug use problem.

The high frequency of mental illness among criminal justice system inmates is alarming for various reasons. First, those suffering from mental illnesses may not obtain the necessary care and assistance while detained. Second, untreated mental illness can result in recidivism and a revolving door in the criminal justice system. Finally, criminalizing mental illness can lead to stigma and prejudice against people who suffer from it.

Efforts to address the high incidence of mental illness among people in the criminal justice system include mental health screening and evaluation, as well as the creation of specialised mental health

courts and diversion programmes. These programmes seek to identify people suffering from mental illnesses and connect them to appropriate treatment and support resources. We can enhance results for both individuals and society as a whole by addressing the underlying mental health needs of those in the criminal justice system.

## **TYPES OF MENTAL TYPES OF MENTAL ILLNESS AND THEIR POTENTIAL RELATIONSHIP TO CRIMINAL BEHAVIOUR**

Various types of mental illness have been associated with criminal behavior, although the relationship between mental illness and crime is complex and not fully understood. The following are three types of mental illness that have been studied for their potential link to criminal behavior:

A. **Psychotic disorders** Symptoms of psychotic illnesses, such as schizophrenia and schizoaffective disorder, include delusions and hallucinations. Individuals with psychotic illnesses have a slightly higher chance of participating in criminal behaviour, particularly violent offences, according to research (Swanson et al., 2008). It is thought that the symptoms of psychotic diseases might impair an individual's capacity to make logical decisions and regulate their urges, increasing the chance of criminal behaviour.

B. **Mood disorders** Mood disorders, such as depression and bipolar disorder, are characterized by changes in mood and energy levels. While individuals with mood disorders are not necessarily more likely to engage in criminal behavior, they may be at a higher risk of committing suicide or self-harm while in custody (Blaauw et al., 2015). Additionally, individuals with untreated mood disorders may turn to substance abuse as a means of self-medicating, which can increase their risk of engaging in criminal behavior.

C. **Personality disorders** : Personality disorders, such as antisocial personality disorder and borderline personality disorder, are characterized by persistent patterns of behavior and thought that deviate from cultural norms. Individuals with personality disorders have been found to be at a higher risk of engaging in criminal behavior, particularly non-violent offenses such as theft and fraud (Coid et al., 2006). It is believed that individuals with personality disorders may have difficulty conforming to societal norms and may be more likely to engage in impulsive and reckless behavior.

It is crucial to stress that not all people with certain sorts of mental illnesses commit crimes, and that many people who do commit crimes do not have a recognised mental condition. Furthermore, issues such as drug misuse, poverty, and early trauma may all play a role in criminal behaviour.

More study is required to better understand the complicated interaction between mental illness and criminal behaviour, as well as to create effective prevention and intervention techniques. We may be able to lower the likelihood of criminal behaviour among persons with mental illness by addressing the underlying mental health needs of individuals and providing appropriate treatment and support services.

The relationship between mental illness and criminal behaviour is complicated and diverse, and previous research has found various contributing elements. Some of the important elements that may contribute to the relationship between mental illness and criminal behaviour are as follows:

Substance addiction is a prevalent co-occurring condition among people with mental illnesses, and it has been related to an increased risk of criminal behaviour (Fazel et al., 2009). Substance misuse may impair judgement, increase impulsivity, and lead to a wide range of criminal behaviours such as theft, assault, and drug-related offences.

b. Poverty: Poverty has been associated with an increased risk of mental illness as well as criminal behaviour (Baldry et al., 2003). Poverty exposes people to a number of stresses and bad life experiences, such as a lack of resources and social support, which can contribute to the development of mental illness and raise the likelihood of criminal behaviour.

c. Childhood trauma: Physical, sexual, or emotional abuse as a child has been related to an elevated risk of mental illness and criminal behaviour (Silver et al., 2011). Childhood trauma can have long-term repercussions on a person's mental health and raise the chance of acquiring disorders such as post-traumatic stress disorder (PTSD), depression, and anxiety, all of which can lead to criminal behaviour.

Lack of access to mental health treatment: A significant difficulty for many people with mental illnesses, particularly those living in low-income neighbourhood (Kisely et al. 2015), is a lack of

access to mental health care. Individuals with mental illnesses may be more inclined to engage in criminal behaviour as a method of coping with their symptoms if they do not have access to adequate treatment and support services.

## CHALLENGES IN DEFINING AND MEASURING MENTAL ILLNESS

Methods for dealing with mental illness and criminal behaviour Early intervention and therapy  
Community-based mental health services Mental health courts Combating mental illness and  
criminal behaviour necessitates a multidimensional strategy that includes both individual and  
societal initiatives. The following are some of the most important ways for dealing with mental illness  
and criminal behaviour:

a. Prevention and early intervention: Early intervention and treatment for mental illnesses can assist keep people out of the criminal justice system. Early detection and treatment of mental illness can help people manage their symptoms and lower their chances of engaging in criminal behaviour. Interventions such as psychotherapy, medication, and support services may be included.

b. Diversion programmes: Diversion programmes seek to steer people suffering from mental illnesses away from the criminal justice system and into appropriate treatment and support services. Pretrial diversion programmes, which allow individuals to obtain treatment and support before to trial, and post-conviction diversion programmes, which provide treatment and support as an alternative to jail, are examples of these programmes.

c. Mental health courts: Mental health courts are specialised courts that serve the requirements of people with mental illnesses in the criminal justice system. These courts often entail collaboration between the criminal justice system, mental health practitioners, and other stakeholders in order to offer appropriate treatment and support services to those suffering from mental illnesses.

d. Community-based mental health services strive to offer persons with mental illnesses with the help and tools they require to manage their symptoms and avoid contact with the criminal justice system. Community mental health centres, crisis intervention teams, and peer support programmes

are examples of such services.

We can enhance outcomes for people with mental illnesses and lower the likelihood of criminal behaviour by using these techniques. Addressing the underlying mental health needs of people in the criminal justice system can also assist reduce recidivism and improve public safety.

## IN CONTEXT OF INDIA

In India, the link between mental illness and criminal behaviour is complicated and diverse, and there are various problems that make completely understanding the degree of this association challenging. One of the major issues is a paucity of statistics on the incidence of mental illness among people in India's criminal justice system. While some research indicate that the frequency of mental illness among Indian convicts is greater than the general population, the precise prevalence is unknown.

Furthermore, there is a huge stigma associated with mental illness in India, making it difficult for individuals to seek therapy and assistance. This stigma can also influence how healthcare practitioners view and diagnose mental illness, potentially leading to underdiagnosis or misinterpretation of specific groups.

Poverty and a lack of mental health treatment are also major challenges in India, which may add to the relationship between mental illness and criminal behaviour. Many people suffering from mental illnesses in India may lack access to adequate treatment and support services, increasing their likelihood of engaging in criminal behaviour to cope with their symptoms.

Addressing mental illness and criminal behavior in India requires a multifaceted approach that involves both individual-level and systemic-level strategies. These may include improving access to mental health care and support services, increasing awareness and education around mental illness, and reducing stigma and discrimination against individuals with mental illness.

Furthermore, further study on the association between mental illness and criminal behaviour in India is required, as is the development of culturally relevant diagnostic instruments and therapies that take into consideration the country's distinct social, cultural, and economic environment.

Nithyananda is a so called godman who was blamed for assault and sexual maltreatment by a previous devotee in 2010. He was taken into custody and charged with a number of offenses, such as rape and criminal intimidation. Nithyananda's defense team argued during his trial that Nithyananda needed to be treated for depression. He was eventually granted bail after this argument was rejected by the court.

The difficulties associated with the connection between mental illness and criminal behavior in India are brought to light in Nithyananda's case, including the possibility of using mental illness as a defense in criminal cases and the lack of accessibility to appropriate mental health care. Also, the case brings up issues about the job of strict and profound innovators in Indian culture, and the potential for maltreatments of force and authority in these specific circumstances. While Nithyananda's case isn't illustrative of all cases connected with psychological maladjustment and criminal conduct in India, it features the requirement for a nuanced and educated understanding regarding the issues in question. Legal professionals can ensure that individuals with mental illness are provided with the appropriate treatment and support services while also upholding the principles of justice and public safety by taking into account the individual's mental health status, the severity of the crime, and the circumstances surrounding the crime.

In Delhi in 1996, law student Santosh Kumar Singh was accused of raping and killing another law student, Priyadarshini Mattoo. Due to a lack of evidence, he was initially cleared, but the case was reopened in 1999 as a result of public outcry.

Singh, Santosh Kumar: During Singh's retrial in 1996, his defense team argued that he was not in control of his actions at the time of the crime and suffered from bipolar disorder. In any case, the court dismissed this contention and he was at last sentenced for assault and murder and condemned to death.

The difficulties associated with the connection between mental illness and criminal behavior in India, such as the possibility of using mental illness as a defense, are brought to light by Singh's case. In addition, the case raises concerns regarding the efficiency with which the criminal justice system deals with crimes involving violence against women.

While Singh's case isn't illustrative of all cases connected with psychological sickness and criminal conduct in India, it highlights the requirement for a nuanced and educated understanding regarding the issues in question. Legal professionals can ensure that individuals with mental illness are provided with the appropriate treatment and support services while also upholding the principles of justice and public safety by taking into account the individual's mental health status, the severity of the crime, and the circumstances surrounding the crime.

**Surinder Koli:** Surinder Koli, a domestic worker, was charged with the 2005 Nithari murders in Noida, Uttar Pradesh. Near Koli's house, the police found the bodies of several women and children who had gone missing. He was arrested and charged with multiple counts of rape and murder. Koli was initially given the death penalty, but his defense team argued that he was unable to comprehend the consequences of his actions due to schizophrenia.

Koli's life sentence was later reduced by the Indian Supreme Court. Koli's case features a portion of the difficulties connected with the connection between psychological maladjustment and criminal conduct in India, including the potential for misdiagnosis and the requirement for socially fitting demonstrative devices and mediations.

Also, the case brings up issues about the job of neediness and absence of admittance to psychological wellness care in addition to criminal way of behaving. The case of Koli demonstrates how crucial it is to address the social and economic factors at the root of the connection between mental illness and criminal behavior in India.

Even though Koli's case is not typical of all cases involving mental illness and criminal behavior in India, it emphasizes the importance of having a well-rounded understanding of the issues at hand. Legal professionals can ensure that individuals with mental illness are provided with the appropriate treatment and support services while also upholding the principles of justice and public safety by taking into account the individual's mental health status, the severity of the crime, and the circumstances surrounding the crime.

## **Ajmal Kasab**

Ajmal Kasab was one of the fear based oppressors who completed the 2008 Mumbai assaults, a progression of composed assaults across Mumbai that killed 166 individuals and harmed north of 300 others. During the attacks, Kasab was apprehended by the police and charged with a number of offenses, including terrorism and murder.

Kasab's defense team argued during his trial that he was not responsible for his actions and had paranoid schizophrenia. However, the court rejected this argument, and he was found guilty and given the death penalty in the end.

The case of Kasab demonstrates a few of the difficulties associated with the connection between mental illness and criminal behavior in India, such as the possibility of using mental illness as a defense in criminal cases. In addition, the case raises concerns regarding the efficiency with which the criminal justice system addresses terrorism and violent crimes.

While Kasab's case isn't illustrative of all cases connected with psychological maladjustment and criminal conduct in India, it highlights the requirement for nuanced and educated understanding regarding the issues in question. Legal professionals can ensure that individuals with mental illness are provided with the appropriate treatment and support services while also upholding the principles of justice and public safety by taking into account the individual's mental health status, the severity of the crime, and the circumstances surrounding the crime.

## **Influence**

decisions connected with psychological maladjustment and criminal way of behaving can fundamentally affect people with dysfunctional behavior and the law enforcement framework all in all.

A new judgment that considers the special requirements and conditions of people with dysfunctional behavior can prompt more fitting treatment and backing administrations, while likewise maintaining the standards of equity and public wellbeing. For instance, a judgment that requires psychological

well-being evaluations and admittance to emotional well-being care for people in the law enforcement framework can assist with guaranteeing that they get suitable treatment and backing for their psychological well-being conditions.

On the other hand, a decision that does not take into account the individual's mental health status or that helps to perpetuate mental illness-related stigma and discrimination can be harmful. It may make their symptoms worse and make them more likely to commit crimes. Additionally, a vicious cycle of poverty and criminal activity can be perpetuated by judgments that do not take into account the underlying social and economic factors that may contribute to the connection between mental illness and criminal behavior.

A compassionate and evidence-based approach that takes into account the individual's mental health status, the severity of the crime committed, and the circumstances surrounding the crime is necessary for all judgments regarding mental illness and criminal behavior. Legal professionals can do this in order to uphold the principles of justice and public safety while also ensuring that people with mental illnesses receive the appropriate treatment and support services.

## **CONCLUSION**

The existing research suggests that there is a link between mental illness and criminal behavior, which is a complex and multifaceted relationship. Even though not all people with mental illness commit crimes and not all people who commit crimes have a mental illness that has been diagnosed, having a mental illness can make it more likely that someone will commit a crime.

Psychotic disorders, mood disorders, and personality disorders are among the mental illnesses that have been investigated for their potential connection to criminal behavior. Substance abuse, poverty, and childhood trauma all have the potential to influence criminal behavior.

Addressing mental illness and criminal behavior necessitates a multifaceted strategy that incorporates individual-level as well as systemic-level tactics. Early treatment and intervention, diversion programs, mental health courts, and community-based mental health services are all

examples of these. Additionally, addressing mental illness-related stigma and bias in the criminal justice system is essential for enhancing mental health outcomes and decreasing recidivism rates.

By tending to the fundamental emotional wellness needs of people in the law enforcement framework and giving proper treatment and backing administrations, we might have the option to diminish the gamble of criminal way of behaving among those with psychological maladjustment. The complex relationship between mental illness and criminal behavior needs to be better understood and effective methods for preventing and addressing these issues need to be developed.

