

Ernakulam Psychiatric Society Oration

MENTALLY ILL PATIENTS AND THE NATION'S CRIMINAL JUSTICE SYSTEM

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For many present-day psychiatrists, the topic, 'Mentally ill patient and the Nation's Justice System,' would not appear to be part of Modern Psychiatry! For them, only what is known as the 'science' of psychiatry would arouse some interest! The main reason for this new attitude of new-gen psychiatrists is the milieu in which they got trained. They are all trained at cosy psychiatry departments in modern general hospitals or in one of our prestigious National Institutes.

But things were quite different in the olden days when psychiatrists used to get trained in mental hospitals. And for practitioners of the specialty, their main job, or rather life-mission, was to render good quality care and service to severely mentally ill patients! Even a good part of their professional thinking was about ensuring that patients would get hassle-free service! They were also concerned about whether patients were getting awkwardly caught in the tricky mesh of the justice system. Do institutions for the mentally ill, whether it be hospitals, care homes or jails, have the right kind of environments?

Today there is a schism between psychiatrists immersed in the science part and those who continue with their interest in mundane patient

care issues. And if the specialty is to blossom well, this schism has to be bridged. Every psychiatrist has to go beyond the narrow boundaries set by present-day biological psychiatry and get directly involved in patient-care issues. Even if the much-respected justice system is unfair to people with mental health problems, psychiatrists have a duty to be advocates for their patients and tell the justice system to mend its ways.

In ancient India, justice used to be meted out to people, based on the 'Arthashastra', which dates back to 400 BC and the 'Manusmriti,' which came- up in 100 AD. Indeed, in those days, they were influential treatises. Their texts were considered authoritative in the matter of maintaining law and order. But today, all those are old stories, and one has to keep in mind that the present Justice System in India, like in most modern countries, has evolved by copying Anglo-Saxon jurisprudence.

Indeed, the interface between Law and Psychiatry is quite extensive. Even so, psychiatrists have to keep an eye on the entire field with vigilance to ensure that persons in 'unsound states of mind' would not get hurt by punitive provisions of various laws; nor should the mentally ill cause any serious trouble to ordinary citizens in the country, by their

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aberrant behavior, which is part of their mental disorder. Unless psychiatrists are conscious of possible slips in both these areas, many times, miscarriage of justice is likely to happen, where mental illness is the real 'villain!'

Things would move on the right track only when all sections of society accept that people with mental health conditions must also have their human rights appropriately secured. With regards to practitioners of psychiatry, an attitude of empathy toward mentally ill patients have to be their drive-engine. Only then would they always think that rendering care and protection to patients is their duty and not something they do because of their generosity! Here the profession has to gratefully remember that Philippe Pinel, our great humane-reformer teacher, had taught humankind this profound truth long ago, at the turn of the nineteenth century.

When Pinel kindled a humane concern for the mentally ill, it influenced not just psychiatrists but in the developed West, it gave a wake-up call to every enlightened citizen as well! A great lesson that Pinel taught psychiatrists for all times is: "far from being sinful people, who deserve to be punished, the insane are sick people whose unhappy state deserves all the sympathy that we owe to suffering humanity."

A very positive aspect about the influence of Pinel is that along with all others, it affected all those who were part of the justice system as well. This fact got testified, when a sensational criminal case came up in London, over forty years after Pinel had unchained all patients in a mental hospital in Paris. The case was an attempt of assassination on the Prime Minister of England, Sir Robert Peel. An aide of the prime minister named Edward Drummond got killed by a gunshot. The culprit was one Daniel McNaughton, a wood-turner from Glasgow. During the eighteen forties, this case certainly captured the attention of that entire nation or, rather, the whole world!

As the attempt was to assassinate the prime

minister of the mightiest country in the world of those days, understandably, a nationwide angry public reaction took place. The popular demand was that McNaughton must be given exemplary punishment. But despite all commotion, the trial Court had no hesitation in taking a very compassionate stand toward McNaughton!

Based on the medical evidence that McNaughton was a mental patient, the jury took a unanimous decision that he was not guilty; they did not even take a recess or much time to decide the matter! They concluded that he could not be punished for a crime; he was incapable of committing it! The court sent McNaughton to 'Bethlem,' a mental hospital in London, for treatment.

That court decision was obviously based on the humane and kind attitude towards mentally ill patients that Pinel had taught humankind. But even so, that judgement provoked a nationwide angry reaction in England: the government appointed a panel of judges to study the matter and make recommendations. And based on the replies to many of their hypothetical questions to psychiatrists about an 'insanity-based defence,' that panel formulated many principles, which since that time has come to be known as the 'McNaughton Rules.'

And ever since that time, in all criminal trials, McNaughton rules has become a cornerstone concept to decide the culpability of an accused. The 'Criminal Responsibility' got always modified, or toned down, by McNaughton Rules. A simple fact that we present-day psychiatrists must understand from this story is that in those days, when doctors deposed before them, judges had no hesitation to make compassionate decisions in favour of mentally ill patients. The reason was that those who were part of the justice system had also imbibed a humane approach towards mentally ill patients, taking inspiration from Philippe Pinel!

In 1860, when India formulated its law for criminal justice, namely the Indian Penal Code (IPC), the same patient-friendly approach of

McNaughton rules got incorporated into that law. Section 84 of IPC states that, "Nothing is an offence, which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law."

Here, psychiatrists in India must appreciate that by including such a provision in our law, the nation has made a commitment that a victim of a major mental disease would never get punished in this country! With a strong humane influence of McNaughton rules on the criminal justice system in India, it has become mandatory to determine 'unsoundness of mind' while conducting trials in all criminal cases.

In the developed West, it became routine for the prosecution to produce a certificate from a psychiatrist, regarding the mental soundness of an accused, right at the commencement of all criminal trials. Later, they brought about many refinements of McNaughton rules. 'Durham decision,' 'American Law Board's view,' and so on became points to fine-tune the justice system's approach and that of psychiatrists to fix criminal responsibility with utmost precision.

Those days, for students in psychiatry, the study of McNaughton rules and its many legal refinements was considered quite necessary, to sharpen their legal acumen. The expectation was that, they would transfer their attitude of empathy and concern for patients to all others, including those in the legal profession; also, they could be of assistance to courts of law in making the right decisions.

Present-day psychiatrists have to take a lesson from the manner in which McNaughton rules was drafted and put to use in developed countries. It was instrumental in changing the attitude of not just psychiatrists; its ripples ensured that mentally ill persons do not get punished or get entangled in unnecessary legal tangles. And we have to be conscious of the fact that Philippe Pinel's humane sensibility quietly

spread, to the entire society, through McNaughton rules.

But despite Pinel's humane approach making an entry into the legal system, insights from psychiatry totally failed to make much of an impact on it in many other crucial areas.

The main reason for this shortcoming is that the Anglo-Saxon Justice System always had two important requirements, namely, 'actus reus' and 'mens rea,' for establishing the culpability of accused persons. Even today, these two Latin phrases are quite popular in legal circles as requirements that are to be fulfilled if the commitment of a 'crime' is to be established.

'Actus reus' means a 'criminal act' and 'mens rea' means a 'criminal mind.' The first requirement of making out whether an act is 'criminal' may not be very difficult, but establishing a 'criminal mind' in an accused person, is indeed a big challenge. The justice system has to transcend to the 'subjective experiential' world of accused persons to find out the presence of 'mens rea' in them!

Now, every medical practitioner can think of many situations where the issue of the justice system not making out the fact that accused persons do not have 'mens rea' or a criminal mind could land them in serious trouble. It could happen, not just in the case of mentally ill patients but in many of their medical patients, as well! Their diabetic patients in a hypoglycemic state, or those with a 'psychomotor seizure,' may do something when their mind is in a totally 'unknowing' or 'unaware state,' and as a result, could get booked for a serious 'crime!' Or take the case of an elderly gentleman, who had lived his life in an exemplary manner, developing a certain category of 'vascular dementia.' The disease makes certain 'wrong' areas of his brain discharge signals; and as a result, he may get caught, indulging in indiscreet and indecent sex-coloured behavior, with an adolescent girl! There are many more situations that one could think of, where diseased persons may be

rubbing the law-enforcement system in a wrong manner, even while they do not have 'mens rea,' but even so, landing up in serious trouble! There would not be any problem if the justice system has the ability to look for 'mens rea' or criminal mind and act accordingly. All those innocent, but diseased persons would not get punished when the legal machine moves on. But what is the manner in which the justice system work, in the present times? Even while many innocent persons get very badly traumatized by sharp provisions in laws, the justice system fails to even notice that serious miscarriage of justice is happening, owing to the manner in which judicial decisions are reached!

Looking at the whole issue, from the viewpoint of a practising psychiatrist, one strongly believes that, in the present times, judges face serious dilemmas, in many situations. For them, finding out 'mens rea' of accused persons is not an easy task; many times, it is just impossible! But despite this, it is as though, the justice system wants to believe otherwise! One even feels that they are retaining two Latin phrases, 'actus reus' and 'mens rea' in present-day law books in India to make those outside the legal profession believe that, those in their profession, especially judges, have a special God-given 'expertise' to make-out 'mens rea,' in accused persons!

But what is the reality? How does the system really work, to establish a 'criminal mind?' Or rather, how does our system conduct criminal cases? We get to see the police, the cutting-edge of the nation's law enforcement system, using third-degree methods on suspects! And in many cases, a good part of a prosecution case is built on data gathered by confessions extracted by such police investigations!

Despite this totally unacceptable way of the justice system to establish 'criminal mind' in accused persons, those in the profession of law want others to believe that finding out 'mens rea' is not difficult for them! How could this be acceptable? Indeed, sometimes we hear higher-ups in the justice system saying that third-

degree methods must be stopped, forthwith! But despite such solemn pronouncements, nothing happens! Police go on with their third degree-methods as usual!

In this situation, how could anyone be blamed if he thinks that such declarations against third-degree methods by higher-ups in the justice system are only part of some public relation exercise? Along with this, sometimes one gets to hear persons in senior positions in the justice system talking about 'truth serum,' 'lie detector' and so on, as ways to gather evidence! They talk as though truth serum and lie detector really work! But in reality, everyone who wants to follow 'science' in such matters knows for sure that such claims are unsubstantiated!

One strongly feels that there is a need for everyone, especially those in the justice system, to accept the need for better ways to make out 'mens rea' in accused persons. Only that way, their field can maintain the humane sensitivity that everyone strived to have, from the times of Philippe Pinel! Investigators of crimes, for sure, have to give up their third-degree methods! Instead, let them make use of more and more scientific methods, with vigour and perseverance. Also, the higher judiciary has to act decisively, to ensure that all its noble objectives are realized. At the same time, the justice system has to make use of the expertise of psychiatrists, to access the subjective experiential world of patients. After all, they have learned quite a few methods for doing it from doyens like Sigmund Freud and Karl Jaspers.

For all these, the justice system must be ready to first accept the fact that making out mens rea is an inherently complex task! They must be ready to accept assistance and help from every source, including the expertise of psychiatrists. At the same time, if the justice system thinks that they have an easy way of putting practising psychiatrists on witness stands on oath and making them reveal confidential information gathered from patients, it is bound to be a disastrous step.

It would certainly raise serious issues regarding the doctor-patient relationship and the ethical standards of both professions. Here, the need is to strike a balance between the requirement of the justice system to gather evidence truthfully and the right of a psychiatrist to keep the sanctity of his trustful professional relationship with a patient intact. This is something that leaders of both professions, law and psychiatry, have to sort out by applying their minds rather intensely. A just and proper way forward has to be found. Objectives of both professions must be met, and also, the interests of justice, as well as the dignity and autonomy of patients, are to be protected.

Today, anyone ought to be deeply disturbed when he knows that so many mentally ill patients are in jails in this country. They all have diseased minds and obviously could not have 'mens rea' or a 'criminal mind!' The whole situation is a pointer towards a serious system-failure of the nation's justice system! It is really a sad and shameful situation when rich and powerful people escape conviction, as famous and expensive lawyers are there to defend their cases. But mentally ill patients or similarly disadvantaged persons land up in jails to lead sub-human lives!

If we look at matters with a sense of history, the fact is that the humane attitude that professionals in law had, at the time McNaughton's rules got drafted in 1843, has disappeared completely, in the present times! Presently, the legal profession is no longer taking any initiatives to protect the interest of patients who do not have 'mens rea.' They are going on, in their separate track, where showing a humane concern for severely mentally ill patients is not in their agenda! They do not bother when too many mentally ill patients get hurt seriously and land up in jails when their juggernaut moves on! They have no interest to study the interface between law and psychiatry or even to collaborate with psychiatrists!

Now, apart from the issue of deciding criminal responsibility, as well as the need to find out

'mens rea,' of accused persons, there are many more areas where the expertise of psychiatrists would be useful, for a better administration of justice. Finding out the 'fitness to stand trial' of accused persons is one such important area. A frightful situation in the country today is that many scores of 'under trials' are in its jails! This situation is very unacceptable as many such persons in jails are there for periods far exceeding the time they could have been jailed if their trials were conducted and they were awarded punishment for the alleged 'crime!' In such a terrible situation, the National Human Rights Commission occasionally making an observation that 'mentally disabled are not to be lodged in prisons,' or telling state governments to 'provide them proper care' is not what the nation expects. There should be concrete actions.

If the present terrible state is to change, the legal profession all over the world has to recapture the same humane concern that their forefathers had in England during the mid-nineteenth century, when they framed McNaughton's rules. And for sure, psychiatrists have a duty to keep alive that humane spirit, which had been kindled in everybody by Pinel, at the turn of the nineteenth century. Here, courts have to accept the fact that, if they had taken the assistance of psychiatrists, to evaluate the 'fitness to stand trial,' the present situation could have been avoided.

A further important point that must be realized by all is that, not only in deciding 'culpability' and 'fitness to stand trial,' there are many other areas, in the justice system, where the presence of mental disease can have a terrible impact that may lead to miscarriage of justice!

A disturbing reality is that many times the legal profession is failing to even protect citizens from oppressive plights caused by the abrasive behaviour of mentally disordered persons! For example, a person, who takes the witness stand may be a victim of a serious personality disorder and for that reason fabricate totally false stories. If the presiding judicial officer goes

on writing down all such 'cock-and-bull stories' as evidence, how would that help him to reach the truth?

Also, on some occasions, there will be a need to direct a spotlight on the mental status of even a complainant, if the justice system is not to be led through a garden path! Maybe, in all such cases, a psychiatric examination would not be necessary. But at the same time, all concerned judicial officers, lawyers, and investigators ought to have an elementary understanding of mental health issues. Or else, many disruptions and even miscarriages of justice are bound to happen.

To give some examples: A fifty-year-old lady says that when she was 10 years of age, she was sexually abused by an uncle in the neighbourhood, who right now is an eighty-year-old multi-millionaire! Another 75-year-old man is facing a complaint of committing a sexual offence, by a very able-bodied and well-educated young lady! Issues involved in all such cases are very serious. But there is a need to collect and sift data or evidence from all areas, including the mental state of complainants, to ensure that justice is always the winner.

Take another case of an adolescent girl, or rather a young lady eloping with a person with whom she has only some casual acquaintance. This indeed is a common occurrence if one goes by media reports. In such a matter, when agitated parents of the 'young lady' take the case to the high court, the judge checks her age and makes sure that she is already eighteen! And based on that one finding, the court decides the matter and decrees that she has a legal right to live with the man of her liking!

A sad aspect is that the concerned young lady may be a mentally disordered person, who has 'bipolar mood disorder' with or without an underlying 'borderline personality disorder!' Her social judgement was faulty, at the time she took the disputed decision! The judicial decision would have been different if that aspect had been taken into consideration.

Obviously, the determination of the mental status of the lady ought to have been the key area, while adjudicating. But when the court fails to know about the mental disease, causing the impairment in social judgement it allows the young lady to live with the man of her liking! Parents could only watch helplessly, when their dear one, brought up with lots of love in great style, walks away with a young man, who drives an auto for a living and has not even a pucca house to live in!

It is obvious from the manner in which the judicial process goes on in all such cases that psychiatry is not being given its rightful place. The reason: an extremely popular, but patently wrong notion that judges have an innate competence, to find out whether an accused has a mental disease or a criminal mind! But in many situations, mistakes are bound to happen, when judges decide everything based on their wisdom! And if matters are to be set right, both professions, law and psychiatry, ought to work together, for the sake of helpless mentally ill patients as well as the entire society.

A popular view is that making out the mental status of persons is not a technical job! Even laymen could do it and judicial officers could do it perfectly! A sad aspect is that there are even some laws in this land, which has an explicit provision requiring judicial officers to 'personally examine' and find out whether a mental disease is there in a person!

Let me give an example, from one law that is familiar to me, the Mental Health Act, 1987. In section 22 [3] as well as sections 24 and 25 of that act it is stated that "the magistrate shall personally examine the alleged mentally ill person." The law presumes that judicial officers are competent in determining the presence and nature of mental illnesses in people! Look how disastrous the situation is when the law states that 'when two psychiatrists reach a different diagnosis, in the case of a patient, the judge should directly examine a patient to decide the issue?'

The fact is that, making-out 'mental states,' of a person, whether an 'accused' or a 'patient' is a more difficult task than making a diagnosis in all other fields of medical practice! So, what a judicial officer ought to do is to get the concerned person examined by a psychiatrist. The court must decide the issue, based on the deposition by a psychiatrist. If two psychiatrists give differing opinions, the court may appoint a third psychiatrist or even a board of psychiatrists. While the prerogative to make a judicial decision is that of courts alone, it must be based on clinical examination and a report made by a psychiatrist, who only has the required training to do it.

Today, what happens is that many patients who lack the clout to defend their case get punished, overlooking the presence of a mental illness in them! And as a psychiatrist, one gets deeply disturbed, seeing this awful situation. It is sad that many scientific reports are there showing that, of those who land up in the country's jails, after its elaborate process of law, one out of every five is a mentally ill patient! This has to be viewed as a serious matter by professionals of both psychiatry and law.

The justice system has to realize that it is an extremely difficult task for them to find out whether an accused brought before them has a criminal mind! In many situations, the expertise of psychiatrists could be helpful for judicial officers and hence they must not hesitate to make use of it. Both professions, law and psychiatry ought to work together and exchange their knowledge and experience, for the sake of helpless mentally ill patients as well as the entire society.

True, even today no scientific method is available in psychiatry or in any other field, to access the subjective experiential world of a human being! The concerned individual, whether he is an accused or a patient, has to decide on his own, to open up and reveal various thoughts and feelings in his mind! How difficult and tricky the whole situation is, would be revealed if one looks at the law to prevent

sexual offences against children. No doubt such offences are obnoxious and must be prevented by every possible means. But many times, problems are quite tricky. It is an extremely difficult task to distinguish between a 'good touch' and a 'bad touch' or even to conduct an interview with a small child. And entrusting this highly professional job to persons who are not properly trained, could sometimes be disastrous.

Let us be aware that, by their very nature, children are highly suggestible. Some children yarn stories quite unintentionally, which unfortunately may incriminate a decent person! It is quite possible that an untrained person may find 'signs' indicating a serious offence from a child's statement, while the whole thing would be mere falsification. A product of the immature mind of an innocent child!

These days too many laws get enacted, without lawmakers even being conscious of the collateral damage they do, as is evidenced by various provisions in many new laws. As an example, let us take a provision in the current suicide law, where abetment to that act is laid down. The present law presumes that the husband has abetted in his wife's suicide if the event has taken place in the first seven years of marriage!

He must prove his innocence, to avoid getting prosecuted in the case! Obviously, such a provision is included in the law without an awareness that most suicides happen because the victim has a biological disease, namely 'major depressive disorder (MDD).' But unfortunately, those who drafted the law have not considered this fact. Instead, they have gone with a very popular misconception that most suicides have social causes! In their oversimplified logic, they had thought that if the wife commits suicide, her husband has to be the cause!

A danger of this patently wrong stand is that when a wife develops a mental disease, like MDD or schizophrenia with high suicidal risk,

any husband, who is in the early years of marriage and knows the present Law, would send his wife back to her parental home. That is the only way for him to avoid getting prosecuted! He will not want to take the illness of his wife as a 'medical' issue! The issue here is the shifting of the onus of proof from the prosecution to the defence, without enough thought on its repercussions! There are many situations like this, in many laws in this land, especially in those enacted during the last twenty-three years.

A matter of serious concern for psychiatrists is that mentally unsound persons are not insulated enough from possible assaults by provisions in many new laws and the harsh ways of applying them! Added to their huge burden of a mental illness, if a patient is required to bring evidence to fight a court case against the mighty State, to establish that he is innocent, it would be terrible; something that is just impossible!

Before winding up, it must be recalled that Indian Criminal Justice System has inherited a humane approach towards mentally ill patients by copying Anglo-Saxon laws. This is something that the nation must gratefully acknowledge. It had helped our system a lot when the same sensitive and thoughtful approach in McNaughton rules, was used in various situations. A presumption of innocence in accused persons, till his guilt is established by a due process of law, as well as the onus to prove guilt being vested with the prosecution, always used to be great plus-points, in our legal system. Let us also be conscious that in many Asian countries that did not copy Anglo-Saxon laws, the same sensitiveness or humane concern is not visible. Their laws had scant respect for human rights and human dignity! Many of their laws failed to accept even the most basic human right, namely the right to exist! An example is China's policy, during the Jiangxi uprising of the 1930s, of "better to kill a hundred innocent people, than let one truly guilty person go free." The policy in Vietnam during the uprisings in

1950 was that "better to kill ten innocent people than let a guilty person escape!"

But as different from such cruel ways in the East, Western jurisprudence had a humane approach. One must gratefully recall that it was Benjamin Franklin, the multifaceted American genius, inventor, humanitarian and political philosopher, who lived around half a century before Philippe Pinel, who taught mankind to have a humane approach towards all fellow human beings. Benjamin Franklin had said that "it is better a hundred guilty persons should escape than one innocent person should suffer." The entire Western jurisprudence has drawn its inner strength from this stand. Later, the principle of 'beyond reasonable doubt,' the 'burden of proof in Criminal Law' and many more things, got defined in jurisprudence, when Blackstone's ratio became a guiding principle, in the criminal law of the West. Here again, ideals laid down by Benjamin Franklin showed the way!

But, in recent times, Anglo-Saxon law itself has gone many miles backward. Americans have totally given up the great ideals bequeathed by their own Benjamin Franklin! With regards to present-day psychiatry, an American hand is quite visible, in many other areas, where we are 'progressing' backward! This trend started, right after the second world war, in the mid-twentieth century. And when an assassination attempt was made on Ronald Reagan, in 1981, the process hastened! When the culprit Hinckley was found 'not guilty' by the trial court, for the reason of insanity, a media commotion became quite widespread in the US. The federal congress and a number of states in that country succumbed to a strong public opinion! They went about rewriting their laws, including those regarding their 'insanity defence!' And most surprisingly, the federal government and many states of the United States shifted the burden of proof regarding a defendant's sanity from the prosecution to the defendant! Three states in the US altogether abolished the defence based on 'insanity'!

What is more surprising and quite disappointing about this whole matter is that neither in the United States nor in other countries like India that copy them in many crucial matters, no discussion has taken place so far, even among professionals, regarding this new stand of the US! Nobody, including human rights activists, appears to be bothered about the huge burden that this new American law is imposing on poor mental patients! These days, this kind of shifting of the onus of proof from the prosecution to the defendant has become common in many Indian laws as well. True, when such a shift of responsibility is done in the laws like 'Prevention of Money Laundering Act,' [PMLA] or other economic offences, maybe, civil society can ignore it! But when such a shift takes place in criminal law, its repercussions are terrible, for all disadvantaged sections, especially for victims of serious mental illnesses!

The attitudinal change, in legal circles, towards persons with 'unsound mind,' from the time of McNaughton rules, when the fragrance of humane reforms was very much in the air, to the time of Hinckley and Ronald Reagan is quite striking. In the mid-nineteenth century, the entire civilized world wanted to make it absolutely sure that a mentally unsound person would not get punished.

But when the world has 'progressed' to nineteen-eighties, that old-time humane approach, formulated by generations of sensitive legal luminaries, is thrown to the winds! This new attitude of the civil society, which got started in the United States, is exactly opposite to the attitude in England during the mid-nineteenth century. Maybe, one reason for the difference is that in those days, there was no television to brainwash everyone, round the clock!

Now, let me come to a close. Presently, our country is celebrating the 75th year of our independence. And today, all that I want to give you as a take-home message is this: let us celebrate the historic anniversary of shaking off

the British colonial yoke, but let us also be aware that a new threat, in the form of American colonization, is already in the offing! They are trying to conquer the whole world with many of their insensitive, inhumane and arrogant ideas!

Here also, to find the right way forward, a close collaboration between psychiatrists and professionals in law is required. Not only that, if by reason of their illness, mentally ill persons cause hardships to others and become a hindrance to the justice administration machine, psychiatrists have to step in so that justice and fair play is always the winner!

A necessary way to avoid serious errors is for both professions, law and psychiatry, to recapture a humane approach that they had shown for around 150 years from the beginning of the nineteenth century. Also, the justice system should be ready to make use of the expertise of psychiatrists to reach better decisions during trials and adjudications. Or else justice would be the casualty.

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