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Topic: Mental Health as a Human Right: A Socio-Legal Study of Women Prisoners in the National Capital Territory of Delhi.

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Findings

Human rights are the pivot on which the idea of humanity rests. These are basic rights that seeks to ensure the achievement of their maximum possible potential by the individuals. While adopting orthodox approach many limit the idea of these human rights to certain claims enshrined in the constitutional law or human rights instruments of universal character, the essentiality of these claims makes it paramount to adopt a dynamic and broader perspective. The concept of human rights is not solely seen from the context of natural law or right reasons. In India these rights are enshrined in art. 21 of the Constitution, expanding its ambit as per the demands of justice and for just society.

As far as human rights of prisoners are concerned, harsh reality of prison has been presented in prisons of India. Women in prison constitute a special group because of their sex and gender inequalities, although they constitute a small proportions of the prison population between 2 percent and 9 percent. There are number of potential factors which increases the vulnerability of women in prison: Violence, sexual abuse and torture in prisons, Infectious disease, Communicable disease, Non-communicable disease, Reproductive health, Dental Health, Substance abuse, and Mental health issues. According to W.H.O the rate of mental and physical illness in female prisoners is higher than that of male prisoners. Though women in prison constitute a minority in the prison population, around 4.1 per cent the Indian female prison population is behind bars. Women prisons often lack gender specific services such as reproductive healthcare, childcare, trauma informed counselling, lack of privacy and security. The common causes of mental health problems among women prisoners are: negative childhood experiences, abuse and sexual violence, drug and alcohol misuse, social and economic situation, care and support in the community, especially women from poor communities, psychological changes that women go through during and after giving birth, parenting, many of these experiences are overlapping.

The recently enacted M.H.A. 2017, provides the minimum standard for mental health care for prisoners. Because of these past ongoing violations of the rights, human rights oriented mental health legislation is important. Reality is only small proportions of women prisoners receive mental health treatment at proper time under this Act. Reports outlined in this work shows that there is lack of medical staff, psychiatrist in prison. Latest judicial developments show development of prison system in accordance with the right to health. Even prisoner with mental illness is entitled for proper medical treatment, rehabilitation and alternatives of imprisonment like parole, bail and furlough.

The research further continues with the empirical study of women prisoners in N.C.T. Delhi determining their mental health while under detention. The harsh reality of the prisons in Delhi is that there are only 11 women prisoners suffering with mental illness in Delhi prison and these women were provided medical and legal aid is provided from 2016 to 2021. It is nothing but under-reporting of the facts. In reality, women prisoners who have mental illness are much higher. It

clearly shows that most women prisoners in the N.C.T. of New Delhi suffering from mental health issues are neglected under the current criminal justice system which violates the fundamental rights of women prisoners. There are internal and external factors that aggravate the mental health conditions in women prisoners. The external factors that are found in study are overcrowding, inadequate healthcare, availability of illicit drugs, time for quite relaxation. The internal factors found in study are feeling of guilt, shame about the offences they have committed, experience of stigma of being in prison, worry about children, family and worry about how their former life will stay intact if they are released from prison.

According to this study, India's existing criminal justice system has a significant role in the rise in mental health issues among female prisoners. One major aspect is the prisoners; lack of training to handle mental health related problems. The quality of treatment provided for mental health needs to be improved. The convicts' privacy needs to be improved. Additionally, legal aid is not available to everyone, which worsens their mental health. More than half of the prisoners suffer from health-related issues after their imprisonment. Another important issue which needs to be highlighted is the empowerment of women through rehabilitation and making them informed about their rights is need of an hour so that post-release they can earn their livelihood without being dependent upon others. The cumulative effect of all these factors is that if these are left unchecked this can worsen the mental health of prisoner. It can further increase the likelihood of damage to the well-being of prisoner.