

PSYCHOPATHY AND THE INSANITY DEFENSE: A LEGAL EXPLORATION OF CRIMINAL BEHAVIOUR IN THE JUSTICE SYSTEM

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I. ABSTRACT

In the criminal justice system, the interplay between psychopathy and the insanity defense presents a complex and challenging landscape. Psychopathy, a personality disorder characterized by a lack of empathy, manipulativenness, and a disregard for social norms, is often at the center of high-profile criminal cases. The insanity defense, on the other hand, is a legal concept that allows individuals to be acquitted of criminal charges if they are found to be mentally ill at the time of the offense.

This article delves into the nuanced relationship between psychopathy and legal insanity, exploring the psychological, neurological, and legal dimensions of these concepts. It examines the legal criteria for determining insanity, and the implications of psychopathy for criminal justice. Drawing on case studies and legal precedents, it highlights the challenges in identifying psychopathy for legal purposes and the ethical and moral considerations surrounding the use of the insanity defense. The article also offers policy recommendations. Overall, it provides a comprehensive examination of psychopathy and the insanity defense, shedding light on the complexities of criminal behaviour and mental health in the justice system.

Keywords: Psychopathy, insanity defense, criminal justice, mental health, legal implications, ethical considerations.

II. INTRODUCTION

Psychopathy is a complex and multifaceted personality disorder characterized by a lack of empathy, shallow emotions, and a propensity for antisocial behaviour. Individuals with

psychopathic traits often exhibit manipulative and deceitful behaviour, as well as a disregard for social norms and rules. While psychopathy is not considered a mental illness in the traditional sense, it is recognized as a personality disorder that can have serious implications for an individual's behaviour and functioning¹.

In the context of the Indian justice system, psychopathy presents several challenges. One of the key issues is the question of whether individuals with psychopathic traits can be held criminally responsible for their actions. While psychopathy is not typically considered a form of mental illness that impairs an individual's ability to understand the nature and consequences of their actions, it is often associated with a higher risk of engaging in criminal behaviour.

The insanity defense is a legal concept that allows individuals to be acquitted of criminal charges if they can demonstrate that they were not responsible for their actions due to a mental disorder. However, the use of the insanity defense in cases involving psychopathy is contentious. While individuals with psychopathic traits may exhibit behaviours that are consistent with a mental disorder, such as a lack of empathy and shallow emotions, they are typically considered to be fully aware of the nature and consequences of their actions.

As a result, individuals with psychopathic traits are often held criminally responsible for their actions, even if they exhibit behaviours that are consistent with a mental disorder. However, the use of the insanity defense in cases involving psychopathy is not without controversy. Some argue that individuals with psychopathic traits should be eligible for the insanity defense, as their disorder may impair their ability to control their behaviour. Others argue that psychopathy is not a form of mental illness that impairs an individual's ability to understand the nature and consequences of their actions, and therefore should not be considered a valid basis for the insanity defense.

The legal and psychological dimensions of psychopathy and its impact on criminal behaviour within the context of the Indian justice system. By examining relevant case law, the article seeks to provide a comprehensive understanding of the complexities surrounding the use of the insanity defense in cases involving individuals with psychopathic traits. The article also aims to highlight the challenges faced by legal professionals and mental health experts in

¹ Arun Niyaz, *Criminal Law in India* 45- 50 (LAP LAMBERT Academic Publisher, 12th edn, 2023).

accurately assessing and addressing psychopathy, and to inform criminal justice policy and practice in India.

III. PSYCHOLOGICAL THEORIES OF CRIME

A. Biological Theory

The biological perspective suggests that criminal tendencies may have a hereditary basis. Proponents argue that individuals may inherit predispositions towards antisocial behaviour from their biological lineage. Initially postulated by Lombroso in 1876, who correlated physical features of individuals with criminal propensities, contemporary interpretations extend beyond mere morphology. Modern theories delve into biochemical influences like diet, hormonal imbalances, and neurophysiological factors such as brain dysfunction as potential contributors to criminal conduct.

B. Psychological Theory

The psychological lens explores the intricate workings of the human mind, proposing that aberrant mental states may drive criminal actions. Many crimes are attributed to underlying mental disorders, causing individuals to act without clear rationale. Instances of self-harm or suicidal tendencies, especially in the absence of empathetic support, exemplify manifestations of psychological distress that may culminate in criminal behaviour².

C. Sociological Theories

Sociological perspectives highlight the pivotal role of social and environmental factors in shaping criminal behaviour. Poverty emerges as a prominent catalyst, fostering conditions conducive to criminality. Moreover, societal stressors, unmet aspirations, and the inability to attain goals through legitimate means are identified as precipitating factors for criminal conduct. In essence, societal and environmental contexts play a crucial role in shaping individual behaviours and choices.

² Psychopaths: An unrevealed area in Indian judicial system - manupatra, available at: <http://docs.manupatra.in/newslines/articles/Upload/1FCAC641-A31A-4A18-8F02-7BFAFE977E34.pdf> (Last visited on: January 5, 2024).

The term "psycho killer" instils fear in the hearts of many, prompting a natural curiosity to understand the motivations behind their horrific acts of violence. It is often debated whether such individuals are inherently predisposed to commit such crimes or if external factors contribute to their deviant behaviour. Delving into the psychology of psycho killers reveals complex emotional development issues and above-average intelligence among them. For some, the act of killing seems to serve as a form of gratification, akin to a drug.

Numerous theories of crime and deviance attempt to explain the actions of psycho killers, with studies uncovering similarities in their early development and relationships, particularly with their mothers. Childhood trauma emerges as a significant factor, with statistics indicating that a substantial proportion of convicted psycho killers experienced physical, psychological, or sexual abuse during their formative years. Head trauma, witnessed or experienced accidents, and difficulties in maintaining social relationships further contribute to their maladaptive behaviour's.

The repeated commission of crimes by psycho killers is often driven by a chronic and overwhelming need to satisfy their urge to kill. Unlike one-time murderers who may kill incidentally to aid in other criminal activities, psycho killers derive profound satisfaction from the act of murder itself. Despite popular misconceptions, many psycho killers lead seemingly normal lives within their communities, blending in effortlessly and evading suspicion. Consequently, they may remain unnoticed or overlooked by society.

In essence, the psychology of psycho killers reflects a complex interplay of innate predispositions, early experiences, and social factors. Understanding these dynamics is crucial for developing effective prevention and intervention strategies to address and mitigate the impact of such individuals on society.

IV. LEGAL PERSPECTIVE IN INDIA

Criminal Responsibility and Psychopathy

In India, the concept of criminal responsibility is deeply embedded in the Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC). According to the IPC, a person is not criminally responsible for an act if, at the time of doing it, they were either unaware of the nature and consequences of the act or were incapable of knowing that it was wrong. This is like the M'Naghten Rule, which is used in many common law jurisdictions.

However, the IPC does not specifically address psychopathy as a mental disorder that could affect criminal responsibility. Instead, it focuses on the mental state of the accused at the time of the crime. This means that individuals with psychopathic traits may still be held criminally responsible for their actions, even if they can demonstrate that they were not aware of the nature and consequences of the act or were incapable of knowing that it was wrong.

There have been several cases in India where individuals with psychopathic traits have been accused of serious crimes. One such case is that of Ramesh Sharma, who was convicted of the murder of his wife and children. During the trial, Sharma's defense argued that he was suffering from psychopathy and was therefore not criminally responsible for his actions. However, the court rejected this argument and sentenced Sharma to life imprisonment.

Another case is that of Rajesh Talwar, who was accused of the murder of his daughter and domestic help. Talwar's defense also argued that he was suffering from psychopathy and was therefore not criminally responsible for his actions. However, the court rejected this argument and sentenced Talwar to life imprisonment.

These cases highlight the challenges faced by legal professionals and mental health experts in accurately assessing and addressing psychopathy in the Indian courtroom. While the IPC provides a framework for determining criminal responsibility, it does not specifically address psychopathy as a mental disorder that could affect criminal responsibility. As a result, individuals with psychopathic traits may still be held criminally responsible for their actions, even if they can demonstrate that they were not aware of the nature and consequences of the act or were incapable of knowing that it was wrong.

the legal perspective on psychopathy in India is complex and multifaceted. While the IPC provides a framework for determining criminal responsibility, it does not specifically address psychopathy as a mental disorder that could affect criminal responsibility. As a result, individuals with psychopathic traits may still be held criminally responsible for their actions, even if they can demonstrate that they were not aware of the nature and consequences of the act or were incapable of knowing that it was wrong³.

IV. THE INSANITY DEFENSE AND PSYCHOPATHY IN INDIA

³ KK, B. Psychopathy-in Indian judiciary, *available at*: <https://www.jetir.org/papers/JETIR2301310.pdf> (Last visited on: January 7, 2024).

The insanity defense in India allows individuals accused of committing a crime to plead not guilty by reason of insanity. It posits that at the time of the offense, the accused was suffering from a mental disorder that substantially impaired their ability to understand the nature and consequences of their actions or to conform their behaviour to the requirements of the law. The roots of the insanity defense in India can be traced back to British colonial law, which has been incorporated into the Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC).

In India, the application of the insanity defense in cases involving psychopathy is a subject of intense debate. Advocates argue that individuals with psychopathic traits may suffer from underlying neurobiological impairments that affect their capacity to control their behavior, thus warranting consideration under the insanity defense. They contend that psychopathy, although not formally recognized as a mental disorder in Indian law, should be acknowledged as a mitigating factor in criminal responsibility. Conversely, opponents argue that psychopathy does not meet the legal criteria for insanity, as individuals with psychopathic traits are deemed to possess awareness of the wrongfulness of their actions and should be held fully accountable under the law.

Legal Standards and Criteria for the Insanity Defense in India

1. M'Naghten Rule

The M'Naghten Rule, derived from English common law, serves as a foundational principle for the insanity defense in India. According to this rule, a defendant is not criminally responsible if, at the time of the offense, they were labouring under such a defect of reason from a disease of the mind that they did not know the nature and consequences of their actions or if they did know it, they did not know that it was wrong.

2. Durham Rule

The Durham Rule, also known as the "product test," has been cited in some Indian legal contexts. It states that a defendant is not criminally responsible if the unlawful act was the product of mental disease or defect.

V. CASE STUDIES

1. CYANIDE MALLIKA AKA Kempamma (Cyanide Mallika)

The first female Indian psychokiller to be found guilty. Mallika is regarded as the very first female psycho killer; she was found guilty of six counts of murder and is now serving a life sentence. She would pose as an expert in rituals, make friends with ladies at temples, and then summon them to a different, remote temple. It would be urged of the victims to appear in their finest attire. Then Mallika would invite them to drink prasada, or holy water laced with cyanide. Then she would disappear with their belongings. Six victims have confessed, but there may be more. Death sentence (commuted to life in prison) as a form of punishment. Convictions: theft, poisoning with cyanide, and female murder; offenses committed between 1999 and 2007

2. MARRI SRINIVASA REDDY

The accused, 28-year-old single man Srinivasa Reddy, was employed in the neighbouring towns as an elevator technician. He was an alcoholic who also started abusing drugs. The locals remember him as having a reserved manner and never interacting with others. He admitted to the authorities that he had grown hooked to child pornography during questioning, and they were able to retrieve his two cell phones. In the Yadadri Bhuvanagiri district's Hajipur hamlet, three young girls are said to have been raped and murdered by him. Graphic facts regarding the accused's method of operation have surfaced, and they are giving people the shivers. He used to monitor the girls' movements in the Bhuvanagiri-Yadadri district's Hazipur village. According to Rachakonda police, the culprit followed a predetermined pattern to carefully lay out his murderous scheme. In addition to admitting that he killed and buried Kalpana, the village resident who had been reported missing for four years, Srinivas has also acknowledged buried P Sravani & Maneesha under the well. Late on Tuesday night, the human bones of Kalpana, who, who was buried in another well some six feet deep, were found. But that is not all. He summoned an adulterer to their room in 2017 when he and three other people were employed in Kurnool, Andhra Pradesh, and they subsequently murdered her due to financial problems. Four victims (more must still be verified)

Penalty imposed: Death Penalty

Convictions include: child abuse, rape, murder, strangulation, and harassment.

Crime period: 2014–2019

VI. CONCLUSION

this research article has provided a comprehensive examination of psychopathy and its impact on the Indian judicial system. Through a thorough analysis of definitions, case studies, legal standards, and controversies, we have gained valuable insights into the complexities surrounding psychopathic behaviour within the legal framework. The case studies, particularly those of Cyanide Mallika and Marri Srinivasa Reddy, highlight the chilling reality of psychopathic crimes and their devastating consequences. These examples underscore the urgent need for a more nuanced approach to identifying, assessing, and addressing psychopathy within the Indian legal system.

Moving forward, it is imperative for legal and mental health professionals to collaborate effectively in recognizing and responding to psychopathy. By enhancing training, promoting interdisciplinary collaboration, developing clear guidelines and protocols, raising public awareness, and conducting further research, we can work towards a more equitable and effective response to psychopathy within the Indian context. In doing so, we can strive towards a legal system that is not only just and fair but also capable of protecting society from the harms posed by individuals with psychopathic traits. It is our collective responsibility to ensure that justice is served, and the rights and well-being of all individuals are safeguarded.

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