

# CRIMINAL MINDS IN INDIA: A PSYCHOLOGICAL AND LEGAL ANALYSIS OF OFFENDER BEHAVIOUR

## ABOUT THE AUTHORS

**MR. PRITPAL SINGH CHAHAL**

Advocate, Delhi High Court (B.A., LL.B., LL.M.)

**MS. ANUSHKA PURI**

Bachelor of Arts, Psychology & Physical Education Lakshmibai College, University of Delhi

## ABSTRACT

This research paper presents an interdisciplinary analysis of criminal behaviour in India, integrating the nuanced perspectives of psychology with the structured framework of Indian criminal law. It endeavours to dissect the "criminal mind" by examining the psychological underpinnings of offender behaviour, including cognitive, emotional, developmental, and social factors. The paper juxtaposes these psychological theories with the foundational principles of Indian jurisprudence, such as mens rea, and explores the legal recognition of altered mental states through statutory provisions concerning insanity, intoxication, and juvenility under the Indian Penal Code, 1860, and its successor, the Bharatiya Nyaya Sanhita, 2023. We critically evaluate the role of forensic psychology, the challenges in its application within the Indian legal system, and the procedural safeguards available under the Code of Criminal Procedure, 1973, and the new Bharatiya Nagarik Suraksha Sanhita, 2023. Through an analysis of sociocultural influences, pertinent Supreme Court judgments, case studies, and the post crime psychology of offenders, this paper highlights the critical need for a more profound synergy between law and psychology. It concludes with recommendations for strengthening forensic psychological services, promoting early intervention, and fostering a legal system that is not only punitive but also reformatory and just.

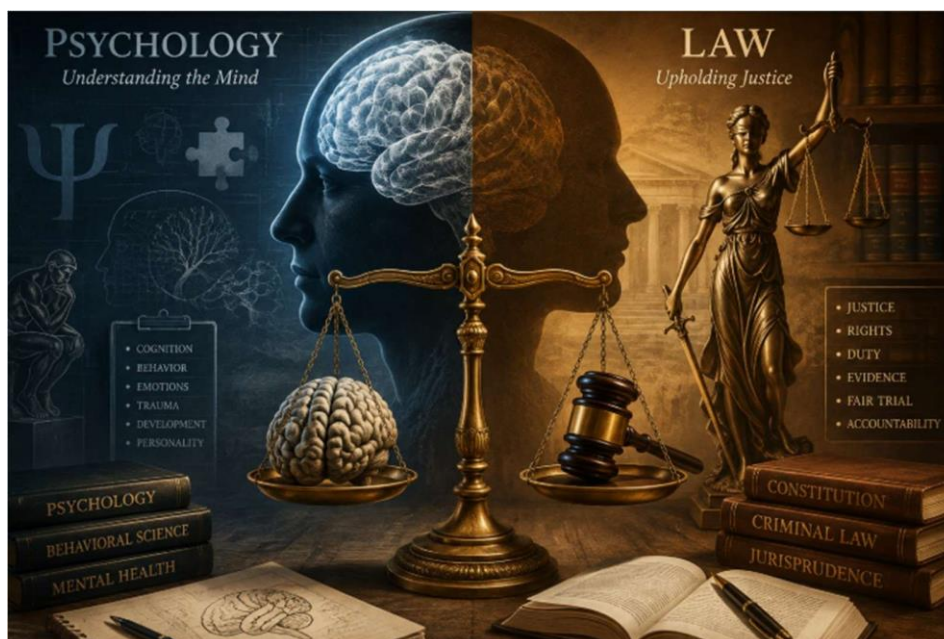
## INTRODUCTION

The concept of the "criminal mind" has long captivated and perplexed sociologists, psychologists, and jurists alike. In the Indian context, a nation characterized by its immense diversity and complex socio-economic fabric, understanding the etiology of criminal behaviour is paramount to the effective administration of justice. Crime is not merely a violation of a penal statute; it is a manifestation of complex human behaviour, often rooted in a confluence of psychological vulnerabilities and environmental triggers. The Indian criminal justice system, historically grounded in the principles of deterrence and retribution, is gradually evolving to embrace a more nuanced, reformatory approach that necessitates a deeper inquiry into the psyche of the offender.

This paper aims to bridge the gap between the psychological understanding of why individuals commit crimes and the legal framework that adjudicates their actions. It seeks to move beyond the simplistic binary of guilt and innocence to explore the intricate mental processes that precede a criminal act. By integrating established psychological research with a rigorous legal analysis, we intend to provide a holistic perspective on offender behaviour in India. The methodology employed is a doctrinal and analytical review of psychological theories, statutory provisions, and judicial precedents to construct a comprehensive narrative on the intersection of these two disciplines.

## CHAPTER I

### PSYCHOLOGICAL PERSPECTIVES ON CRIMINAL BEHAVIOUR



***"TO UNDERSTAND CRIME, ONE MUST FIRST UNDERSTAND THE MIND THAT CHOOSES IT."***

Criminal behaviour is a complex phenomenon influenced by an individual's thoughts, emotions, personality, biological factors, and social environment. Psychological perspectives seek to understand why individuals engage in criminal acts by examining the mental processes and behavioural patterns that shape their decisions. Rather than focusing solely on the offence, psychology explores the motivations, cognitive functioning, emotional development, and environmental influences that contribute to criminal behaviour. These perspectives provide valuable insights for crime prevention, offender rehabilitation, and the effective administration of justice.

#### 1.1. MEANING OF CRIME: A PSYCHOLOGICAL VIEWPOINT

From a psychological perspective, crime is not merely a legal transgression but a form of maladaptive behaviour resulting from an individual's cognitive, emotional, and mental state. It is posited that criminal conduct is often symptomatic of underlying psychological distress, developmental deficits, personality disorders, or unresolved trauma. Factors such as impaired impulse control, low self-esteem, and deficits in emotional regulation are strongly correlated with criminal proclivities. An individual acting without due consideration for consequences, driven by immediate gratification, often exhibits a psychological profile conducive to offending.

Furthermore, psychological theories suggest that criminogenic behaviour can be cultivated by adverse environmental factors, such as a disrupted family environment, poor moral development, and cognitive distortions that allow an individual to rationalize and justify their transgressions. An individual raised in a conflict-ridden household, devoid of emotional support and consistent discipline, is statistically more likely to engage in antisocial and criminal activities.

## 1.2. THEORETICAL FRAMEWORKS

To comprehend the criminal mind, one must examine the established psychological theories that seek to explain human behaviour.

### 1.2.1. Psychoanalytic Theory:

Sigmund Freud's model of the psyche, comprising the Id (primal impulses), Ego (reality principle), and Superego (moral conscience), offers a foundational lens. An imbalance, particularly a dominant Id unchecked by a weak Ego and an underdeveloped Superego, can lead to impulsive, selfish, and risk-taking behaviour, as the individual fails to regulate their base desires against societal norms and moral constraints.

### 1.2.2. Behavioural Theory:

This theory posits that criminal behaviour is learned through interaction with the environment.

- ❖ Classical Conditioning (Pavlov): Associates a neutral stimulus with an unconditioned stimulus to elicit a response, explaining how certain environments can trigger criminal responses.
- ❖ Operant Conditioning (Skinner): Behaviour is shaped by reinforcement and punishment. If criminal acts are rewarded (e.g., with financial gain or social status) or go unpunished, they are more likely to be repeated.
- ❖ Observational Learning (Bandura): Individuals, particularly children, learn and imitate behaviours by observing others, such as family members or peers. Exposure to violence or criminal behaviour in one's formative years can normalize such actions.

### 1.2.3. Cognitive Theory:

This framework focuses on how an individual's thoughts, perceptions, and reasoning contribute to their behaviour. Cognitive distortions, such as "all-or-nothing thinking," "overgeneralization," and "catastrophizing," can lead an individual to misinterpret social cues and react aggressively or illegally. Offenders often develop thinking patterns that justify their actions, minimize harm to victims, and blame external factors.

### 1.2.4. Social Learning Theory:

Albert Bandura's theory emphasizes that learning is a cognitive process that takes place in a social context. It occurs purely through observation or direct instruction. The four mediational processes-attention, retention, motor reproduction, and motivation-determine whether a learned behaviour is performed. In the context of crime, if an individual observes a criminal role model who is rewarded for their actions, they are more likely to imitate that behaviour.

### 1.2.5. Biological Theory:

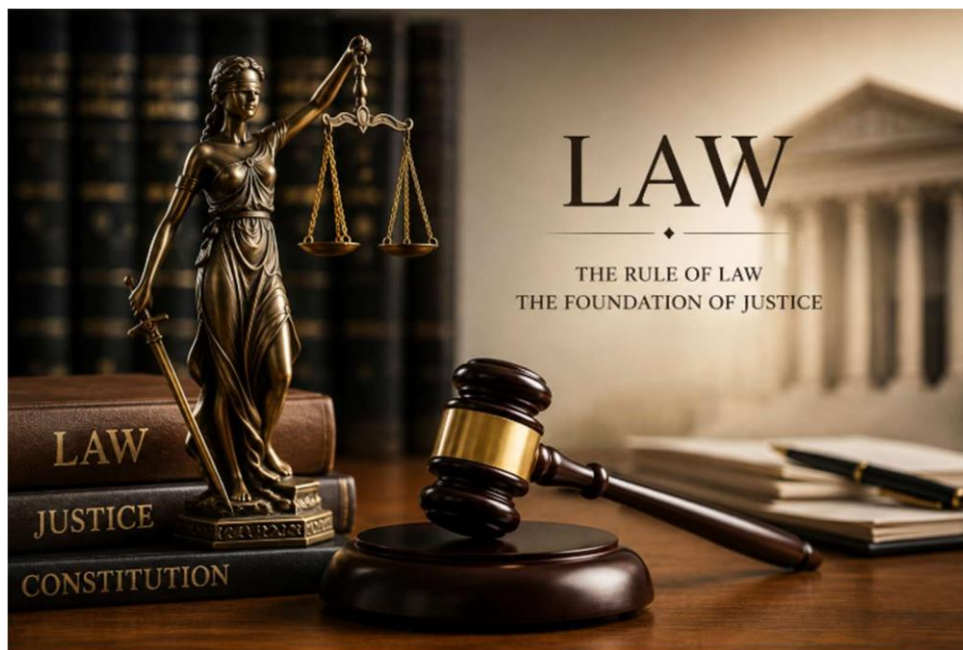
This perspective examines the role of genetic predispositions, neurochemical imbalances, and brain abnormalities in criminal behaviour. While not deterministic, biological factors can create a vulnerability that, when combined with environmental stressors, increases the likelihood of offending.

### 1.3. PSYCHOLOGICAL FACTORS INFLUENCING THE CRIMINAL MINDSET

- **Childhood Trauma and Abuse:** Adverse Childhood Experiences (ACEs) are a significant predictor of future criminality. Trauma can impair brain development, particularly in areas responsible for impulse control and emotional regulation, leading to a higher risk of substance abuse, violence, and antisocial behaviour.
- **Family Environment:** Neglect, exposure to domestic violence, and inconsistent parenting contribute to the development of insecure attachments and a lack of empathy, which are hallmarks of many chronic offenders.
- **Substance Abuse:** The consumption of drugs and alcohol significantly impairs judgment, reduces inhibitions, and can precipitate violent or impulsive criminal acts.
- **Mental Illness:** Certain mental health disorders, such as antisocial personality disorder (ASPD), borderline personality disorder (BPD), and Intermittent Explosive Disorder, are characterized by symptoms like a lack of remorse, impulsivity, and aggression, which elevate the risk of criminal conduct.
- **Socio-economic Factors:** Poverty, unemployment, and systemic frustration can create a sense of hopelessness and relative deprivation, motivating individuals to resort to crime for survival or to attain desired status.
- **Peer Influence:** Particularly during adolescence, the desire for social acceptance can lead individuals to engage in criminal activities under the influence of a deviant peer group.

## CHAPTER II

### THE INDIAN LEGAL FRAMEWORK: ACKNOWLEDGING THE CRIMINAL MIND



***"JUSTICE BEGINS WHERE UNDERSTANDING OF THE HUMAN MIND MEETS THE RULE OF LAW."***

The Indian legal framework recognizes that criminal liability is not determined solely by the commission of an offence but also by the mental state and intention of the accused. Principles such as ***mens rea***, criminal responsibility, and the defence of unsoundness of mind reflect the law's acknowledgment of the psychological aspects of human behaviour. Through the **Bharatiya Nyaya Sanhita, 2023**, judicial precedents, and forensic psychology, the legal system seeks to balance accountability with an understanding of the offender's mental condition, ensuring that justice is both fair and effective.

## 2.1. MENS REA: THE "GUILTY MIND" IN INDIAN LAW

The Indian Penal Code, 1860 (IPC), and its successor, the Bharatiya Nyaya Sanhita, 2023 (BNS), codify the principle of *mens rea* by using terms such as "intentionally," "knowingly," "voluntarily," "fraudulently," and "dishonestly." These terms necessitate a judicial inquiry into the offender's state of mind at the time of the offense. This legal requirement to prove a guilty mind is the primary intersection where law meets psychology. However, the legal definition of these mental states is often distinct from their clinical psychological meaning, creating a gap that the justice system must navigate. The Supreme Court has consistently emphasized the importance of *mens rea* in establishing criminal liability. In *Smt. Triveniben & Ors vs State Of Gujarat & Ors*, while dealing with the issue of delay in execution of death sentence, the Court implicitly acknowledged the psychological impact of prolonged incarceration on the condemned prisoner, highlighting the human element even in the most severe punishments. Similarly, in *Pawan Kumar vs State Of H.P.*, the Court reiterated the necessity of proving the specific intent for certain offenses, underscoring that the mental state is paramount.

## 2.2. GENERAL EXCEPTIONS: WHEN THE MIND IS NOT GUILTY:

Chapter IV of the IPC (and the corresponding chapter in the BNS) enumerates situations where an individual is absolved of criminal liability because the requisite *mens rea* is absent. These exceptions are critical legal recognitions of psychological principles.

**2.2.1. Unsoundness of Mind (Section 84, IPC):** This provision exonerates a person who, at the time of the act, "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." This is the codification of the M'Naghten Rule, which establishes a standard for legal insanity, not medical insanity. The burden of proof lies on the accused, and the courts must distinguish between a person who is medically diagnosed with a mental illness and one who, due to that illness, meets the stringent legal criteria of cognitive incapacity. The Supreme Court, in numerous judgments, has clarified the scope of Section 84. In *Hari Singh Gond v. State of Madhya Pradesh*, the Supreme Court observed that Section 84 IPC recognizes only an act which could not be termed as criminal due to unsoundness of mind. The Himachal Pradesh High Court, in *Shupa Ram vs State Of Himachal Pradesh*, further elaborated that the plea of unsoundness of mind has to be established by the accused from the circumstances which preceded, attended, and followed the crime.

**2.2.2. Intoxication (Sections 85 & 86, IPC):** The law distinguishes between voluntary and involuntary intoxication. An act is not an offense if committed by a person whose intoxication was administered "without his knowledge or against his will," rendering them incapable of knowing the nature of the act. Voluntary intoxication is generally not a defense, though it may be considered to determine the specific intent required for certain offenses.

**2.2.3. Infancy (Sections 82 & 83, IPC):** The principle of *doli incapax* (incapable of evil) provides absolute immunity to a child under the age of seven (raised to twelve under the BNS for certain provisions). For a child between seven and twelve, immunity is conditional upon their having not "attained sufficient maturity of understanding to judge of the nature and consequences of his conduct." This directly correlates with the psychological understanding of cognitive development in children.

## **2.3. MODERN LEGISLATION AND PROCEDURAL SAFEGUARDS**

### **2.3.1. The Juvenile Justice (Care and Protection of Children) Act, 2015:**

This special law is deeply rooted in psychological principles. It mandates a reformative and rehabilitative approach. A key provision involves the preliminary assessment for children aged 16-18 who have committed a heinous offense. The Juvenile Justice Board, with the assistance of psychologists, assesses the child's "mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence" to decide whether they should be tried as an adult. The Supreme Court, in *Barun Chandra Thakur Vs. Master Bholu*, has addressed the nuances of this preliminary assessment, emphasizing the need for a thorough psychological evaluation to determine the child's culpability and maturity. The Karnataka High Court, in *Sri Dawal Patel @ Dawalmalik vs State Of Karnataka And Anr*, reiterated the importance of conducting a preliminary assessment as specified under Section 15 of the Act.

### **2.3.2. The Mental Healthcare Act, 2017:**

This Act marks a paradigm shift, emphasizing the rights of persons with mental illness. It presumes capacity and prohibits cruel, inhuman, or degrading treatment. Within the criminal justice system, it reinforces the need for proper mental healthcare for prisoners and undertrials, ensuring that mental illness is treated as a health issue rather than a mere aggravating factor in their criminality. The Supreme Court, in *X vs The Principal Secretary Health*, has highlighted the fundamental right to mental healthcare, which extends to individuals in conflict with the law.

### **2.3.3. The Code of Criminal Procedure, 1973 (CrPC) / Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS):**

Chapter XXV of the CrPC (and its BNSS equivalent) contains provisions regarding accused persons of unsound mind. It empowers a Magistrate to postpone proceedings if the accused is unable to understand them and to order psychiatric evaluation and treatment.

### **2.3.4. The Indian Evidence Act, 1872 / Bharatiya Sakshya Adhiniyam, 2023 (BSA):**

Section 45 allows the court to rely on the opinion of experts, including psychologists and psychiatrists, on matters of science, which includes the mental state of the accused. However, such expert opinion is advisory in nature and not binding on the court.

## CHAPTER III

### INTERSECTION OF PSYCHOLOGY AND LAW IN PRACTICE

#### 3.1. Forensic Psychology in India:

Forensic psychology applies psychological principles to the legal arena. In India, its application includes polygraph examinations, narco-analysis, and brain-mapping. However, the landmark Supreme Court judgment in *Selvi & Ors. v. State of Karnataka & Anr.*, held that the compulsory administration of these tests is an intrusion into the mental privacy of the individual and violates the right against self-incrimination under Article 20(3) and the right to life and personal liberty under Article 21 of the Constitution. These tests can only be conducted with the informed consent of the accused and their results are not admissible as evidence, though they may be used for investigation purposes. This judgment significantly shaped the ethical and legal boundaries of forensic psychological techniques in India, creating a crucial distinction between tools for investigation and evidence for trial.

#### 3.2. SOCIO-CULTURAL INFLUENCES: THE INDIAN CONTEXT

##### 3.2.1. Caste, Class, and Crime:

The deep-seated hierarchies of caste and class in India significantly influence crime patterns and the administration of justice. Crimes under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not merely physical acts but are rooted in a psychology of prejudice and dominance. Conversely, individuals from marginalized communities are disproportionately represented in the criminal justice system, often due to systemic biases. The Madras High Court, in *V.G.P. Prem Nagar vs The State Of Tamil Nadu*, while discussing the right to health, also touched upon the economic discrimination in modern India due to caste, which can indirectly contribute to criminal tendencies.

##### 3.2.2. Urban vs. Rural Crime Psychology:

Rural crimes are often interpersonal, revolving around land disputes and caste conflicts, and are mediated by strong community controls, leading to significant underreporting. Urban crime, fueled by anonymity, economic disparity, and stress, is more organized and includes offenses like cybercrime, fraud, and trafficking. Recent reports indicate a rise in cybercrimes in urban areas, reflecting the evolving nature of criminal behaviour with technological advancements.

##### 3.2.3. Influence of Media and Technology:

The proliferation of media and technology has created new avenues for crime, such as cyberbullying, online fraud, and the spread of misinformation leading to communal violence. The psychological impact of constant media exposure can also shape public perception of crime and punishment, often leading to demands for retributive justice over reformative measures. The Supreme Court, in *Justice K.S. Puttaswamy (Retd) vs Union Of India*, while upholding the right to privacy, acknowledged the challenges posed by technology, including its potential misuse for criminal activities.

## CHAPTER IV

### CASE STUDIES: A MEDICO-LEGAL ANALYSIS

#### 4.1. Case Study 1: Psychological Analysis of Offenders (Judge Shooting):

From a legal standpoint, this act would be analysed under Section 307 (Attempt to Murder) or Section 302 (Murder) of the IPC. The prosecution would need to establish not only the *actus reus* (the act of shooting) but also the *mens rea* (the intention to cause death). The psychological analysis of a buildup of anger, revenge, and jealousy provides a powerful narrative for establishing motive, which, while not an essential ingredient of the crime, is crucial for proving intention beyond a reasonable doubt. The involvement of two individuals would attract Section 34 (Acts done by several persons in furtherance of common intention), making both equally liable.

#### 4.2. Case Study 2: Psychology of Serial Offenders in India:

Serial offenses pose a significant challenge to law enforcement. The psychological profile of a serial offender-characterized by a lack of empathy, manipulateness, and a need for control-is vital for criminal profiling and linking disparate cases. Legally, each offense is separately tried, but evidence of a unique *modus operandi* or signature behaviour can be presented as "similar fact evidence" to establish the identity of the perpetrator across multiple cases, though its admissibility is subject to strict judicial scrutiny.

#### 4.3. Case Study 3: Psychological Analysis of Young Offenders:

This directly relates to the Juvenile Justice Act, 2015. A psychological assessment of the young offender's emotional stability, personality, and capacity to understand consequences is not merely an academic exercise but a statutory requirement for the Juvenile Justice Board. The findings of such an assessment determine the entire trajectory of the case-whether the child will be protected and rehabilitated within the juvenile system or transferred to the adult criminal system for trial.

## CHAPTER V

### POST-CRIME PSYCHOLOGY AND THE INDIAN JUSTICE SYSTEM

#### 5.1. Guilt, Remorse, and Sentencing:

The post-offense conduct of an accused, including expressions of guilt or remorse, is often considered by Indian courts during sentencing. In the context of capital punishment, the Supreme Court in *Bachan Singh v. State of Punjab*, laid down the "rarest of rare" doctrine, requiring courts to consider both aggravating and mitigating circumstances. The potential for the offender's reform and rehabilitation is a key mitigating factor, which necessitates a psychological assessment of their character, remorse, and capacity for change. A lack of empathy or remorse may be viewed as an aggravating circumstance, indicating a continued threat to society. The Supreme Court, in *Yakub Abdul Razak Memon vs State Of Maharashtra; CBI Mumbai*, while confirming the death sentence, meticulously weighed aggravating and mitigating factors, including the psychological state and potential for reform.

#### 5.2. Rehabilitation and Reform in Prisons:

The Supreme Court, in cases like *Sunil Batra v. Delhi Administration*, has repeatedly affirmed that prisoners retain their fundamental rights under Article 21. This has paved the way for a focus on reformatory justice. Psychological counselling, therapy for substance abuse, and vocational training in prisons are essential

components of this model. The goal is to address the underlying psychological factors that contributed to the crime, thereby reducing recidivism and facilitating the offender's successful reintegration into society. The Supreme Court in *Mukesh Kumar vs Union Of India*, while dealing with mercy petitions, again referred to the principles laid down in *Sunil Batra v. Delhi Administration*, emphasizing the humane treatment of prisoners.

## CHAPTER VI

### CHALLENGES AND RECOMMENDATIONS

The integration of psychology into the Indian legal system is fraught with challenges, including a severe shortage of trained forensic psychologists, inadequate infrastructure, social stigma associated with mental illness, and a lack of standardized, culturally relevant assessment tools. The adversarial nature of the legal system often views psychological evidence with skepticism.

To overcome these hurdles, the following recommendations are proposed:

- **Strengthening Forensic Psychological Services:** Invest in creating dedicated forensic science universities and training programs to produce a cadre of qualified forensic psychologists. Establish well-equipped forensic labs in every state. This would align with the Law Commission's 230th Report on Reforms in the Judiciary, which suggested strengthening the investigative and forensic infrastructure.
- **Mandatory Psychological Evaluations:** Introduce legislative amendments to make psychological evaluations mandatory in cases involving heinous crimes, sexual offenses, and offenses against children, to aid in both investigation and sentencing.
- **Early Intervention Programs:** Implement community-based and school-based programs aimed at identifying and supporting at-risk youth by addressing behavioural problems, family dysfunction, and academic difficulties before they escalate into criminal behaviour.
- **Sensitization of Stakeholders:** Conduct regular training and sensitization programs for the judiciary, police officers, and prosecutors on the fundamentals of psychology, the importance of mental health, and the proper interpretation of psychological evidence.
- **Development of Indigenous Tools:** Promote research and development of psychological assessment tools that are standardized and validated for the diverse Indian population, ensuring their cultural and linguistic appropriateness.

## CONCLUSION

The journey into the criminal mind reveals that crime is rarely a product of pure evil, but rather a complex interplay of psychological vulnerabilities, social pressures, and individual choices. The Indian legal system, with its foundational principle of *mens rea* and its evolving focus on reformative justice, provides a fertile ground for a meaningful collaboration with the field of psychology. Understanding the "why" behind a crime is as important as proving the "who" and "how." By combining the empathetic inquiry of psychology with the structured reasoning of law, we can build a criminal justice system that is not only more effective in ensuring public safety but also more humane and just in its treatment of every individual, including those who have transgressed its laws. The future of Indian jurisprudence lies in this symbiotic relationship, where the scales of justice are balanced by a profound understanding of the human mind.

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