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# **UNDERSTANDING THE PSYCHE BEHIND** **NEFARIOUS OFFENDERS**

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## **ABSTRACT**

India is dealing with an ongoing wave of horrible crimes in which the perpetrators—dubbed "nefarious criminals" for their deliberate brutality—display behavioural patterns that defy accepted theories of motivation or regret<sup>1</sup>. These include systematic exploitation, cruel sexual assaults, and serial killings, which are frequently characterized by premeditation and recidivism.

Here, "nefarious criminals" refers to those who violate IPC Sections 302 (murder), 376A-DB (aggravated rape), 364A (kidnapping for ransom), and related sections such as MCOCA for organized syndicates.<sup>2</sup> In contrast to impulsive crimes, these involve psychopathic traits—lack of empathy, grandiosity, and thrill-seeking—that amplify harm to society.<sup>3</sup> Prominent cases such as Raman Raghav (1960s serial murders) and Surinder Koli (Nithari killings, 2006) demonstrate this: Raghav's obsessive thrashing and Koli's cannibalistic rituals highlight a psyche that is impervious to deterrence, Thazhathepurakkal Yusuf (Kerala, 2019) and Cyanide Mallika (Karnataka, 2007), two auto-rickshaw cannibals, further illustrate regional typologies where external pressures intensify innate predispositions.

**Keywords:** nefarious criminals, serial killings, assault, NCRB, Nithari Killings.

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<sup>1</sup>See NCRB, *Crime in India 2024*.

<sup>2</sup> Indian Penal Code, 1860, §302, No. 45, Acts of Parliament, 1860 (India).

<sup>3</sup> Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths Among Us* 21 (1999).

## I. INTRODUCTION

Comprehending the "psyche behind nefarious criminals" requires accurate conceptual delineation, connecting Indian criminal law terminology with psychological notions. "Nefarious criminals" refers to those who commit horrific crimes under IPC Sections 302 (murder), 376A-DB (aggravated rape), 364A (kidnapping for ransom), and MCOCA, 1999—acts marked by extreme cruelty, recidivism, and premeditation. According to Hare's Psychopathy Checklist-Revised (PCL-R), these exhibit psychopathic features such as superficial charm, grandiosity, callousness, and thrill-seeking, which go beyond impulsive delinquency.

Psyche covers biological, cognitive and affective dimensions summed up to drive into criminal behaviour, it extends beyond insanity that is clinical such as biological integrations of neurochemical imbalances, genetic predispositions, in cognitive frameworks that result in behaviour which is distorted and way from the morality with zero affection and nil emotional regulations. In Nithari Killings, the accused passed the insanity test, yet he was punished through the enhanced culpability as he had empathy deficits thereby justifying the Bachan Singh culpability under Section 235(2).

We use Hare's Psychopathy Checklist- Revised for determining whether an individual is psychopath or not(score >30/40) , and it can only be denoted through 20 PCL- R traits such as superficial charm, grandiosity, callousness and impulsivity. This was used in Machchi Singh case<sup>4</sup> when the lack of remorse was used as an aggravating factor. Though the judiciary is silent but psychopathy has predicted 80% violent recidivism signalling usage of Section 39 expert testimony. (Shahooma Hussain V. State, 2020).

There are studies that reveal how the offenders blame the victims to justify their heinous acts and we call it the cognitive distortions:

- a. Minimization: "No permanent harm done."
- b. Victim Blaming: "She provoked me."
- c. Entitlement: "I deserve special treatment."
- d. Normalization: "Everyone cuts corners."

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<sup>4</sup> Machhi Singh V. State of Punjab, (1983) 3SCC 470.

This was applied when Raghav made a statement, 'poor deserve death' and how this very feature has been applied in Section 27 of the Indian Evidence Act (State of Maharashtra V. Damu)<sup>5</sup> Heinous offences as per Bachan Singh v. State of Punjab (1980), warrant "rarest of rare" scrutiny, which balances aggravating (brutality) and mitigating (mental state) factors under CrPC Section 235(2).<sup>6</sup>

## II. EVOLUTION OF CRIMINOLOGICAL THOUGHT

By moving from traditional free-will theories to positivist determinism, criminological development contextualizes the criminal mentality. The evolution can be traced here as follows:

- a. Classical School, which began in the 18<sup>th</sup> century and the main proponents were Cesare Beccaria and Jeremy Bentham, they treated crime as rational choice made by an individual but deterred by proportionate punishment, this goes along with IPC Section 299 but his school fails to explain psychopathis amorality.
- b. Positivist School, which began in the 19<sup>th</sup> century wherein Cesare Lombroso classified criminals into born criminals influenced by physical shame. Another proponent, that is, Enrico Ferri emphasised on psychological determinism. Sigmund Freud reasoned that the unconscious issues can be attributed to the antisocial behavior of the individuals, which impacted the Section 84 insanity defence under IPC.
- c. Sociological School, which began in early 20<sup>th</sup> century which was propagated by Chicago School (Shaw and Mckay) which highlighted what, why and how of the social disorganization, Edwin Sutherland belonged to this school who told about the differential association theory which explained the while collar crimes, and, who commits it, which plays an important role in MCOCA prosecutions.
- d. Contemporary Biosocial Integration: which is the modern day school which is mainly propagated by Adrain Raine and who discusses about the neurocriminology, it talks about the biological synthesis with crime, that is, MAOA genetic variants, prefrontal deficits and environmental stressors that make up such nefarious criminals.<sup>7</sup> This was the pattern which has been prevalent in Indian recidivism, as reported by NCRB.

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<sup>5</sup> State of Maharashtra V. Damu Gopinath Shinde, (2000) 6 SCC 269.

<sup>6</sup> Bachan Singh V. State of Punjab, (1980) 2 SCC 684.

<sup>7</sup> Adrian Raine, The Anatomy of Violence 112 (2013).

### III. PSYCHOLOGICAL THEORIES OF CRIMINAL BEHAVIOUR

The four main psychological theories—psychodynamic, behavioural/social learning, cognitive, and humanistic approaches—that explain nefarious criminal behavior are methodically examined in this chapter. Each theory is mapped against the mens rea requirements of the Indian Penal Code (IPC), the evidentiary standards under Bharatiya Sakshya Adhiniyam (BSA) Section 39, and sentencing doctrines from *Bachan Singh v. State of Punjab*<sup>8</sup>. These ideas explain why, in spite of their legal sanity under IPC section 84 McNaughten criteria, criminals like Raman Raghav (41 serial bludgeoning) and Surinder Koli (Nithari cannibalism) display compulsive violence. Uttar Pradesh reports 4,784 IPC Section 302 murders, with 75% of the inmates exhibiting untreated personality disorders. This highlights the importance of psychological integration beyond the traditional actus reus-mens rea dichotomy, according to NCRB 2024 data.<sup>9</sup> The over-reliance on cognitive capacity [meaning that the emotional and volitional aspects of criminal action are frequently overlooked in favor of concentrating on whether a defendant grasped the nature of their act and realized it was bad (rationality)]. by courts overlooks acquired aggression patterns, moral disengagement, and volitional disability.

The theories are:

#### A. Psychodynamic Theory

By linking criminal behavior to unresolved childhood traumas and imbalances in personality structure, psychodynamic theory offers the fundamental psychological explanation for comprehending the unconscious reasons behind evil criminals. The three interrelated components of the theory, which has its roots in Sigmund Freud's structural model of the psyche, are the id (primitive instincts seeking instant gratification through aggression and sexuality), ego (reality mediator balancing id demands with external constraints), and superego (internalized moral conscience developed through parental identification).<sup>10</sup> When early trauma upsets this balance, criminality results—weak superego fails to produce remorse or shame, and overactive id impulses overpower immature ego controls. For criminals such as Surinder Koli (the Nithari cannibalism case), this takes the shape of compulsive sadism, which turns helplessness from childhood into predatory control over weaker victims.

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<sup>8</sup> *Id* at 7.

<sup>9</sup> Nat'l Crime Records Bureau, Crime in India 2024.

<sup>10</sup> Sigmund Freud, *The Ego and the Id* 3-18 (James Strachey trans., 1923).

Defense mechanisms, which Freud characterized as ego tactics that neutralize psychic distress, are often twisted in criminals. Reaction formation transforms deficiency into violent overcompensation (rape as power assertion), projection attributes personal aggressiveness to victims ("she tempted me sexually"), and displacement shifts trauma-induced wrath onto safe targets (children, homeless). Monthero Kumar's Nithari co-offender, Moninder Singh Pandher, demonstrated classic attachment pathology: emotionally distant upbringing fostered objectification of children as disposable "toys," enabling murderous rituals without moral inhibition. John Bowlby's attachment theory (1969) expands on Freudian insights by showing that early caregiver deprivation produces disorganized attachment—60% of serial killers exhibit attachment disorders associated with dissociative violence. Defense mechanisms, which Freud characterized as ego tactics that neutralize psychic distress, are often twisted in criminals. Reaction formation transforms deficiency into violent overcompensation (rape as power assertion), projection attributes personal aggressiveness to victims ("she tempted me sexually"), and displacement shifts trauma-induced wrath onto safe targets (children, homeless). Monthero Kumar's Nithari co-offender, Moninder Singh Pandher, demonstrated classic attachment pathology: emotionally distant upbringing fostered objectification of children as disposable "toys," enabling murderous rituals without moral inhibition. John Bowlby's attachment theory (1969) expands on Freudian insights by showing that early caregiver deprivation produces disorganized attachment—60% of serial killers exhibit attachment disorders associated with dissociative violence.<sup>11</sup> Psychodynamic theory sheds light on unconscious drives that cognitive theory's superficial rationalizations or behavioral learning fail to address. The following segments offer supporting perspectives—behavioral theory delineates the learning routes that guide id impulses, cognitive theory shows how neutralization protects the ego, and biosocial theory uncovers neurological factors that enhance susceptibility to trauma. Together, these elements create a thorough understanding of the psyche that aids in making nuanced judgments about culpability that extend beyond the cognitive limitations of McNaughten's test.

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<sup>11</sup> 1 John Bolby, Attachment and Loss 340-45 (1969).

## **B. BEHAVIORAL AND SOCIAL THEORIES**

Behavioral and social learning theory redirects attention from unconscious conflicts to observable patterns influenced by the environment, explaining how violent criminals develop and sustain aggressive behaviors. In contrast to psychodynamic internal determinism, this theory views criminal behavior as responses learned through reinforcement histories and social modeling, emphasizing the importance of rehabilitation rather than punishment in the context of Indian sentencing. B.F. Skinner's operant conditioning (1938) demonstrates that behaviors followed by rewards (positive reinforcement) or the avoidance of punishment (negative reinforcement) become more frequent—violent actions that lead to financial gain, sexual pleasure, power, or social approval enhance the neural reward pathways.<sup>12</sup> Albert Bandura's social learning theory (1977) enhances this concept through the idea of observational learning: people learn behaviors by observing models (such as parents, peer groups, or media) without having personal experience, as shown by the Bobo doll experiments in which 80% of children imitated adult aggression.<sup>13</sup> For habitual offenders like Cyanide Mallika (who committed six poisonings for gold) or the gang rapists from Uttar Pradesh, crime is seen as a positively reinforced behavior—each successful act strengthens the pattern, which accounts for the 1,892 repeat serious offenders identified by NCRB 2024 who are unresponsive to traditional deterrence methods. Core mechanisms in nefarious criminals include:

- i. Different reinforcement schedules maintain high-risk actions: unpredictable rewards (infrequent escapes) lead to ongoing criminal activity similar to gambling addiction. Gradual shaping develops intricate crimes—an inexperienced thief advances to a MCOCA organized group through incremental reinforcements.
- ii. Resistance to extinction arises when viable alternatives are lacking: poverty drives robbery, while social rejection exacerbates acts of sexual violence.
- iii. Bandura outlines four mediational processes that facilitate imitation: attention (attractive portrayals in the media), retention (mental rehearsal of violent methods), reproduction (development of physical abilities), and motivation (expected benefits).<sup>14</sup>

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<sup>12</sup> B.F. Skinner, *The Behaviour of Organisms* 67 (1938).

<sup>13</sup> Albert Bandura, *Social Learning Theory* 23 (1977).

<sup>14</sup> *Id.*

- iv. Raman Raghav's 41 identical bludgeonings showcase perfected reproduction—each murder reinforced a narrative of street survival, remaining resistant to extinction despite being apprehended.

This theory can be applied in the case of Cyanide Mallika Pandurang, Indian Case Applications: The case of (Karnataka, 2007) illustrates a progression in behaviour: beginning with low-risk insurance frauds, the actions escalated to poisoning family members for gold inheritances, with each successful act reinforcing the use of cyanide. Data from the Uttar Pradesh NCRB reveals 2,317 rape-murders linked to teenage gangs—these offenders often imitate adult criminals observed within their families or through Bollywood depictions of vigilantism, with peer validation serving as social reinforcement<sup>15</sup>. Surinder Koli's Nithari abductions were influenced by Moninder Pandher's behavior, converting casual labor into systematic predatory actions through the gratification derived from observing power dynamics. The auto-rickshaw cannibal Thazhathepurakkal Yusuf gained insights into flesh consumption during his apprenticeship with a butcher, which was positively reinforced by delusions of "strength absorption" leading to a sense of invulnerability.

Legal Interaction with Indian Laws: The basis of behavioral theory champions reformative justice as found in Article 21 and the Probation of Offenders Act of 1958. Section 4 gives authority to courts to grant probation to first-time offenders who have "good character and no prior convictions"—evaluating the adaptability of learned behavior as opposed to a fixed pathological condition<sup>16</sup>. The case *Sunil Batra v. Delhi Administration* (1978) requires prison programs aimed at breaking conditioning chains, recognizing that extinction is more effective than retribution for offenders who are not psychopathic. The Juvenile Justice (Care and Protection of Children) Act 2015 incorporates principles from Bandura by implementing behavioral modification in Observation Homes, successfully diverting 70% of adolescents showing patterns of environmental acquisition.<sup>17</sup> Prosecutions under MCOCA section 3 for organized crime illustrate the challenges of extinction—gang reinforcement leads to minimum sentences of 20 years, disrupting the learning networks.

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<sup>15</sup> NCRB, Crime in India 2024, Table 5A.

<sup>16</sup> Probation of Offenders Act, 1958, §4, No. 20, Acts of Parliament, 1958 (India).

<sup>17</sup> Juvenile Justice (Care & Protection of Children) Act, 2016, §12, No.2, Acts of Parliament, 2016 (India).

Sentencing and Evidentiary Applications: The reformatory directive in *Bachan Singh v. State of Punjab* (1980) corresponds with the concept of behavioral malleability: offenders who can be conditioned are suitable for probation/CBT unless they have psychopathic comorbidities, while consistent reinforcement increases the "rarest of rare"<sup>18</sup> classification as seen in *Machhi Singh v. State of Punjab* (1983). CrPC section 360 mandates a structured approach to probation that necessitates an analysis of conditioning—historical reinforcement patterns can predict compliance (with an 85% success rate for variable-reward dropouts compared to 40% for fixed reinforcers). BSA Section 39 recognizes behavioral histories as relevant "facts in issue" (including arrest records and family testimonies) but restricts predictive modeling to "opinion"—state of *Maharashtra v. Damu* (2000) highlights the significance of reinforcement detection in assessing the voluntariness<sup>19</sup> of confessions under section 27. Behavioral contracts in Tihar Jail (that reward compliance and penalize violations) have led to a 35% reduction in violent recidivism, backing the argument for extending the Model Prison Manual 2016 to all undertrial facilities.

### C. COGNITIVE THEORY

Cognitive theory clarifies how malicious criminals preserve their self-esteem while engaging in violent actions through a series of cognitive distortions that diminish moral barriers and rationalize aggression. In contrast to psychodynamic unconscious motivations or behavioral conditioning, cognitive perspectives focus on conscious (and semi-conscious) thought processes that allow offenders to formulate criminal intent (IPC sections 299-304 mens rea) while viewing themselves as justified. The foundational work *Techniques of Neutralization* by Gresham Sykes and David Matza (1957) outlines five key mechanisms that temporarily lift superego restraints:

- (1) denial of responsibility ("external factors forced my hand"),
- (2) denial of harm ("no lasting damage was done"),
- (3) denial of the victim ("they had it coming"),
- (4) condemnation of the accusers ("law enforcement/judges are corrupt"), and
- (5) appeal to higher loyalties ("I did it for my family/gang/religion").<sup>20</sup> Additionally, Albert Bandura's theory of moral disengagement (1991) broadens this

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<sup>18</sup> *Id* at 7.

<sup>19</sup> *Id* at 6.

<sup>20</sup> Gresham M. Sykes & David Matza, *Techniques of Neutralization*, 22 *Am.Soc. Rev.* 664, 666 (1957).

framework by introducing mechanisms such as euphemistic language (“just discipline” in reference to torture), advantageous comparison (“not as bad as politicians”), displacement of responsibility (“the gang leader gave the order”), diffusion of responsibility (“everyone was involved”), and dehumanization (“lower caste/animals not entirely human”).<sup>21</sup> These mechanisms enable offenders to maintain a favorable self-image even while committing atrocious acts, which helps explain the 75% prevalence of untreated personality disorders among the 4,784 IPC section 302 convicts in Uttar Pradesh, as reported by NCRB 2024.

Core mechanisms in nefarious criminals:

- i. Cognitive distortions consistently weaken moral reasoning.
- ii. Minimization downplays the perceived severity of harm (“he just passed out”), entitlement claims special rights (“wealthy individuals are protected against me”), super-optimism falsely boosts assessments of evasion chances (“I’ll never face consequences”), and cutoff momentarily disables compassion (“switch off” during acts of killing).
- iii. George Walters' Psychological Inventory of Criminal Thinking Styles (PICTS) assesses eight major distortions, with scores exceeding 70 indicating an 82% likelihood of reoffending—crucial for poor prognosis evaluations in *Bachan Singh v. State of Punjab* (1980).<sup>22</sup> Raman Raghav illustrated victim denial: “poor homeless individuals die naturally anyway,” rationalizing 41 bludgeonings as a form of population control. Surinder Koli's confessions in Nithari disclosed dehumanization (“children are like street dogs”) and displacement (“Pandher made me”), allowing him to maintain an image of being a compliant worker rather than a predator.

#### **D. BIOSOCIAL AND HUMANISTIC THEORIES**

Biosocial theory provides a contemporary framework for understanding harmful criminal behavior through the interactions of genetics and environment that influence brain development, presenting predictive capabilities that previous

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<sup>21</sup> 3 Albert Bandura, *Moral Disengagement in the Perpetration of Inhumanities* 193 (1999).

<sup>22</sup> *Id.* at 7.

theories lack while also introducing significant challenges in terms of evidence under Indian law. Adrian Raine's work in neurocriminology highlights how low-activity variants of the MAOA gene, often referred to as the "warrior gene," combined with experiences of childhood maltreatment, can lead to a 44% higher likelihood of engaging in antisocial violence, a finding corroborated by 31 studies involving a total of 55,000 participants.<sup>23</sup>

Reduced activity in the prefrontal cortex affects executive functions such as planning and inhibition, while increased activity in the amygdala intensifies responses to perceived threats, leading to aggression; autonomic underarousal characterized by low heart rate and skin conductance contributes to thrill-seeking behavior. Neuroimaging studies indicate that individuals with psychopathy show an average reduction of 25% in prefrontal gray matter.<sup>24</sup> Serial offenders often display callous-unemotional traits (CU-traits) from the age of 10, with a heritability factor of 60% that is further influenced by inconsistent parenting practices. Raman Raghav's emotional flatness and compulsive behavior are indicative of prefrontal deficits, while Surinder Koli's necrophilic detachment points to dysfunction in the amygdala that is disconnected from empathy circuits. Cyanide Mallika's methodical poisonings illustrate preserved executive functioning that serves practical objectives without moral constraints—this exemplifies the classic biosignature of psychopathy.

Humanistic Extensions: Abraham Maslow's hierarchy of needs suggests that criminal behavior arises from unmet self-actualization needs—deficiencies in physiological and safety requirements lead to aggressive efforts to seek esteem without moral considerations. Carl Rogers' person-centered approach indicates that psychological issues stem from conditional positive regard—when parental approval is linked to dominance, it cultivates narcissistic vulnerability, resulting in exploitative behaviors. Koli pursued "belonging" through necrophilic "relationships," illustrating Maslow's unfulfilled love needs; Raghav's murders were a way to affirm his esteem in response to societal rejection. The potential for humanistic growth moderates' biosocial determinism—Rogersian therapy reinstates unconditional regard, achieving a 55% reduction in aggression among

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<sup>23</sup> Adrian Raine, *The Anatomy of Violence* 267 (2013).

<sup>24</sup> Kent Kiehl, *The Psychopath Whisperer* 89 (2014).

non-psychopathic offenders.<sup>25</sup>

## IV. BIOLOGICAL, NEUROLOGICAL AND PERSONALITY FACTORS

This part turns its focus to the biological foundations—genetics, brain function, and personality disorders—that contribute to criminal behavior, providing predictive validity that is lacking in solely environmental theories. Adrian Raine's neurocriminology indicates that biological factors account for 40-50% of the variance in violent behavior, which interacts with the psychological mechanisms discussed earlier<sup>26</sup>. For Indian courts addressing the 4,784 IPC Section 302 murder cases from Uttar Pradesh reported in NCRB 2024, biological evidence refines the culpability levels established in Bachan Singh case, differentiating between behaviors shaped by external influences and those stemming from unchangeable psychopathy. Notable examples such as Surinder Koli's Nithari cannibalism (PCL-R score of 34/40) and Raman Raghav's serial killings highlight neurological indicators overlooked due to BSA section 39 restrictions on evidence, resulting in inconsistent sentencing outcomes.

### A. GENETIC AND HERITABILITY STUDIES

*Genes load gun, life pulls trigger.*

Certain individuals may have an increased likelihood of engaging in criminal behavior from birth. However, this does not guarantee that they will inevitably commit crimes. Rather, their genetics may predispose them to become easily angered or take greater risks. Researchers investigate twins and family dynamics to support this idea. Identical twins, who have 100% of their DNA in common, often exhibit similar criminal behavior; if one twin engages in criminal activity, the likelihood of the other twin doing the same is between 50-60%. Fraternal twins, on the other hand, share only 50% of their DNA, leading to a significantly lower correlation in criminal behavior, with a match rate of about 15-20%. This demonstrates that genetics plays a significant role, alongside environmental factors.

Twin Studies - Clear Evidence: Consider Surinder Koli (the Nithari killer). If he had an identical twin, it's possible that both could have committed murders. Family research indicates a similar trend. Fathers in prison for violent crimes have a 40% chance of their sons also ending up incarcerated. This rate is quadruple that of families without such backgrounds. In Uttar

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<sup>25</sup> Carl Rogers, Client- Centered Therapy 112 (1951).

<sup>26</sup> Shahoooma Hussain V. State (2020).

Pradesh, prison statistics reveal that 30% of those convicted of murder had fathers with criminal records. Genetic traits like "explosive temper" or "fearlessness" can be inherited.

The "Warrior Gene" (MAOA) is the most well-known gene associated with criminal behavior. Everyone possesses the MAOA gene, which regulates anger-related chemicals in the brain. Some individuals inherit a "low activity" variant from their parents. Those with low MAOA levels who experience childhood abuse are ten times more likely to exhibit violent behavior. A significant study involving 5,500 boys confirmed this finding. Children who were abused and carried the faulty MAOA gene grew into aggressive adults, while those with a functional MAOA gene remained unaffected even after experiencing abuse. Cyanide Mallika, who poisoned six individuals, likely had this gene, as she maintained her composure while committing those murders—showing no signs of panic or remorse. How Genes Influence Criminal Behaviour:

- A. Diminished Fear:** Defective genes cause a slow heart rate in stressful situations. Criminals often experience boredom, leading them to inflict harm for thrills.
- B. Rapid Anger:** Deficient serotonin genes can escalate minor conflicts into violent encounters.
- C. Lack of Guilt:** Genes associated with brain rewards can make criminal acts feel pleasurable, akin to hitting the jackpot.

## **B. NEUROLOGICAL CORRELATES**

The brains of criminals function differently. Neuroimaging indicates that individuals who commit homicide have impaired neural connections. This does not apply to all offenders, but specifically to the most dangerous recidivists, such as serial killers or extreme rapists. Typical brains can inhibit harmful thoughts, whereas criminal minds cannot. Three key areas of the brain contribute to the problem: the frontal lobe (responsible for reasoning/control), the amygdala (the center for fear), and the body's alert system. Medical professionals utilize MRI technology to examine these brain structures. In the United States, 85% of individuals diagnosed as psychopaths exhibit brain abnormalities. India conducts fewer tests, but the Nithari murderer Surinder Koli would undoubtedly fail a brain scan.

### **a. PREFRONTAL CORTEX DYSFUNCTION**

The prefrontal cortex (PFC) serves as the brain's control center for executive functions, managing impulse control, anticipation of consequences, moral judgment, and regulation of behavior. Individuals within criminal populations show a reduction of 25-30% in prefrontal

gray matter, which is linked to deficiencies in executive functions that are vital for socially acceptable behavior. A meta-analysis by Adrian Raine encompassing 86 structural imaging studies indicates that psychopaths exhibit a 40% decrease in the activation of PFC areas during tasks related to moral decision-making, which helps explain Surinder Koli's (Nithari cannibalism) methodical necrophilic actions despite being aware that they were wrong.<sup>27</sup> Raman Raghav's repeated 41 instances of bludgeoning demonstrate perseveration—damage to the PFC hinders the ability to adapt behavior even after multiple arrests. Deterioration of the orbitofrontal cortex (OFC) specifically impairs the processing of the somatic marker hypothesis, resulting in the absence of instinctual moral repulsion in psychopaths when faced with the suffering of their victims.

An average person who witnesses an injured child will intervene to stop a crime. A criminal, however, feels no empathy when seeing an injured child. MRI scans support this observation. The justice system overlooks this fact because India only has 50 brain scanning devices available for a population of 1.4 billion. UP gang rapists (2,317 NCRB 2024 incidents). They chuckle in court. No sense of shame. Diminished fear response = reoffending. Typical thief weeps, undergoes rehabilitation. These individuals laugh, re-offend.

Doctrinal Significance: Deficits in the prefrontal cortex (PFC) influence volitional mens rea as outlined in IPC Sections 299-304. Although Koli met the McNaughten criteria for cognitive competency regarding the "nature of act," PFC dysfunction affected impulse control, warranting mitigation in the absence of the extreme depravity described in Machhi Singh v. State of Punjab (1983) as the "rarest of rare." Sentencing hearings under CrPC Section 235(2) should require volumetric assessments of the PFC to facilitate biological mitigation evaluation.

#### **b. AMYGDALA AND LIMBIC SYSTEM PATHOLOGY**

The amygdala is involved in processing emotional significance, learning fear responses, and generating feelings of empathy. Research shows that violent criminals exhibit a 20% asymmetry in amygdala volume and reduced activation when exposed to scenarios of victim pain—serial rapists often display neutral emotional reactions while watching torture videos. Studies by Kent Kiehl using magnetoencephalography indicate that the amygdala in psychopaths does not engage the circuitry necessary for linking the pain of others to their own sense of suffering. Cyanide Mallika Pandurang's (who has been involved in 6 poisonings) expressionless demeanour illustrates a disconnect from emotions—her intact intelligence is

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<sup>27</sup> Adrian Raine, *The Anatomy of Violence* 145- 167 (2013).

utilized for cold, calculated purposes. Increased activity in the ventral striatum promotes homicide by triggering dopamine rewards that mimic the effects of cocaine addiction, which can explain the persistent reoffending even in the face of possible imprisonment threats. Looking at it legally, deficiencies in the amygdala adjust emotional mens rea aspects overlooked by the cognitive priority of IPC Section 84. In Shahooma Hussain case, a psychopathic rapist-murderer was given an excessive life sentence without a limbic evaluation—BSA Section 39 evidential obstacles continue to allow for these kinds of omissions.

### **c. AUTONOMIC NERVOUS UNDERAROUSAL**

Dysregulation of the autonomic nervous system (ANS) is indicated by a lower resting heart rate (ranging from 8 to 12 bpm below the average population rate), a decrease in skin conductance, and cortical hypo arousal that drives the pursuit of thrilling experiences. The longitudinal Pittsburgh Youth Study conducted by Raine shows that low ANS arousal is a predictor of 65% of serious violent behavior in adulthood. Raghav's flattened emotional responses during interrogations indicate a lack of fear, whereas Koli displayed calmness during his 16 necrophilic murders<sup>28</sup>. Event-related potentials (ERPs) demonstrate a reduction in P300 amplitude, reflecting decreased attention to moral stimuli, which explains the dehumanization of victims—as Koli referred to them as "street dogs" in his confessions.

### **d. CORPUS CALLOSUM AND CONNECTIVITY ABNORMALITIES**

The absence of the corpus callosum disrupts communication between the brain's hemispheres, causing a separation between emotional responses in the right hemisphere and rational thought in the left hemisphere, which aids in resolving cognitive dissonance by means of dehumanization. Violent criminals exhibit a 15% decrease in connectivity, which aligns with the moral disengagement trends.

## **V. PERSONALITY DISORDERS AND TRAITS**

Individuals with psychopathic traits may appear ordinary on the outside, yet they experience no genuine emotions internally. They can be deceitful, charismatic, and ultimately harmful. The Hare PCL-R assessment evaluates 20 different indicators. A score exceeding 30 indicates psychopathy. Typically, healthy individuals score between 5 and 10. Those with criminal

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<sup>28</sup> Adrain Raine, *The Anatomy of Violence*, Pittsburgh Youth Study, *supra* note 54, at 203.

behaviour often score 25 or higher. Those considered extremely dangerous may score 35 or more.

### **A. ANTISOCIAL PERSONALITY DISORDER**

This behavior often begins in childhood. Those aged 10 and older may harm animals, engage in theft, and get into fights. By adulthood, there are typically no restrictions. Antisocial Personality Disorder (ASPD) affects 3% of the general population but accounts for 70% of homicides in prison. According to the DSM-5, symptoms must manifest before the age of 15. For instance, the UP Gang has been linked to 2,317 sexual assault cases (NCRB 2024). Most offenders are over 16 and start by abusing animals before progressing to harming girls. ASPD means that time in prison often does not serve as a deterrent.

### **B. NARCISSISTIC PERSONALITY DISORDER**

People with such personalities often possess traits that resemble the definition of narcissist and when they do this, they often ignore the palate of a victim and just possessing themselves as all grandiose and promiscuous. They consider, "I am the ruler." They tend to cause harm to those who stand in their way. Such are the leaders of white-collar crime, Nirav Modi (₹14,000 crore PNB fraud) is a narcissist. He believed that he had the right to take without permission. In legal context, judges refer to it as "greed." Research identifies it as a brain disorder and holds that reduced prison sentences are necessary, along with increased focus on shame therapy.

## **V. CRIMINAL THINKING PATTERS AND COGNITIVE DISTORTIONS**

Criminal thought processes consist of established cognitive distortions that facilitate and sustain antisocial actions, serving as a central concern in forensic psychology and the rehabilitation of offenders. These thought patterns, highlighted in foundational studies such as Yochelson and Samenow's list of 52 thinking errors, are fundamental to criminal choices by diminishing accountability and rationalizing deviant behaviour.

Criminal thinking includes both the content and processes of thought—such as mollification (shifting blame to external factors), entitlement, and cutoff (suppressing feelings of guilt)—that support illegal behaviour, as opposed to momentary thoughts. Proactive styles are characterized by deliberate, amoral planning, while reactive styles arise from impulsive emotional responses, according to Walters' Psychological Inventory of Criminal Thinking

Styles (PICTS). In India, these styles correlate with offender profiles in cases related to POCSO, IPC 376A, and MCOCA, where cognitive distortions are indicators of potential recidivism. Distortions such as denial of harm, excessive optimism (overconfidence in avoiding consequences), and a focus on power distort self-perception, encouraging repeated offenses as evidenced by Cyanide Mallika's exploitative greed or the Auto-rickshaw Cannibal's emotional disengagement. These distortions emerge through social learning, strengthening deviant thought patterns that circumvent empathy, with neuroticism and psychoticism serving as predictors. Research indicates that cognitive-behavioural approaches aimed at addressing these patterns can decrease recidivism rates by 10-20%. The chapters within this work examine categories from past cases to suggest models tailored to India. This framework connects psychological principles with legal practices for efficient profiling.

## **A. CORE CRIMINAL THINKING STYLES**

Core criminal thinking patterns serve as the basis for how offenders interpret and maintain illegal activities, originating from the groundbreaking research conducted by Samuel Yochelson and Stanton Samenow over a 14-year period involving 255 inmates. These thinking patterns are not temporary ideas but ingrained cognitive frameworks that distort perception, diminish personal responsibility, and prioritize individual self-interest, facilitating offenses ranging from minor theft to large-scale criminal enterprises like those governed by MCOCA. In straightforward terms, they function as mental filters that render wrongdoing as either justified or unavoidable, often resisting transformation until faced directly in therapy or profiling. Yochelson and Samenow identified 52 unique "thinking errors," categorized into eight fundamental styles or factors that encapsulate the nature of criminal thinking.

1. The first is mollification, which occurs when offenders attribute their actions to external influences—such as society, family, poverty, or even the victims themselves—believing, "It's not my responsibility; the world compelled me to do it." This shifts accountability away from themselves, as evidenced by white-collar criminals asserting that "market pressures" necessitated their embezzlement or by serial killers like Cyanide Mallika who depict victims as "worthy" of their fate due to their circumstances. It establishes a victim mentality within the offender, hindering self-examination and continuing cycles of denial.
2. Cutoff is the second core style, a rapid mental switch that blocks out fear, guilt, or moral doubts right before or during a crime. Imagine flipping an internal switch to ignore consequences; the offender feels a surge of excitement instead. For repeat sexual

offenders under POCSO or IPC 376A, this might mean suppressing empathy mid-assault, aligning with psychopathic detachment in cases like the Auto-rickshaw Cannibal. It's automatic and practiced, making violence feel detached and consequence-free.

3. Entitlement emerges as the third style, characterized by criminals who feel they are entitled to special privileges that disregard established rules. They rationalize, "I deserve to take what I want because life owes me," often due to an inflated sense of self-worth. White-collar psychopaths involved in corporate fraud serve as prime examples, misappropriating funds as if they were legitimate "earned perks," while organized crime figures under MCOCA consider extortion to be a "tax" within their sphere. This mindset breeds arrogance, overlooking the rights of others and rationalizing their exploitation.
4. The fourth style, known as power thrust, is characterized by an intense desire for control, dominance, and excitement derived from violating societal norms. Offenders pursue power highs, such as outsmarting law enforcement or manipulating their victims, believing, "True strength lies in doing what others cannot." In cases involving MCOCA syndicate leaders or sadistic rapists described under CrPC 439, this manifests as deliberate predation, where decisions on bail are influenced by established patterns of dominance that indicate the likelihood of tampering.
5. Sentimentality complements selective empathy, identified as the fifth style, where perpetrators become emotional about "virtuous" subjects like family or pets while disregarding the suffering of others. They engage in altruistic acts to offset their wrongdoings, believing, "My compassion shows I'm not evil." Cyanide Mallika's religious ceremonies concealed her murders behind a guise of false holiness, a typical disguise that deceives outsiders but exposes a fragmented distortion within.
6. Excessive optimism fosters overconfidence in defying the odds, viewing possibilities as if they are guaranteed outcomes. Offenders may think, "I'll never be apprehended; I've got it all figured out," employing cutoff to eliminate any uncertainties. This forward-thinking strategy benefits organized criminals who are establishing cyanide supply chains or enticing auto-rickshaw schemes, increasing the likelihood of repeated offenses highlighted in forensic evaluations.
7. Cognitive indolence, in its seventh form, signifies a lack of mental effort—shirking responsibilities or the foresight required for decision-making. Offenders often choose to bypass deep thought, opting for immediate pleasure rather than considering lawful

options, which sheds light on why chaotic criminal activities tend to rise even within seemingly structured operations.

These styles connect Indian case types—such as blame-shifting in Mallika's mollification and power dynamics in cannibalistic rituals—to psychological evaluations in legal settings under CrPC 439 or MCOCA, where misrepresentations indicate unsuitability for bail and guide cognitive-behavioural rehabilitation. Addressing these misrepresentations through reality therapy lessens distortions, since non-offenders do not exhibit such widespread errors, highlighting the importance of choice over circumstances.

## CONCLUSION

Exploring the mindset of criminal offenders reveals a complicated interaction of cognitive distortions, external triggers, and neurobiological elements that drive people toward criminal behavior. The justifications found in criminal thinking patterns—including minimization, denial, and a sense of entitlement—combined with the socio-economic challenges prevalent in various Indian contexts, emphasize that criminal behavior is seldom inherent but often a maladaptive reaction to unfulfilled needs and a fragmented self-image. Theoretical frameworks such as Neutralization and Psychopathy Spectrum models shed light on how offenders create moral justifications to alleviate guilt, while evidence from Indian case studies, including notable white-collar crimes and violent offenses as defined by IPC Sections 302 and 420, illustrates the influence of cultural stigma, poverty, and ineffective deterrence in sustaining these behaviors. However, real development requires intervention as well as diagnosis. Policymakers can transition from punitive retribution to rehabilitative reform by incorporating psycho-legal approaches, such as cognitive-behavioral therapy into penal systems and restorative justice models suited to India's multicultural society. A viable model is provided by the National Human Rights Commission's focus on mental health in prisons, which advocates for a paradigm that prioritizes prevention over punishment. In the end, understanding the malevolent mentality enables society to break the cycle of crime, fostering a judicial system that both heals and holds people accountable, and opening the door to a safer, more compassionate India.