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"BEYOND SOUND MIND: BIOLOGY, PSYCHOLOGY AND SOCIETY IN THE MAKING OF A CRIMINAL - AN INDIAN PERSPECTIVE"

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Abstract

Why does a person turn to crime? Criminal law assumes it is simply a free choice, but criminology tells a more layered story - one shaped by biology, psychology, and society. This article looks at these three explanations through Indian criminal law and some of India's most well-known criminal cases. Biological theories, once rooted in Lombroso's discredited "born criminal" idea, now point to a hereditary link shaped heavily by environment. Psychological theories, from Freud's model of the mind to modern ideas about psychopathy, help explain offenders like Charles Sobhraj, who understood right from wrong perfectly well but felt no remorse. Sociological theories, particularly Merton's strain theory and Sutherland's differential association theory, are reflected clearly in the lives of Phoolan Devi and Dawood Ibrahim, both shaped by poverty, caste, and their surroundings. Yet, when it comes to deciding guilt, Indian law barely engages with any of this. Section 84 IPC (now Section 22 BNS), based on the 1843 M'Naghten Rules, asks only one narrow question - did the accused understand that the act was wrong? Cases like *Hari Singh Gond* and *Surendra Mishra* confirm that courts look for legal insanity, not medical insanity. This article argues that while all three theories work together to explain crime, Indian law keeps its guilt test deliberately narrow, pushing the larger questions of biology, mind, and society to the sentencing stage instead- a practical compromise between justice and workability.

I. Introduction: Why Does a Person Become a Criminal?

Ask any first-year law student why people commit crime, and the honest answer is: nobody fully knows. Criminal law assumes that every offender chooses freely to break the law, and punishes them on that basis. But criminology, the science of crime, tells a more complicated story. Sometimes biology plays a part, sometimes the offender's mind is disturbed, and sometimes society itself pushes a person toward crime.

This article looks at these three explanations biological, psychological, and sociological through the lens of Indian criminal law and some of India's most talked-about criminal cases. The argument is simple: no single theory can fully explain crime, and Indian criminal law, built mainly around one narrow test of "sound mind," often ignores the fuller picture that these theories provide.

II. Setting the Stage: Three Ways of Looking at the Same Problem

Think of a crime like a road accident. A traffic police officer might blame the driver's carelessness. An engineer might blame the poorly designed road. A doctor might point to the driver's eyesight or a medical condition. All three could be right at the same time they are simply looking at different causes of the same event.

Crime works in a similar way. Biological theories look at the body, the brain, genes, and hormones. Psychological theories look at the mind, personality, emotions, and mental illness. Sociological theories look outward poverty, caste, family, and neighbourhood. None of these three lenses is "the truth" on its own; each one shows a different part of the picture.

III. Biological Theories: When the Body Is Blamed

The Italian doctor Cesare Lombroso is usually called the father of this idea. In his book *L'Uomo Delinquente*, he argued that some people are "born criminals," identifiable by physical features such as the shape of the skull or jaw.¹ This was later proved wrong by more careful statistical research, but it started an important shift: crime began to be studied scientifically instead of only morally.

Modern biology is far more careful. Twin studies show that criminal tendencies have some hereditary link, though environment matters just as much. A useful analogy: two seeds of the same plant may grow very differently depending on the soil they are planted in. Genes may load the gun, but circumstances often pull the trigger a phrase criminologist frequently use to explain that biology alone rarely causes crime.

India does not have many famous "biological" crime cases, largely because Indian courts rarely accept genetic or brain-based arguments as a defence. But the case of Mumbai's Raman

¹ Cesare Lombroso, *L'Uomo Delinquente* (Hoepli, 1876).

Raghav, discussed further below, shows how a diagnosed brain-related illness 'schizophrenia' can sit right at the border between biology, psychology, and law.

Think of it this way: a car with a faulty brake is more likely to be involved in an accident, but the faulty brake alone does not decide whether the car actually crashes the road, the weather, and the driver's choices matter too. Biology, in the same way, can raise the *risk* of violent behaviour without ever guaranteeing it.

IV. Psychological Theories: When the Mind Is Blamed

Sigmund Freud's psychoanalytic theory divided the human mind into id, ego, and superego, and argued that a weak superego a poorly formed conscience fails to control a person's darker impulses.² Later psychologists, such as Hans Eysenck, argued that some people's brains simply do not respond to fear or guilt the way most people's do, making them less likely to be "trained" by punishment during childhood.³

This is where psychopathy becomes important. A psychopath is not "mad" in the medical or legal sense such a person usually knows exactly what they are doing and that it is wrong. What is missing is empathy and remorse, not understanding.

Charles Sobhraj, the conman and serial killer known as "The Serpent," is one of India's most famous examples. Operating on the hippie trail through Asia in the 1970s, he drugged and robbed Western tourists, and was convicted in India for the murder of an Israeli tourist, spending the years between 1976 and 1997 largely in Delhi's Tihar Jail.⁴ Sobhraj was known for his charm, intelligence, and complete lack of guilt a textbook description of the psychopathic personality, though he was never found legally insane and knew perfectly well that his actions were both criminal and wrong.

Raman Raghav's case is different, and arguably more revealing. In the mid-1960s, this Mumbai man bludgeoned homeless pavement-dwellers to death while they slept. When tried for murder, the trial court found him sane and sentenced him to death.⁵ But a medical board appointed by

² Sigmund Freud, *The Ego and the Id* (Hogarth Press, London, 1927).

³ Hans J. Eysenck, *Crime and Personality* (Hogarth Press, London, 1964).

⁴ Al Jazeera, "Charles Sobhraj, convicted murderer, has a new story to tell" (25 August 2023).

⁵ *State of Maharashtra v. Sindhi Alias Raman*, (1975) 2 SCC 145.

the Bombay High Court later diagnosed him with chronic paranoid schizophrenia. His death sentence was eventually commuted to life imprisonment in 1987, not because he was found not guilty, but because doctors concluded his illness was incurable.³ The case shows, almost perfectly, the gap Indian law draws between "medical insanity," which doctors diagnose, and "legal insanity," which alone can excuse a person from punishment.

V. Sociological Theories: When Society Is Blamed

Robert Merton's strain theory offers a simple everyday analogy. Imagine a classroom where the teacher tells every student to aim for a first-class degree, but only gives textbooks and tuition to students sitting in the front row. The students at the back still want to succeed but some of them may cheat, because the goal was given to everyone while the tools to reach it were not.⁶ Merton argued that society sets universal goals, like wealth and success, but distributes the legitimate means of achieving them very unequally and crime is one way some people respond to that gap.

Edwin Sutherland's differential association theory adds another everyday example. If a child grows up watching elders around them steal, smuggle, or use violence to solve problems, that child learns crime the same way any child learns language or manners through the people they spend the most time with.⁷

Phoolan Devi, India's famous "Bandit Queen," illustrates strain theory better than almost any other case. Born into the Mallah caste among the lowest in the rural social order she was married off at eleven, suffered repeated abuse, and was later kidnapped by a gang of dacoits after a caste-based land dispute with her own relatives. Her life as an outlaw in the Chambal ravines cannot be separated from the caste oppression and poverty she experienced from childhood; her supporters even saw her as a Robin Hood figure fighting back against upper-caste landlords.

Dawood Ibrahim's rise tells a similar story through Sutherland's lens. Born to a police constable in the crowded, crime-ridden Dongri locality of Mumbai, young Dawood grew up surrounded by smugglers and local dons like Haji Mastan.⁸ He did not invent organised crime in Dongri

⁶ Robert K. Merton, "Social Structure and Anomie", 3 *American Sociological Review* 682 (1938).

⁷ Edwin H. Sutherland, *Principles of Criminology* (B. Lippincott Co., Philadelphia, 3rd edn., 1939)

⁸ S. Hussain Zaidi, "Dongri to Dubai: Six Decades of the Mumbai Mafia" (2012).

he learned it, the way a child in that neighbourhood might have learned any other trade, eventually building it into the transnational D-Company syndicate.

VI. What Indian Law Actually Asks: The Insanity Defence

Indian criminal law absorbs very little of this theory directly. The main doorway through which mental abnormality enters criminal law is Section 84 of the Indian Penal Code, 1860 now Section 22 of the Bharatiya Nyaya Sanhita, 2023, which excuses an act done by a person who, due to unsoundness of mind, could not understand the nature of the act or know it was wrong.⁹

This provision is a direct copy of the English "M'Naghten Rules," laid down by the House of Lords in 1843 after Daniel M'Naghten shot the British Prime Minister's secretary while suffering from paranoid delusions.¹⁰ The test asks only one thing: did the accused's mind work well enough, at that exact moment, to know right from wrong? It does not ask whether the accused's brain chemistry, childhood trauma, or poverty made the crime more likely those questions, however important to criminology, simply fall outside the test.

VII. How Indian Courts Apply the Test

The Supreme Court has repeatedly narrowed this test through case law. In *Hari Singh Gond v. State of Madhya Pradesh*, the Court explained that "unsoundness of mind" is not defined anywhere in the Penal Code, and that courts look for legal insanity, not medical insanity.¹¹ In *Surendra Mishra v. State of Jharkhand*, the Court went further: an accused must prove, on a preponderance of probability, that he was legally insane at the exact moment of the offence a diagnosed mental illness alone is not enough.¹²

Raman Raghav's own trial illustrates this rule in practice. The trial court accepted the prosecution's argument that Raghav knew the nature of his acts even if his reasoning was disturbed, and convicted him. It was only through appellate review, years later, that his illness was formally recognised and even then, the recognition changed only his sentence, not his guilt. This is precisely the "legal insanity versus medical insanity" distinction that the Supreme Court would later formalise in *Hari Singh Gond* and *Surendra Mishra*.

⁹ The Indian Penal Code, 1860, s. 84; The Bharatiya Nyaya Sanhita, 2023, s. 22.

¹⁰ *R v. M'Naghten's*, (1843) 8 ER 718.

¹¹ (2008) 16 SCC 109.

¹² (2011) 11 SCC 495.

VIII. Comparing Approaches Briefly

England and India both use the same cognitive M'Naghten test. The United States experimented with a broader "product test" in *Durham v. United States*, asking simply whether the crime was the product of mental illness, but this proved unworkable and was replaced by the American Law Institute's Model Penal Code test, which also asks whether the accused could control his conduct, not just whether he understood it.¹³ India has never adopted this broader "control" element. This means an offender like Sobhraj, whose psychopathy leaves his self-control weakened but his understanding intact, would fail the insanity test equally in India, England, or most of America the doctrinal gap this article has been describing is, in that sense, a shared one.

IX. Critical Analysis: The Gap Between Science and Law

Each theory adds something real. Biology explains why some people are more vulnerable to violent impulses. Psychology explains how personality and mental illness shape behaviour. Sociology explains why poverty, caste, and neighbourhood networks push people toward crime even without any individual pathology at all. None of the three is complete without the others.

Indian criminal law, however, is built almost entirely on the cognitive test from 1843 decades before Lombroso, Freud, Merton, or Sutherland had written a word. It treats a Phoolan Devi, pushed toward banditry by caste violence and poverty, exactly like it treats an ordinary offender with no such background, at least at the stage of establishing guilt. Social and psychological causes are, at most, considered later, while deciding the sentence not while deciding guilt itself.

This is not necessarily a flaw in the law; it may simply reflect a deliberate choice. If courts started asking "was this person's poverty, caste, or upbringing to blame?" at the guilt stage itself, criminal trials could become almost impossible to finish, since nearly every offender has some difficult personal history behind them. Keeping the guilt test narrow and the sentencing stage flexible may be the law's practical compromise between doing justice and staying workable.

¹³ 214 F.2d 862 (D.C. Cir. 1954).

X. Findings

Three findings emerge from this comparison. First, biological, psychological, and sociological theories complement rather than compete with each other; each Indian case discussed above actually blends more than one explanation. Second, Section 84 IPC / Section 22 BNS remains a purely cognitive test, largely blind to psychological conditions that impair self-control (as in psychopathy) and completely blind to sociological causes such as caste and poverty. Third, Indian courts, through Hari Singh Gond and Surendra Mishra, have if anything narrowed this test further by demanding legal, not medical, insanity keeping science and law on separate, if occasionally overlapping, tracks.

XI. Conclusion

The criminal mind, seen through Indian cases, is never explained by just one theory. Raman Raghav needed a psychiatrist as much as a judge; Phoolan Devi needed a social reformer as much as a police officer; Dawood Ibrahim needed a functioning neighbourhood as much as a prosecutor. Indian criminal law, sensibly perhaps, keeps its test for guilt narrow and administrable, and pushes these larger questions of biology, mind, and society toward sentencing and policy instead. Whether that division is the right one remains open to debate but any honest study of the criminal mind in India must at least admit that the debate exists.

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