

353/28/19B

**Name:** Priya Sepaha  
**Supervisor:** Prof. (Dr.) Rose Varghese  
Faculty of Law, JMI.

**Psychopath Behaviour: The Need for a Therapeutic approach.**

**ABSTRACT**

Psychopathy is one of the most dangerous mental and provides a theoretical and practical challenge to the Criminal Justice System in general. Psychiatry and law approaches the problem of human behavior from different philosophical perspectives. Psychiatry purports to be scientific and take a deterministic position with regard to behavior.

The Criminal law is, however, 'a practical, rational, normative science which, although it draws upon theoretical science, is also concerned with passing judgement on human conduct. In India, some provisions in different statutes discuss about mental disease for instance, Section 84 of Indian Penal Code, Section 13 (iii) of the Hindu Marriage Act, The Evidence Act and The Code of criminal procedure, 1973, mentions the procedure for the trial of insane person. Still all these laws are inadequate to deal with the problems of psychopaths.

Mental diseases are not explicable in reference to their severity and gravity specially having the instinct towards crime. It is a paradox that cases like incest, rape, child molestation, sodomy and serial killing are often confused with psychopathy whereas in reality the former could have occurred due to several reasons like obsession, revenge, pleasure, fun and also psychopathy (occasionally but in the later case it is due to the disease. Psychopaths are deficient in certain emotions like remorse and guilt, shallow affect, a lack of

empathy and failure to accept responsibility due to which they fail to understand the concept of punishment.

Much research has been done on psychopaths to get an in-depth knowledge about psychopaths and their distinctiveness – like, their behavior, crime and problems in society due to them. In foreign countries like in the U.K. and the U.S.A. separate statutes have been framed for the treatment of psychopaths. Unfortunately from the review of the judicial cases in India and by comparing with similar cases abroad, it appears that the psychopath as an essential category of mental illness is conspicuously absent in India and this has not been established by any scientific study. Hence, it is essential that this area needs vigorously scientific investigation and rethinking in order to ensure that the psychopaths offenders get a fair chance of judicial trial and are benefited by scientific treatment under the supervision of trained experts.

In India whole system needs to be reviewed and revised in some way to get acquainted with the different categories of mental illness. This includes parents, society, our legislative, executive and judicial system, Mental Health Act, an awareness programme through the print and electronic media, NGO's and finally, amendment in education system.

Psychopaths are patients and not criminals. They are victims in their own way that is why rather than punitive a therapeutic approach should be followed for the benefit of the society, psychopaths and human rights. There is urgent need for advance research in this un-emphasized area in India which should give prominence to a separate sentencing policy for psychopaths.