



PSYCHOPATHY-IN INDIAN JUDIACIARY

ADV.BABILA.K.K,

ADVOCATE

SUPREME COURT OF INDIA,DELHI

(SINGHANIA UNIVERSITY,RAJASTHAN PhD SCHOLAR)

ABSTRACT:

Psychopaths are to be treated as demons and not as humans in society, due to lack of awareness of people and even educated because no case charged yet in India. Aim of this study is to assess the chances of psychopaths treat psychopaths rather than punishment. The objective of this particular topic is to create awareness and educate masses from ordinary to expert (bottom to top) about the disease and also make separate punishment policies of affected ,ie; psychopaths, mere victims are generally unaware of their disease and its consequences. The article deals with discussion about challenges and impacts of psychopaths on the Indian Judicial System.

Psychopaths are in India but not entered in crime register in India.

Keywords:- Psychopaths,Indian judicial system,sociopaths,mental illness,treatment policies,Punishments etc..

INTRODUCTION

Mental illnesses are health conditions involving changes in emotion,thinking or behavior (or a combination of these) and associated with distress and/or problems functioning in social,work or family activities. The Act defines “Mental illness” as “ a substantial disorder of thinking,mood,perception,orientation, or memory that grossly impairs judgement, behavior,capacity to recognize reality or ability to meet the ordinary demands of life, mental conditions associate with the abuse of alcohol and drugs ,but doesn’t include mental retardation which is a condition of arrested or incomplete development of mind of a person ,especially characterized by sub normality of intelligence”. Crime is an action or omission which constitutes an offence and is punishable by law. As per Indian Law on the Defense of Insanity ie, In section 84 of the Indian Penal Code, a person of an unsound mind shall act – Nothing is an offence committed by someone who is currently unable to know the nature of the act or does what is wrong or contrary to legislation due to lack of a sound mind. Nor All Criminals Are Psychopaths ,Finding Psychopathy is among the most difficult disorders to spot. The psychopath can appear normal, even charming. Underneath, he lacks conscience and empathy, making him manipulative, volatile and often (but by no means always) criminal. They are objects of popular fascination and clinical anguish: adult psychopathy is largely impervious to treatment, though programs are in place to treat callous, unemotional youth in hopes of preventing them from maturing into psychopaths. The terms “psychopath” and “sociopath” are often used interchangeably, but in correct parlance a “sociopath” refers to a person with antisocial tendencies that are ascribed to social or environmental factors, whereas psychopathic traits are more innate, though a chaotic or violent upbringing may tip the scales for those already predisposed to behave psychopathically. Both constructs are most closely represented in the Diagnostic and Statistical Manual of Mental Disorders (DSM) as Antisocial Personality Disorder. Brain anatomy, genetics, and a person’s environment may all contribute to the development of psychopathic traits. Psychopaths are challenge for Indian Judicial System, ie; treatment is more effective than punishment .

The current paper traces the roots of the hotly debated concept of psychopathy and its relationship to criminal behavior. We begin with a short overview of the term followed by key contributions to the term and its notion.

Modern perceptions are then reviewed with particular emphasis on the Psychopathy Checklist and its revisions. We criticize the current tools used to measure psychopathy and recognize their limitations. We then combine psychopathy and criminality shedding light on various contributions in the field. Psychopathy is further compared to criminal recidivism. The paper concludes with the necessity to investigate more the interaction between psychopathy and criminal behavior since it has only been explored to a very limited extent.

The concept of psychopathy is widely contested from a theoretical as well as a scientific point of view. Though its importance is evident not only in the fields of psychiatry and psychology, but also in other disciplines, such as criminology, it nonetheless remains a mental disorder which has not yet been fully explored. Further discovery of this construct will help in the process of correlating psychopathy scores to delinquent behaviour. To help clarify psychopathy, this paper will address its general thematic area by reviewing theoretical foundations, recent developments and criticism of the concept. A brief summary will follow, focusing on the association of psychopathy to criminal behaviour, showing that it is mainly indicative and not determinative of the effect, but certainly more efficient when predicting probable recidivism. Ethical and philosophical aspects of biological factors are analyzed along with up-to-date studies that correlate psychopathy with offending. Psychopathy and its tools can be used by scientists and policy analysts to draw modern crime prevention tools and implement their findings to formulate more solid risk assessment mechanisms for future offending. Finally the paper will conclude with some comments regarding the issue discussed. Overview of the term Looking back to the origins of the term, Theophrastus, one of Aristotle's students, describes the characteristics of psychopathy in the same way that they are defined in the present day. The term 'psychopathy' itself is etymologically linked to the illness of the mind, to the notion of being 'constitutionally inferior' – in the sense of being irresponsible and morally weak throughout life.

REVIEW OF LITERATURE:-

In 1980: Robert D Hare's 'A research scale for the assessment of psychopathy in criminal populations' describes an early phase in the development of new research scale for the assessment of psychopathy in criminal populations. The scale is meant to be a sort of operational definition of the procedures that go into making global ratings of psychopathy. While the interrater reliability of these ratings is very high (> 0.85) they are difficult to make, require a considerable amount of experience, and the procedures involved are not easily communicated to other investigators. Following a series of analyses, 22 items were chosen as representative of the type of information used in making global ratings. Two investigators then used interview and case-history data to complete the 22-item checklist for 143 male prison inmates. The correlation between the two sets of total checklist scores was 0.93 and coefficient alpha was 0.88, indicating a very high degree of scale reliability. The correlation between the total checklist scores and global ratings of psychopathy was 0.83. A series of multivariate analyses explored the factorial structure of the scale and demonstrated its ability to discriminate very accurately between inmates with high and low ratings of psychopathy. Preliminary indications are that the checklist will hold up well to crossvalidation.

In 1996 and 1998 : Theodore Millon and Roger Dale Davis, Disorders of Personality: DSM-IV and Beyond (2nd edn John Wiley & Sons 1996) and Andrew E. Skodol, Psychopathology and Violent Crime (American Psychiatric Press 1998) Nikos Theodorakis Psychopathy and its relationship to criminal behaviour IALS Student Law Review Variations of the term were used until the mid-twentieth century since no universally accepted definition existed.

More specifically during the 19th century various psychiatrists tried to mold the term:

In 1801 : a French psychiatrist, Phillipe Pinel, observed a group of people that seemed to behave crazily without actually being crazy, which led him to coin the term "manie sans delire". Contributions to the evolution of the term are also attributed to Benjamin Rush who in 1812 diagnosed a patient with 'inmate preternatural moral depravity',

while in 1835 : Pritchard employed the label 'moral insanity' and Robert Koch, a German systematic, first used the term 'psychopathic'

In 1891 in order to describe a group of symptoms that present knowledge identifies as personality disorders. The phrase 'psychopathic personality' per se signifies mental abnormality, according to Kraepelin; he further elaborated using examples of antisocial behaviour such as the Zechprellerei (leaving restaurants without paying), Streitsucht (quarrelsomeness), and Reuelosigkeit (lack of repentance), whereas his Haltlosigkeit (uninhibitedness) and Verschrobenheit (eccentricity) did not carry an overtone of amorality. Psychopathy is eventually described by the constitutional inability to establish objective relationships and to effectively lie, as a constitutional deficiency in volition and emotion, while sometimes the vagabond, the sex pervert and the addict are included in the list of psychopathic types.

In 20th century : The anthropologist Murphy analysed things towards this direction and studied a group of yupik-speaking Inuits at the Bering Strait. This group made use of an idiomatic term ('kunlangeta') which was analogous to what could be defined as psychopaths. While the term was not totally delineated, a consensus emerged concerning the existence of a series of symptoms which were associated with aggression, impulsivity and antisocial behavior. A tripartite classification was introduced by Henderson describing the 'predominantly aggressive psychopath', the 'inadequate psychopath' and the 'creative psychopath'. A predominantly aggressive psychopath is a potentially dangerous individual subject to fits of violence. The inadequate siphons a living off society by swindling or pilfering, crimes that involve little over aggression. Vagrants and petty thieves fall into this category. Creative psychopaths are highly individualistic, sometimes eccentric people determined to create a path for themselves no matter the obstacles they might face in the process. Henderson includes in this category such prominent and respected figures as Joan of Arc and Lawrence of Arabia. Kahn differentiated according to the types of 'impulsive', 'weak' and 'sexual' psychopath, and Schneider the 'labile', 'explosive' and 'wicked' psychopath.

In 1998 : J.R. Meloy, *The Psychopathic Mind, Origins Dynamics and Treatment* (Jason Aronson 1988) & D.T. Lykken, *The Antisocial Personalities* (Lawrence Erlbaum Associates 1995) A.E. Skodol, *Psychopathology and Violent Crime* (American Psychiatric Press 1998) C. Frankenstein, *Psychopathy, A comparative analysis of Clinical Pictures* (Grune and Stratton 1959) G. Berrios, *The History of Mental Symptoms: Descriptive Psychopathology Since the Nineteenth Century* (Cambridge University Press 1996) G. Berrios, *The History of Mental Symptoms: Descriptive Psychopathology Since the Nineteenth Century* (Cambridge University Press 1996) Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour* IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 49 of psychopathy was narrowed down to refer to personality disorders in general which were defined as disturbances of their integration with intellectual functions that resulted in socially disruptive behavior.

Key Contributions The origins of modern psychopathy are traced in the work of Cleckley and more specifically in his book *The Mask of Sanity*, where he posed 16 criteria for the diagnosis of psychopathy, considering psychopaths mainly as disguised mentally ill individuals. Psychopathic individuals can be found in every manifestation of life, among businesspeople, lawyers and academics. Modern psychologists further indicate that professionals such as managers and CEOs have greater probability of being diagnosed with a psychopathic disorder compared to the average person. Dutton incorporates the latest advances in brain scanning and neuroscience to support that a professional who e.g. lacks empathy has more in common with a serial killer who kills for pleasure than we may wish to admit. He further argues that there are "functional psychopaths" among us who use their detached, unflinching and charismatic personalities to succeed in mainstream society. Some professional fields are particularly fertile for them, which means the more "psychopathic" they are, the more likely they are to succeed.

Cleckley also viewed tendencies toward violence and major crime as something "independent, to a considerable degree of the other manifestations which we regard as fundamental" of psychopathy. Furthermore many of the psychopaths' attitudes and behaviours have a predatory quality, while their use of intimidation and violence tends to be cold-blooded and instrumental and is more likely to be straightforward, uncomplicated and scrupulous than an expression of deep-seated distress or comprehensible precipitating factors.

In 2000: A critical contribution in the study of psychopathy was made by Robert Hare, who developed his original Psychopathy Checklist (PCL) which was used as a tool to assess the degree of psychopathy in adults.

A revised version of this checklist was launched in 1991, the PCL-Revised (PCL-R from now on), including new tests, explicitly the Antisocial Process Screening Device (ASPD) and the Psychopathy Checklist: Youth Version (PCL-YV from now on). The revised psychopathy checklist has gained wide recognition and has become a standard instrument in forensic psychiatry, by focusing *stricto sensu* on personality traits, since 15 out of 20 features included in the list are personality-related. The specific traits as defined by Hare in his psychopathy checklist are the following; glib and superficial charm; grandiose estimation of self; need for stimulation; pathological lying; cunning and D.J. Cooke, A.E. Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988) P.Babiak and R.D. Hare, *Snakes in Suits: When Psychopaths Go to Work* (Regan Books 2006) K. Dutton, *The Wisdom of Psychopaths: What Saints, Spies and Killers can teach us about success* (Scientific American 2012) J. Ronson, *The Psychopath Test: A journey through the madness industry* (Riverhead Trade 2012) A.Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001) J. Blair, K. Blair and D. Mitchell, *The Psychopath, Emotion and the Brain* (Blackwell Publishing 2005) J. Blair, K. Blair and D. Mitchell, *The Psychopath, Emotion and the Brain* (Blackwell Publishing 2005) Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 50* manipulativeness; lack of remorse or guilt; shallow affect; callousness and lack of empathy; parasitic lifestyle; poor behavioral controls; sexual promiscuity; early behaviour problems; lack of realistic longterm goals; impulsivity; irresponsibility; failure to accept responsibility for own actions; many shortterm marital relationships; juvenile delinquency; revocation of conditional release and criminal versatility.

The evaluation process of the PCL-R symptoms is rated on the merits of an interview parallel to a methodical appraisal on file information of the patient, while the assessor uses all the information available to understand life-time patterns of behaviour, in order to ensure that the symptoms are persistent, pervasive and pathological. The greater the number of symptoms that match those in the list, the closer the patient is to the prototypical psychopath. Modern perception and criticism Today's perception of psychopathy is influenced by the development of the Psychopathy Checklist Revised (PCL-R; Hare 1990) which has proven to be one of the most valuable instruments in the endeavor of predicting future offending; a diagnosed score of over 30 (25 for Europe) is closely linked to criminal recidivism. This score has been repeatedly used as a risk factor towards criminal behavior in various studies that focus on psychopathic disorders. Systematic reviews and metaanalyses in the field further consider the mean score as the departure point that determines criminal tendency. The Checklist has nonetheless received its fair share of criticism in the scientific community. According to Nedopil, the elements of this test are so many that cannot be perceived as an entity. Other psychiatrists postulate that the elements contained in the list are subjective which renders a diagnosis a delicate, if not futile task. Scientists further add to the debate the fact that modern neurobiological findings concerning psychopathy also involve neurotransmitters, hormones, subcortex, cortex, reduced physiological stress reaction, reduced functioning in the anterior cingulate R.D. Hare, *Without Conscience: The Disturbing World of the Psychopaths Among Us.*, (The Guilford Press 1993) D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap* (Ashgate 2008) D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap* (Ashgate 2008) R.Hare, *Without Conscience: The disturbing world of the psychopaths among us* (The Guilford Press 1999) R.D. Hare et al. (2000) *Psychopathy and the Predictive Validity of the PCL-R: An International Perspective*, *Behavioral Sciences and the Law*, 18: 623-645 A.Mokros et al. (2013), *Normative Data for the Psychopathy Checklist- Revised in German-Speaking Countries*, *Criminal Justice and Behavior* (pre-published online) D.J. Cooke, A.E. Forth and R.B. Hare *Psychopathy: Theory, Research and Implications for Society*. (Kluwer 1998) T. Millon et al., *Psychopathy: Antisocial, Criminal and Violent Behavior* (The Guilford Press 2002) Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 51* and amygdale, physiological stress reaction and other integrations. The aforementioned imply that the checklist itself might be an anachronistic and inaccurate technique as science evolves. Various experiments have been conducted to assess the construct of psychopathy. One of them is Damasio's somatic marker hypothesis which related psychopathy to deficits in the ventromedial prefrontal cortex. Lösel and Schmucker . used the gambling task to test the role of attention as moderator, using forty-nine male inmates who were assessed by the PCL-R. Even though results did not reveal general relation between psychopathy and gambling task performance, psychopathic inmates with low attention scores gambled worse than the rest. Furthermore, the PCL is

generally acknowledged as a ‘valid instrument’. However, the validity of the tool is fiercely debated; this deliberation focuses on the assumption that criminal behaviour is a central component of the psychopathic personality disorder, whereas classic conceptualizations of psychopathy, including the conceptualization on which the PCL is allegedly based, focus heavily on interpersonal and affective traits— something also known as “emotional detachment”.

According to other researchers, significant culture bias exists in PCL-R ratings. The findings reported by Murrie concerning the extremely poor ‘field reliability’ of the PCL reinforce the above-mentioned criticism. It is argued that confidence intervals should be reported for these scores, while examiners should be clear that these confidence intervals are based on PCLs completed in research contexts- and finally intervals for PCLs completed in adversarial contexts may be considerably wise. Accordingly, it could be pointed out that PCL is used as a violence risk assessment (and not as a diagnostic tool) because most of the PCL’s predictive utility is not attributable to its assessment of emotional detachment and also because the PCL generally lacks incremental predictive utility, especially when compared to specifically designed risk-assessment tools.

In 2006 : A.L. Glenn, A.L. and A. Raine, (2008) The neurobiology of psychopathy, *Psychiatric Clinics of North America*, 31, 463-475. K.A. Kiehl and W.P. Sinnott-Armstrong, *Handbook on Psychopathy and Law* (Oxford University Press 2013) F. Lösel, F. and M. Schmucker, (2004) Psychopathy, risk taking, and attention: a differentiated test of the somatic marker hypothesis, *Journal of Abnormal Psychology* 113:522 D. DeMatteo and J.F. Edens, (2006). The role and relevance of the Psychopathy Checklist-Revised in court: A case law survey of U.S. courts (1991-2004). *Psychology, Public Policy, and Law*, 12, 214-241 B. Karpman, (1948). The myth of the psychopathic personality, *American Journal of Psychiatry*, 104(9), 523- 534. Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988) S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009) D.J. Cooke, C. Michie, S.D. Hart, and D. Clark, (2005) Searching for the pan-cultural core of psychopathic personality disorder, *Personality and Individual Differences* 39: 283-295 S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009) S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009) Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour* *IALS Student Law Review* | Volume 1, Issue 1, Autumn 2013 | Page 52 To elaborate, psychopathy is considered a bona fide mental disorder, while it also meets the legal criteria to be characterized as such; it is an internal, intransient and involuntary abnormality of the mind, and is associated with an impairment of some specific cognitive and volitional functions – especially cognitive functions related to and volitional impairments. Moreover, the nature and the severity of the functional impairments associated with psychopathy are not generally considered sufficient to mitigate culpability. Research has also established a strong link between the psychopathic traits and aggressive behaviour, mainly in adult offenders, antisocial children and adolescents, and civil psychiatric patients. Even though this antisocial personality disorder is visible from the age of 15 and can be measured reliably with the PCL: YV37, it cannot be indisputably characterized as psychopathy before the age of 18.

Psychopathy and Criminality It is clear that psychopathy is not synonymous with criminality; hence most criminals are not psychopaths and few of them are successful in using their capabilities to victimize the general public. There are indications that the personality structure and tendency for unethical behaviour are potentially the same in criminal and noncriminal psychopaths.

According to Silver et al., “Psychopathy’s defining characteristics, such as impulsivity, criminal versatility, callousness and lack of empathy and remorse, make the conceptual link between violence and psychopathy straightforward.” In the effort to understand the relation between psychopathy and criminal behaviour, it must be noted that psychopaths constitute only approximately 1% of the global population but they represent the 25% of prison population in the United States, and 4% among corporate CEOs. This statistical fact advocates in favor of the argument that psychopathy and criminal behavior are correlated, further research is however needed in order to indubitably prove this connection.

Cleckley believes that the man who is essentially criminal may be regarded as consistently purposive, whereas the psychopath on the other hand seems hardly purposive at all. Apart from the definition of

psychopathy however, experiments have been conducted for more than half a century, indicating that people who commit crimes and behave violently statistically are more likely to suffer from major mental disorders than to be non-disordered. Different types of investigations have been held; follow-up studies of psychiatric patients discharged to the community; studies of the prevalence major.

The article published in 2004: A NEW MENTAL HEALTH ACT FOR INDIA:AN ETHICS BASED APPROACH ,author **Jaydip Sarkar** says that *The paper makes the case for a new mental health act for India in view of the deficiencies of the current act. It argues that any new mental health act must be grounded in sound ethical principles, value basic human rights, provide powers to those who treat mental disorders and reflect the values and trends of the modern world. It favours a quasi-legal system with opportunities for independent scrutiny, allows treatment consistent with ethical and legal principles, one that makes way for a more transparent and accountable system. Such a system, the paper asserts, will be legally, ethically and clinically relevant, responsive, accessible and available at the time of need and therefore user-friendly. It recommends the linkage of the act with existing mental health policies of the government, thereby making the act powerful and interwoven in the tapestry of health care delivery initiatives of the government.

In 2006: B.H. Bornstein, R.F. Schupp, R.L. Wiener, and S.L. Willborn, *Mental disorder and Criminal Law* (Springer Publications 2009) C.J. Patrick, *Handbook of Psychopathy* (The Guilford Press 2006) A. Raine and J. SanMartin, *Violence and Psychopathy* (Kluwer 2001) R.T. Salekin, J. Rosenbaum, and J. Lee, (2008) *Child and Adolescent Psychopathy: Stability and Change*, *Psychiatry, Psychology and law* 15:224-236 A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001) E. Silver, E. Mulvey, and J. Monahan, (1999) *Assessing violence risk among discharged psychiatric patients: Toward an ecological approach*. *Law and Human Behavior*, 23, 235-253 J. Ronson,

In 2011: *The psychopath test*. (Riverhead Hardcover 2011) Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988) D.J. Cooke, C. Michie, S.D. Hart, and D. Clark, (2005) *Searching for the pan-cultural core of psychopathic personality disorder*, *Personality and Individual Differences* 39: 283-295 Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour* *IALS Student Law Review* | Volume 1, Issue 1, Autumn 2013 | Page 53 *mental disorders among convicted offenders and investigations of unselected birth cohorts comparing the prevalence of criminality among persons with major disorders and with no disorders*. There is also a fourth type of investigation concerning aggressive behavior which produced results pointing to the conclusion that persons suffering from one or other of these mental disorders are more likely than non-disordered persons to commit crimes and to perpetrate acts of violence. Thus while the PCL includes the most common criminal behaviour items, it is not an appropriate tool for identifying the 'successful psychopath', the individual with the psychopathic personality who does not appear in prison populations because he manages to stay within the law or at least to avoid criminal prosecution. This should be noted when we attempt to interpret the relation between psychopathy and crime, as the main sample consists of psychopaths who are 'unsuccessful', which limits the importance of the PCL test in understanding criminal behaviour. It is interesting to underline that psychopathy may predict violence more effectively than general criminality whereas despite the wide variation of methodology used across different studies meta-analyses show that it is possible to summarize the predictive validity of psychopathy with respect to violence in terms of a single number, technically known as an 'effect size'.

Scientists claim that there are certain associations between psychiatric disorders and offending; with regards to the Personality Disorder there is a feature common among serious offenders creating a link between antisocial personality and violent offences.

In this context, two pathways, between the Impulsive and Irresponsible Behavioural Style facet and Criminal Behaviour were required to explain the relationships in the PCL-R data; one is the direct path and the other is mediated by the PCL-R item early behavioural problems. The direct link between the facet and offending is understandable in terms of lack of forethought risk-taking and lack of concern for the future where the structural model can serve as a basis for theoretical speculations about why these constellations of personality traits may affect the likelihood of future offending. In the wider field of experiments, techniques of brain imaging have also shown many findings including those reviewed by Raine, Raine and Buchsbaum and Henry and Moffit (1997). These findings generally lead to the assumption that violent offenders have structural and

functional deficits in the anterior regions of the brain, more specifically in the frontal lobe and the temporal lobe.⁵¹ Moreover, scientists conducted further research using the method of positron emission tomography – PET scan – (Goyer et al. 1994, Volkow et al. 1995, Kuruoglu et al 1996, Seidenwurm et al. 1997, Intrator et al. 1997), concluding that poor functioning of frontal and temporal regions of the brain is D.J. Cooke, A.E. Forth and R.B. Hare, *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998) D.T. Lykken, *The Antisocial Personalities* (Lawrence Erlbaum Associates 1995) D.J. Cooke, C. Michie, S.D. Hart and R.D. Hare, (1999). Evaluating the screening version of the Hare Psychopathy Checklist-Revised (PCL:SV): An item response theory analysis. *Psychological Assessment*, 11, 3- 13. M. Gelder, M.R. Mayou and J. Geddes, *Psychiatry* (3rd edn. Oxford Core texts 2006) D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap*, (Ashgate 2008) D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap*, (Ashgate 2008) A. Raine, *The psychopathology of Crime and Criminal Behaviour as a clinical disorder* (Academic Press 1993) A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001) Nikos Theodorakis *Psychopathy and its relationship to criminal behaviour IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 54* particularly salient in antisocial individuals with poor frontal functioning.

Out of the five studies, four showed evidence of frontal malfunction while three showed evidence of temporal lobe malfunction. The above-mentioned biological findings could provoke severe reactions in a multidimensional level. Generally, biological research provides a new perspective of psychopathy, similarly challenging the conceptualization of crime. The application of these biological findings could entail serious political, theological and moral issues, but could also prove useful in the evolution of the society, since with careful steps these new data could help with the interpretation of mental illnesses and their correlation to crime. The Lombrosian theories and techniques are unacceptable in modern science and any biological contribution must be skillfully crafted in order not to discriminate or target specific categories of people. The yet emerging field of neuro-criminology may prove useful in creating and implementing new crime prevention and risk assessment tools that will be based solely on scientific criteria. Prominent psychologists like Raine now contemplate –using findings from genetic research- that the seeds of sin are sown early in life, which gives rise to abnormal physiological functioning that cultivates crime. Markers such as pulse rate may even account for violent behavior; new biosocial approaches however can potentially change the brain and prevent violence. Demanding legal and ethical dilemmas arise since these findings may lead to a futuristic situation where the increasing ability to identify violent offenders early in life might affect crime-prevention policies. The debate is ever going for aspects such as the Indeterminate Sentence for Public Protection (IPP). Current theories even go as far to suggest we should partially sacrifice our notions of privacy and civil rights to identify children as potential killers in order to help deter crime. These issues generate numerable questions, such as should we punish individuals with little or no control over their violent behaviour? It is certain that these issues will be of primary concern in the near future since they raise various philosophical and legal issues that need to be scholarly addressed. According to Hare, aggression and violence are not unitary constructs since they take many forms and involve many levels of interpersonal and social complexity. Even though not all the psychopaths come into close contact with the justice system, their defining features clearly place them at high risk for crime and violence. However, psychopaths differ from ordinary criminals in that their typical criminal career is relatively short, with the exception of certain individuals that spend much of their life as delinquents.

An individual who starts his criminal career in an early age is usually a criminal for the rest of his life, whereas this pattern is not observed with psychopaths who seem to abandon their criminal career earlier. More specifically some of these persistent offenders begin their criminal activities at an early stage of their life, whereas some of them become less antisocial during middle age and give up criminality by the age of 40, which means that the number of criminal offences.

Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001) A. Raine, *The Anatomy of Violence: The Biological roots of Crime* (Pantheon 2013) J. Blair, *The Psychopath: Emotion and the Brain* (Wiley-Blackwell 2005) A. Walsh and K.M. Beaver, *Biosocial Criminology: New Directions in Theory and Research* (Routledge 2008) D.J. Cooke, C. Michie, S.D. Hart, and R.D. Hare (1999). Evaluating the screening version of the Hare Psychopathy Checklist-Revised (PCL:SV): An item response theory analysis. *Psychological Assessment*, 11, 3- 13. N. Gray, J. Laing and L. Noaks, *Criminal Justice, Mental Health and*

the Politics of Risk (Cavendish Publishing Limited 2002) Nikos Theodorakis Psychopathy and its relationship to criminal behaviour IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 55 decreases to that of the average offender. This is not to suggest that they are not criminals since as we'll analyze in the following section psychopathy and criminal recidivism are correlated; it merely posits the duration of offending. Psychopathy and Criminal Recidivism Psychopathy is however linked not only to general criminal behaviour, but also to criminal recidivism; this is consistently associated with a variety of socially deviant behaviours because of the persisting and enduring assemblage of interpersonal, affective and behavioural characteristics that define the disorder. Findings indicate that psychopathic convicts have a 2.5 times higher probability to be released from jail than undiagnosed ones, even though they are more likely to recidivate. It can be stated that PCL-R is an accurate predictor of recidivism and violence inside prison life and, even though psychopathy is not the only risk factor, it cannot be ignored. In order to formulate a concrete conclusion for the above, several studies have been conducted comparing the recidivism rates of offenders subdivided into groups according to their PCL scores. Across five studies (Hart et al., 1988a; Hemphill, 1992; Rice et al., 1992; Ross et al., 1992; Serin & Amos, 1995) involving a total of 1,021 male offenders, the general recidivism rates during the entire outcome period in percentage for the low, medium and high PCL/PCL-R groups respectively, were 39.7, 54, 9 and 74.1 (with low and high being 20 and 30). The degree of association between the PCL/PCL-R and criminal behaviours compares favorably with other well-established behavioural and biomedical research findings. Thus, psychopathy should be considered important in any assessment and explanation of violence empirically related to potentially reoccurring violence and relevant when forming crime prevention policy.

We note that even though the PCL and the PCL-R were primarily constructed to measure the clinical construct of psychopathy, they turned out to be strong predictors of recidivism and violence. This derives mainly from the fact that the 20 items capture most of the traits that contribute to understanding criminal behaviour, consequently providing the basis needed to evaluate the probabilities of reoffending.

N. Gray, J. Laing, and L. Noaks, Criminal Justice, Mental Health and the Politics of Risk, (Cavendish Publishing Limited 2002) D.J. Cooke, A.E. Forth and R.B. Hare Psychopathy: Theory, Research and Implications for Society (Kluwer 1998) S. Porter, L. Brinke and K. Wilson, (2009) Crime profiles and conditional release performance of psychopathic and non-psychopathic sexual offenders. Legal and Criminological Psychology 14: 109–118 N. Gray, J. Laing and L. Noaks, Criminal Justice, Mental Health and the Politics of Risk (Cavendish Publishing Limited 2002) D.J. Cooke, A.E. Forth and R.B. Hare, Psychopathy: Theory, Research and Implications for Society (Kluwer 1998) R. Rosenthal, R. Meta-analytic procedures for social research (Sage, 1991) N. Gray, J. Laing and L. Noaks, Criminal Justice, Mental Health and the Politics of Risk, (Cavendish Publishing Limited 2002) D.J. Cooke, A. E. Forth and R.B.Hare Psychopathy: Theory, Research and Implications for Society (Kluwer 1998) Nikos Theodorakis Psychopathy and its relationship to criminal behaviour IALS Student Law Review | Volume 1, Issue 1, Autumn 2013 | Page 56 Conclusions According to Hart, “Failure to consider psychopathy when conducting a risk assessment may be unreasonable –from a legal perspective– or unethical –from a professional perspective.” In the context of predicting violence and criminal behaviour however, the predictive validity of psychopathy is complicated, as some of the psychopathic symptoms can be directly related to crime. This makes it almost impossible to determine whether a disorder is per se predictive or whether that past behaviour predicts future criminal behaviour. All in all we observe that the ability of the psychopathy checklist to predict recidivism, violence, and treatment outcome has considerable cross-cultural generalizability as well as its derivatives play a major role in the understanding and prediction of crime and violence. Psychopathy can be used as an important indicator of criminal behaviour, in the broader context of tools used for risk assessment and can indubitably prove valuable in the field of Criminology and Criminal Justice.

Hierarchical regression analyses indicated that: (1) poor parental bonding (lack of maternal care and low paternal overprotection) and childhood physical abuse were both associated with a psychopathic personality; (2) parental bonding was significantly associated with psychopathic personality after taking into account sex, social adversity, ethnicity and abuse; (3) those separated from parents in the first 3 years of life were particularly characterized by low parental bonding and a psychopathic personality in adulthood; and (4) the

deviant behavior factor of psychopathy was more related to lack of maternal care whereas the emotional detachment factor was related to both lack of maternal care and paternal overprotection.

Findings draw attention to the importance of different components of early bonding in relation to adult psychopathy, and may have potential implications for early intervention and prevention of psychopathy.

In 2012: The powerful connection between psychopathy and crime was well articulated Dr. Paul Babiak and his colleagues. The seminal 2012 FBI report states that 15-20 percent of the two million+ prisoners in the U.S., which are 90 percent male, are psychopaths (1). This is not surprising. Egocentrism and the need for power and control of a psychopath are the perfect character traits for a lifetime of antisocial, deviant or criminal activity. However, the relative ease with which a psychopath can participate effectively in crime and violence is very significant for the public and the criminal justice system. Psychopaths are unabashed in their actions against others, whether it is defrauding someone of their life savings, manipulating law enforcement personnel during an interrogation or blaming their victims for their crimes. This is particularly true in cases involving psychopathic killers. When psychopaths commit a homicide, their killings likely will be planned and purposeful—that is, organized, and not committed in the heat of passion. The motive of a psychopathic killer will often involve either power and control or sadistic gratification. When faced with overwhelming evidence of their guilt, a psychopathic serial killer such as John Wayne Gacy (the “Killer Clown”) will often claim they lost control or were in a fit of rage when committing the act of murder. In reality, however, their killings are stone-cold, calculated, and completely premeditated. Sometimes, psychopaths commit serious crimes with the assistance of another person. If a psychopath does commit a serious crime with another individual, the research suggests that the other person will almost always be a non-psychopath. The psychopath will typically seek to avoid prosecution by manipulating the other individual into taking the blame for the crime. The other person is thus used as a scapegoat by the psychopathic offender. When a psychopathic, male serial killer takes on a subordinate partner it will generally be a female. It is important to understand that not all violent offenders are psychopaths and, conversely, not all psychopaths are violent offenders. Violent offenders who are psychopaths are able to assault, rape or murder without concern for legal, moral or social consequences. Psychopaths tend to be totally indifferent to the emotions or suffering of others. This allows them to do what they want, whenever they want, without concern, pity or remorse for their victims. Those psychopaths who do engage in violence and sexual deviance are generally more dangerous than other criminal offenders and their likelihood of reoffending may be significantly higher than non-psychopaths. The FBI reports that psychopathic offenders generally have longer, more diverse and more serious criminal histories, and are more chronically violent than non-psychopaths, overall. In addition, their use of violence is generally more extreme and more directed toward particular goals than the violence employed by non-psychopaths. Psychopathy is often misread, misdiagnosed, minimized or explained away by professionals whose jobs involve regular interaction with psychopaths, particularly in the mental health, judicial and law enforcement communities. This is due to the considerable deception skills of psychopaths. Their charm, poise and cunning frequently enable them to go unrecognized even by trained professionals. Misconceptions about psychopaths and their improper identification by professionals can lead to serious consequences, ranging from mishandling strategies for interrogation, intervention and treatment to accepting the fabrications and lies of a psychopath as the truth.

The 2012 : FBI report states that the unique ability of psychopathic criminals to manipulate law enforcement authorities poses legitimate challenges for the criminal justice system. During interrogations, psychopaths are not sensitive to altruistic interview themes such as sympathy for their victims or remorse for their criminal acts. As a result of their arrogance and illusions of invulnerability, they are more likely than non-psychopaths to deny charges brought against them by authorities. According to the FBI, there is also evidence that psychopaths are able to influence the system to either receive reduced sentences or appeal their sentences to a higher court. This is likely due to the fact that psychopaths are extremely meticulous, compulsive and relentlessly nature which helps them to coerce criminal justice practitioners. Moreover, psychopaths are very adept at imitating emotions such as remorse or guilt in the courtroom if they believe it will mitigate their punishment.

In 2012 : the article personal injury litigation in the USA and India : Acquired psychopathy authors Robert P Granacher, Jr University of Kentucky College of Medicine, USA and Manish A Fozdar Duke University Medical Center, USA acquired psychopathy is an unusual and rare outcome following frontal brain trauma leading to injury of the ventromedial prefrontal cortex (VMPF). Personal injury litigation following traumatic

brain injury (TBI) is usually a straight forward tort analysis. However, special properties of acquired psychopathy following TBI require not only neuropsychiatric assessment and analysis of the cognitive issues, but also of the personality changes and moral issues that may flow from anterior brain injury affecting the VMPF. This article will review the basic principles of personal injury law in the USA and India and focus specifically on issues at law regarding acquired psychopathy.

In 2012 : the article ‘An Important Forensic Concept for the 21st Century’ By Paul Babiak, M.S., Ph.D.; Jorge Folino, M.D., Ph.D.; Jeffrey Hancock, Ph.D.; Robert D. Hare, Ph.D.; Matthew Logan, Ph.D., M.Ed.; Elizabeth Leon Mayer, Ph.D.; J. Reid Meloy, Ph.D.; Helinä Häkkänen-Nyholm, Ph.D.; Mary Ellen O’Toole, Ph.D.; Anthony Pinizzotto, Ph.D.; Stephen Porter, Ph.D.; Sharon Smith, Ph.D.; and Michael Woodworth, Ph.D. Psychopathy is not a diagnosis. About one-third of individuals in prison deemed “antisocial personality disorder,” the current official Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnosis for the chronically antisocial, will meet the criteria for severe psychopathy. In DSM’s upcoming fifth edition, psychopathy will become one of five dimensions for describing a personality disorder, receiving the official diagnostic blessing of American psychiatry after approximately one-half century of research. Understanding the minds of psychopaths and their personality and behavioral traits allows authorities to design strategies that more likely will work with them. Psychopaths’ manipulative nature can make it difficult for officers to obtain accurate information from them unless the law enforcement interviewer has been educated in specific strategies for questioning a psychopath. Professionals working in law enforcement, corrections, and other security-related professions must understand psychopathy and its implications. Psychopathy has been described as the single most important clinical construct in the criminal justice system.²⁰ More recently, it is considered “the most important forensic concept of the early 21st century.”²¹ Because of its relevance to law enforcement, corrections, the courts, and others working in related fields, the need to understand psychopathy cannot be overstated. This includes knowing how to identify psychopaths, the damage they can cause, and how to deal with them more effectively.

In 2013: The article named INDIAN LEGAL SYSTEM AND MENTAL HEALTH were the authors (Choudhary Laxmi Narayan and Deep Shikha) states that although there was a rich tradition of legal system in Ancient India, the present judicial system of the country derives largely from the British system and is based on English Common Law, a system of law based on recorded judicial precedents. Earlier legislations in respect of mental health were primarily concerned with custodial aspects of persons with mental illness and protection of the society. Indian laws are also concerned with determination of competency, diminished responsibility and/or welfare of the society. United Nations Convention for Rights of Persons with Disabilities (UNCRPD) was adopted in 2006, which marks a paradigm shift in respect of disabilities (including disability due to mental illness) from a social welfare concern to a human right issue. The new paradigm is based on presumption of legal capacity, equality and dignity. Following ratification of the convention by India in 2008, it became obligatory to revise all the disability laws to bring them in harmony with the UNCRPD. Therefore, the Mental Health Act – 1987 and Persons with Disability Act – 1995 are under process of revision and draft bills have been prepared. Human right activists groups are pressing for provisions for legal capacity for persons with mental illness in absolute terms, whereas the psychiatrists are in favour of retaining provisions for involuntary hospitalization in special circumstances.

In 2014 : Hare, R. D., Neumann, C. S., & Mokros, A. (2018). The PCL-R assessment of psychopathy: Development, properties, debates, and new directions. In C. J. Patrick (Ed.), *Handbook of psychopathy* (pp. 39-79). New York, NY, US: Guilford Press. In The construct of psychopathy is becoming increasingly more important to the clinical and criminal justice systems and to society in general. The dominant instrument for the clinical and forensic assessment of psychopathy is the Psychopathy Checklist—Revised (PCL-R), the primary focus of this chapter. We describe its origins as a 22-item research scale, its development, administration, psychometric properties, and factor structure; and its uses in basic and applied research. We also provide brief descriptions of the direct derivatives of the PCL-R, and discuss associations between psychopathy as measured by the PCL-R and antisocial personality disorder (ASPD). (PsycINFO Database Record (c) 2018 APA, all rights reserved).

In 2017 : Performance-verbal discrepancies and facets of psychopathy: assessing the relationship between WAIS–R/III summary IQs/index scores and PCL–R facet scores
 The purpose of this paper is to explore the relationship between differences in performance and verbal intelligence quotients (PIQ and VIQ) and the four facet scores from the Psychopathy Checklist–Revised (PCL–R) (Hare, 2003).

Design/methodology/approach: Wechsler Adult Intelligence Scale (WAIS) and PCL–R facet scores provided by 181 male federal inmates as part of a forensic evaluation were analyzed with multiple regression, paired *t*-tests, and receiver operating characteristic (ROC) curves.

Findings

Of the four PCL–R facet scores, only elevations on Facet 4 (antisocial) produced a significant WAIS-Revised (Wechsler, 1981) PIQ over VIQ (PIQ>VIQ) effect. In addition, only Facet 4 achieved significant ROC accuracy and correlated with the PIQ>VIQ discrepancy after other potentially important variables were controlled. In a follow-up study of 46 male inmates, Facet 4 correlated negatively with the Verbal Comprehension and Working Memory indices of the WAIS–Third Edition (Wechsler, 1997) and accurately classified a significant portion of Perceptual Organization Index (POI)>WMI cases but not a significant portion of POI>VCI cases.

Practical implications

Verbal comprehension and executive function deficits are examined as possible explanations for the relationships observed in this study.

Originality/value

These results have potentially important implications for forensic assessment in that they suggest that only certain specific features of the psychopathy construct are related to the well-known PIQ>VIQ discrepancy.

In 2018 : Sellbom, M., Lilienfeld, S. O., Fowler, K. A., & McCrary, K. L. (2018). The self-report assessment of psychopathy: Challenges, pitfalls, and promises. In C. J. Patrick (Ed.), *Handbook of psychopathy* (pp. 211-258). New York, NY, US: Guilford Press. In this chapter, we review the conceptual and methodological challenges confronting the assessment of psychopathy by means of self-report. We begin by examining the advantages and disadvantages of self-report measures in the assessment of psychopathy and dispelling several widespread misconceptions regarding the use of self-report measures to assess psychopathy. We next discuss long-standing problems that have plagued the questionnaire assessment of psychopathy and revisit the shortcomings of older, but still commonly administered, self-report measures that purportedly assess psychopathy. We then survey the contemporary status of self-report psychopathy measures, with an emphasis on their psychometric properties, research and clinical uses, and limitations. We conclude with a clarion call for further research on several undeservedly neglected topics concerning the self-report assessment of psychopathy. (PsycINFO Database Record (c) 2018 APA, all rights reserved).

In Manupatra article Psychopaths: An unrevealed area in Indian judicial system, says that many cases in India have been reported about serial killers, mental illness, incest and other sexual violent crimes, but no case has been reported as committed by psychopaths. Psychopathy is dangerous mental ailment which is unrevealed in Indian judicial system. There is an urgent need to identify and classify each mental disease and then take necessary steps. In UK and US separate statutes have been made for the psychopaths. There should be proper recognitions of psychopaths in India due to the severity of the disease and increasing incidences of psychopathic crime.

LIMITATION

- **Symptoms: It can be considered that a person who has at least three of these features , if you are atleast 18 years and has shown this behavior before the age of 15 suffers from antisocial personality disorder (Psychopathy).**

Determination

Very difficult to determine psychopathy particularly India, because India is one of the under developed country yet too and the difficulties like uneducated people, lack of awareness, practicability in application of diagnosis.

- **Using as excuse**
In India Psych or insanity using as an excuse before law.
- **Lack awareness of treatment**
In India there is no awareness programs effectively conducted in diagnosing levels of mental strength and mental illnesses.
- **Time consuming treatments**
- **Difficulty in application of law**
- **Lack of knowledge in by whom may treated Psychopaths**

In Indian Jails MBBS Doctors also giving treatments to mentally illness persons, though many Psychiatric/Psychologists experts are available and universities are outing 1000 of students in an year.

Ratio of Jail inmates and Doctors are also making practical difficulties to diagnosis or treat the psychopaths.

- **Confusion of experts**

There are confusion in the education level of experts and cold war between Psychiatrist and Psychologists because Psychiatry is a subject after MBBS degree and the person become doctor and Psychologists are from various streams and no practice or expertness getting in anatomy and physiology, though mind is a part of brain.

PH.D or MPHIL holder cannot getting any proper practice directly with human bodies and that doesn't included in Indian Universities Syllabus.

Rehabilitation Council of India is a body, were differentiating practitioners and educationists, that educationalists are PH.D holders who studies and doing reasearches on the subjects and MPHIL degree holders are practitioners and meant to practice.

When we attempt to focus on the psychopath, we find various difficulties. Most large-scale studies are based on behaviors (childhood aggression, criminal arrests, etc.) with only rare reference to the specific diagnosis of the violent subjects. This point is crucial, as the majority of aggressive individuals or even convicted criminals are not psychopaths, even though committing criminal acts is needed to fulfill definitions for either antisocial personality disorder or psychopathy.

METHOD AND PLAN

Diagnosing Psychopathy

The most frequently used and validated diagnostic tool for assessing psychopathy is the Hare Psychopathy Checklist – Revised (PCL-R). The PCL-R consists of 20 items, which are scored from 0 to 2 depending on how well each item fits an individual. Items include superficiality, lack of guilt and behavioral control, grandiosity, shallow affects, and a parasitic lifestyle. Other items are early behavioral problems and adolescent crime, lying, lack of empathy, lack of planning for the future, manipulation of others, impulsiveness and irresponsible behavior, and criminal diversity. The maximum score is 40, which is extremely rare. Within research, 30 is the accepted threshold for psychopathy, 22 but a lower number (25) has been deemed more appropriate for clinical use in some cultures/countries, for instance in Scandinavia. In 1995, a revised form of the PCL-R was developed, a 12-item screening version, the Psychopathy Checklist: Screening Version (PCL: SV), to satisfy a clinical demand for a shorter screening tool. This screening version was developed in connection with the MacArthur Violence Risk Assessment Study and like the PCL-R, it is scored on a scale from 0 to 2, where a sum of 18 or more

qualifies for the diagnosis “psychopath.” The PCL-R is a proven solid measurement tool, and a good predictor of the probability for future violence and antisocial behavior, as well as the recidivism of criminal behavior. Metastudies, which have shown moderate to large effect sizes, have demonstrated this tendency. Similarly promising results have been demonstrated for the PCL: SV.

Research on differences between the sexes has suggested that psychopathy is less frequent in women than in men. However, it is debated whether the observed differences in the occurrence of male and female psychopaths reflect actual physical differences in the frequency of psychopathy, or whether those differences reflect factors related to aspects of the diagnostic tools and the terminology used, which surface when these criteria for evaluating psychopathy are applied to women. Notwithstanding, the most frequently used diagnostic tools were developed and used primarily in male populations. In order to understand the possible importance of the diagnostic tools in relationship to what extent men and women are diagnosed as psychopaths, we must examine what the instruments measure and consider their factor structure.

The psychopathy checklists (the PCL-R and the PCL: SV) show a clear factor structure in which factor one reflects interpersonal and affective items, while factor two reflects an antisocial and criminal lifestyle. Although the two-factor structure has been replicated in several studies, some have suggested that a three-factor or even a four-factor model could be more appropriate. In the three-factor model, the original factor one was split into two new factors and the new factor three consisted of noncriminal items from the original factor two. The rationale for removing criminal items from the three-factor model was that criminal activity was not considered a core feature of psychopathy but rather a consequence of the disorder. However, other researchers believe that criminal activity is a central element of the psychopathy construct and have maintained the necessity of including criminal activity. Subsequently, a four-factor model has been proposed, involving splitting the original factor one (interpersonal, affective) and the original factor two (antisocial lifestyle) into four factors: interpersonal, affect, lifestyle, and antisocial. The original factor one is considered stable and static, and the interpersonal facet includes characteristics such as superficiality, grandiosity, lying, and manipulation. The affective facet includes lack of guilt, shallow affects, lack of empathy, and lack of responsibility for one’s actions. The original factor two seems to be more dynamic and potentially mutable, and it has been suggested that this factor is influenced by childhood experiences. The lifestyle facet involves a craving for stimulation, a parasitic lifestyle, lack of plans for the future, impulsiveness, and irresponsibility. The antisocial facet involves lack of behavioral control, early behavioral problems, adolescent crime, term violations, and criminal diversity. Two other items, promiscuous sexual behavior and multiple short-term relationships, do not load for any of the factors, but they do contribute to the total score in the PCL-R.

Since research on factor structure, validity, and the reliability of the diagnostic psychopathy instruments (PCL-R and PCL: SV) has primarily involved men, there is less literature on women. Nonetheless, recent research has supported the claim that a three-factor model has a better fit than the original two-factor model for women. Studies have indeed suggested that the PCL-R and the PCL: SV are reliable instruments for measuring psychopathy in women, but it has also been suggested that the validity seems to be higher when the checklists are applied to men. The explanation for this finding may be that women have a lower prevalence of antisocial behavior and thus have a lower relapse rate.

COLLECTION OF DATA

I, collected data from all jails in India by RIGHT TO INFORMATION ACT, 2005 and all Jail DGP or Presiding officer or Public Information officer gave reply through post.

Acknowledgement

I, Student of Doctoral program from SINGHANIA UNIVERSITY namely BABILA.K.K conducted STATISTICAL SURVEY on the topic of PSYCHOPATHS IN JAIL and collected data from all the Jails in India.

The details of the STATISTICAL SURVEY follows:

QUESTIONNAIRE**REPLIES OF QUESTIONNAIRE (in random)**

The answers are vary a prison to another prison.

SL NO	QUESTIONS	ANSWERS (in average)
1	How many inmates affected or caused mental illness?	350/1000
2	How many inmates are regular visitor of mental asylum (mental hospital) / psychiatrist / psychologists?	100/1000
3	How many cases reported under psychopaths?	00
4	How many serial criminals inmates in jail?	00
5	What is the ratio of inmates to doctors /psychologists/ psychiatrists? Eg: Ratio = Inmates:Doctors	1 Medical Officer (No need that he will be a psychologists or psychiatrists)
6	Any department/officers such as MSW officials,Social welfare department gave any contribution yet to mentally ill inmates for their survivals?	No
7	How "Open Jail System" strengthen mental status of inmates? Whether it is possible to consider the "Open jail System" as a true vision of psychology or great achievement of department of law and order, in consider with department of psychology of India in inmates regarding mental health". Is this great success?	The Open Jail System offers better sightlines and eliminates the anxiety and uneasiness created by the crowded and cramped conditions. The Open Jail system can provide calming and comfortable environment to mentally ill prisoners.
8	How many serial killers are inmates in jail?	There is 50 serial killers lodged in Indian Jails
9	What is the treatment giving to mentally ill person?	The treatment and medicines which are prescribed by the psychiatrist is being given to mentally in the supervision of medical officer.
10	The status of mind of inmates is recording in any stage of case proceeding? If any, kindly describe or name the stage of case proceedings.	Nil

DEMONSTRATION IN JAILS: we presented a synthesis of the literature on the sexes and psychopathy. We demonstrated that the topic is also of importance with respect to women and that a lack of focus on this

disorder may have negative implications. We pointed out that the development of psychopathy in women and men is the result of complex interactions between biological and temperamental predispositions, and social and environmental influences. We defined psychopathy and placed it in relation to the DSM-IV diagnosis of antisocial personality disorder and the ICD-10 diagnosis of dissocial personality disorder. In presenting the commonly used diagnostic instruments PCL-R and PCL-SV, we discussed how sex may be a factor of importance to the results achieved using these and comparable tools. Although psychopathy occurs more frequently and typically more severely in men, we additionally discussed literature that showed that the problem also exists in women. Clinicians should be aware that the behavioral expression of the disorder might differ between women and men. Female sufferers more often seem to show emotional instability, verbal violence, and manipulation of social networks, and, to a lesser degree than male psychopaths, criminal behavior and instrumental violence. Finally, we discussed the aspects of comorbidity, progression, and treatment, pointing out that while there are many similarities, important sex-related differences do exist and should be considered.

As per discussions through questionnaire in all jail in India. No psychopaths are presently convicted in India. It doesn't mean that no psychopaths are present in India, even though all serial killers are not at all psychopaths. So this is the time to know and discuss about the DSM 5 and its applicability in Indian Psychopaths.

SCALES:

DSM means DIAGNOSTIC AND STATISTICAL MANUAL, is handbook used by health care professional in the United States and much of the world as the authoritative guide to the diagnosis of mental disorders. DSM contains descriptions, symptoms, and other criteria for diagnosing mental disorders.

The DSM is published by the American Psychiatric Association and covers all categories of mental health disorders for both adult and children.

Despite the fact that the DSM is a US classification system for the diagnosis of mental disorders, in conjunction with the use of official ICD statistical code numbers, INTERNATIONAL interest in the manual has flourished since the DSM-3 was published in 1980.

DSM in India by The President and the Executive Committee of the Indian Psychiatric Society (IPS) constituted a task force to study the draft of the American Psychiatric Association (APA's) DSM-5 in May 2012. The mandate of the task force was to examine the Dsm-5 and its implications, discuss issues, consult members of the IPS and submit its report to the Executive Committee of IPS by early June 2012. DSM report from individuals were free to express their opinions.

DSM-5 lists ten specific personality disorders such as PARANOID, SCHIZOID, SCHIZOTYPAL, ANTI-SOCIAL, BORDERLINE, HISTRIONIC, NARCISSISTIC, AVOIDANT, DEPENDENT AND OBSESSIVE-COMPULSIVE personality disorder.

DSM-5 theories and categories lack the predictive power required of hard science. While the theories based on available data, much of the theory is forced to fit the data.

PSYCHOPATHY

Factor 1 captures traits dealing with the interpersonal and effective deficits of Psychopathy (eg; shallow affect, superficial charm, manipulativeness, lack of empathy).

Factor 2 dealt with symptoms relating to antisocial behavior (eg; criminal versatility, impulsiveness, irresponsibility, poor behavior).

The symptoms of psychopathy include : lack of a conscience or sense of guilt, lack of empathy, egocentricity, pathological lying, repeated violations of social norms, disregard for the law, shallow emotions, and history of victimizing others.

Child hood Symptoms:

- Means person who go against the rules.
- Their behaviour is characterized by:
 - a) Lack of remorse
 - b) Complete absence of restrictions
 - c) These people are very hard to socialize because their level of fear is partially absent. Pleasure in hunting animals
 - d) Habitual lying
 - e) No understanding of others' feelings
 - f) Disregard for rules

Also, Inability to enforce social norms (breaking the law).

1. Falsehood : manipulation.
2. Impulsivity, fails to plan.
3. Irritability, aggression.
4. Recklessly ignored safety of himself and other.
5. Consistent irresponsibility.
6. Lack of remorse after having hurt,mistreated,or stolen from another person.

Causes :

- Genetic :
 - A decrease in the activity of the Ventromedial profrontal cortex(VmPFC) [the part that defines your personality and decisions]
 - A hyperactive amygdala (center of emotions in the brain)

Environmental/Social Background :

- Most have been abused by their parents,cruelty or aggression and discipline paternal.
- Environments parent criminals,aggressive and alcoholics.
- There are mostly in lower classes.
- Insufficient enrollment.

Aspects of Lifestyle :

- Need for new sensations.
- Risky situations.
- Living on the edge.
- Normally use drugs and/or alcohol.
- They do not mind the negative consequences of their actions.
- Many of them begin their child behavior problems (lying, cheting, precocious sexuality, violence).

Profile :

- Ability to hide their emotions.
- Pretend behavior of normal people.
- Predisposition to violence and murder.
- Have abnormal emotions regarding violence.
- Justification for their crimes.
- Suicide threats rarely met.
- They deny responsibility for an offense.
-

Psychopathic Traits :

- Charming
- Extremely intelligent
- Ability to imitate human emotions
- Arrogance
- Inability to recognize any responsibility
- Capability of committing any crime, including murder
- Prolific liars
- No empathy for others
- Lack of feelings
- Desire for exciting and often dangerous situations (such as committing a crime)
- No long-term goals
- Inability to keep long-term relationships
- Emotional control and inability to learn from experience.
- Sex life impersonal, frivolous and unstable.
- Do not feel empathy for other human beings.
- They do not respect social norms.
- Antisocial behavior.
- They manifest guilt nor shame.

Four Subgenres :

- **Distempered Psychopaths:**
- More prone to act out due to rage
- They have powerful cravings like any illegal indulgence such as drugs
- They receive extreme pleasure and get a rush off doing things with risk

- **Charismatic Psychopaths :**
- Charming
- Usually gifted with a talent (use it to manipulate people)
- Manipulative
- Excellent Orators
- Have an almost demonic ability to persuade others out of everything they own
- Believe in their own fictions
- Very convincing liars
- **Primary Psychopaths :**
- Do not respond to punishment, stress, apprehension or disapproval
- Words do not have the same effect on the primary psychopath
- They don't have any life plan
- Have ability to control their antisocial impulses due to an underlying motive
- Primary psychopathy scale is composed of 16 items that tap core primary psychopathic personality traits such as selfishness, lack of caring, manipulation of others and callous attitudes.
- **Secondary Psychopaths :**
- Unconventional and adventurous and risk takers
- Stress reactive, worriers, guilt-prone
- They always want to avoid stress and pain, but they fall victim to temptation easily
- The more and object or goal is "forbidden" the more they want it

Other Disorders linked to Psychopathy :

- Childhood Bipolar Disorder
- Attention Deficit Hyperactive Disorder (ADHD)
- Conduct Disorder
- Oppositional Defiant Disorder
- Pedophilia
 - Definitional and practical issues
 - Etiology
 - WHR and pedophilic sexual preference
 - Implications

Statistics :

- About 2 million people in India have psychopathy or antisocial personality disorder.
- Everyone in India is affected by a psychopath.
- About as prevalent as schizophrenia.
- 47% of male prison inmates and 23% of female prison inmates show psychopathic traits.

- 50% of law enforcement personnel who are killed and are killed by psychopaths.

Cases reported as serial killing and then experts of psychology reported as psychopaths :

- Many cases in India have been reported about serial killers, mental illness, incest & other sexual and violent crimes, but, no case has been reported as committed by psychopaths.
- Psychopathy is a dangerous mental ailment which is unrevealed in Indian Judicial System.
- There are some cases which reflect the contentious decision of the Judiciary as “Nithari Case”.
- **NITHARI CASE (2006), NOIDA SERIAL MURDERS:** Gruesome killings of many children and at times eating their flesh. Here, Surendra Koli, the main accused had clear traits of Psychopathy.
- Surendra Koli after arrest said “I still have an Urge to Kill”. This is a typical sign of a stern disease.
- In the Nithari case he was considered “psycho-killer”, it has become a trend to attach the word ‘psycho’ to any abnormal person.
- **NIRBHAYA CASE (2012), DELHI GANG RAPE :** The barbaric act result of Aggression and Frustration.
- It is not just a sexual assault, the brutality with which she has been beaten up and intestinal damage after being repeatedly hit with a blunt object on her abdomen by Mohammed Afroz, Dr. Jithender Nagpal (head of mental health, Moolchand Hospital) says.
- The Supreme Court also called the act “brutal, barbaric and diabolic” and a case that ‘shocked the collective conscience of the society’.
- 3. Death Sentence announced to four convicts on December 16, 2017.
- **JOLLY as ‘BLACK WIDOW SERIAL KILLER (2019):** The woman in Kerala killed husband and family members for money.
- People are talking about “split personality disorder”, but, Dr. Thoraiya Kanafani (Forensic Psychologist, Dubai Based Human Relation Institute) deny and called “Dissociative Identity Disorder”.
- It’s came from child trauma and mistreating by parents and neglect her from small crime.

Therapy :

- Much of therapeutic interventions has been unsuccessful because psychopaths don’t believe they need the help, so they refuse to participate in therapy.
- Therapeutic community had an iatrogenic effect in one study (Harris et al., 1991).
- The model of Psychopathological behaviour is problematic, rather, psychopathy appears to be a life-history strategy.
- Perhaps most appropriate therapy will focus on self-interest of psychopaths.
- Therapists attempt to ease tension and set short term goals, so that they might get satisfaction easier and decrease their violent tendencies.
- Reward-based treatment.

Law in India:

- Some provisions are mentioned in different Laws :-
1. IPC S.84 – Law of Insanity made from the Mc.Naughten rules of England, which uses comprehensible term ‘unsoundness of mind’ instead of insanity.

2. CRPC,1973 CHAPTER XXV –mentions the procedure for the trial of insane persons.
3. PERSONAL LAW such as HMA,1955, S.5 & S.13 and Evidence Act

TREATMENT Vs PUNISHMENT :

• TREATMENT :-

- ❑ Part iv of DSM ,strongly suggest that all psychopaths share common neurological traits that are becoming relatively easy to diagnose using functional magnetic resonance imaging (fMRI).
- ❑ Treatment to mental disorders like schizophrenia,anorexia,bipolar disorder and paranoia and roughly common as bulimia,panic disorder,obsessive compulsory personality disorder and narcissism, because psychopathy is astonishingly common as mental disorders go.
- ❑ Hare model – studies examine whether the different models of psychopathy are related to forensic issues(that is risk assessment) and neurobiology . He scores minimum score is zero and the maximum is forty and psychopathy as score of 30 or more.
- ❑ There are also concerns about the predictive ability of the PCL-R in youth and therefore about the propriety of the criminal justice system branding people,especially juveniles,as psychopaths.
- ❑ Openess,expressiveness,reciprocal affirmation and adequate duration of treatment (ORLINSKY,GRAWE & PARKS,1994)
- ❑ (CLECKLEY,1976) Their grandiose sense of self- worth and lack of remorse act against any real motivation to change.

• PUNISHMENT :-

- ❑ Punishment doesn't discourage their criminality,it cements it.(MICHAEL CALDWELL AND HIS COLLEAGUES at the MJTC-Mendota Juvenile Treatment Center).
- ❑ The LANCET study determined whether subjects were psychopaths by using a widely-accepted checklist of symptoms,the PCL-R. The MRIs in the LANCET study indicated that this was not because psychopaths don't feel punishment or aren't aware of punishment.
- ❑ HODGINS hopes could one day be averted- before punishment needs treatment to be considered.Rather, psychopaths process rewards and punishments differently from most people.
- ❑ KEN LEVY argues two propositions to avoid punishment to psychopaths that are :
 1. Psychopaths – individuals who lack the capacity to feel sympathy – help to prove this point due to neurological disorder that makes lack moral responsibility that they lack criminal responsibility and therefore punish to psychopaths are unjust.
 2. Psychopathy is mental disorder or illness. We must wait for them to commit the crimes, Before we can lock them up before they actually inflict any harm.

By Whom may treat the Psychopaths:

• MBBS DOCTORS Vs PSYCHOLOGISTS/PSYCHIARTISTS :

1. Role Psychiatrists/psychologists to identify whether that offender is fit for trial or not.
2. As per procedure almost every offender subjected to a clinical test and a psychiatrist test.
3. They don't understand the word 'guilt' and there is indeed of one should try to know the problem and should subject to medical test involving Psycho-analysis,though psychopathy is personality disorder.
4. There are full time psychiatrists / psychologists in Indian jails and borstals(juvenile detention centers).Section 103 of the Mental Health Act,2017 , requires state government to set up a mental health establishment in the medical wing of at least one prison in each state.

• **PSYCHOLOGISTS Vs MSW SCHOLARS :**

1. Social worker is on working with families and individuals to improve their quality of life.
2. Social worker help clients overcome personal challenges and help them develop the skills they need to success in their life. Psychologists works with individual rather than families or group.
3. When an individual sees a psychologists can identify their problem behavior can in order to help their patients adapt to challenge.
4. Primary goal of a psychologists and psychiatrists is to perform diagnostic testing for mental illness and provide psychotherapy to their patients.

DSM – 5 AS PSYCHOPATHY SPECIFIER

For the very first time, the APA recognized Psychopathy as “Specifier” or clinical antisocial personality disorder in the DSM-5, although Psychopathy is still not an officially accepted clinical diagnosis. DSM is significant because the DSM-5 serves as a Universal authority for the diagnosis of psychiatric disorders.

SUMMARY

The current paper traces the roots of hotly debated concepts of Psychopathy and its relationship to criminal behavior. Modern perceptions are emphasis on the PCL-R and criticized the current tools used to measure Psychopathy and recognized limitations in India.

A psychopath is a person who interacts with other people as if they were any other object, use them to achieve their goals, the satisfaction of their own interests.

Psychopathy has been described as the single most important clinical construct in the criminal justice system. More recently, it is considered that this is important forensic concept of the early 21st century. Because of its relevance to law enforcement, corrections, the court and others working related to the judicial field need to understand psychopathy cannot be overstated. This includes knowing psychopaths, the damages they can cause, and how to deal with them more effectively.

To defend the easiness with which a psychopath can engage in violence holds significance for society and law enforcement.

The term psychopath and sociopath are often used inter-changeably, but in correct parlance a sociopath refers to a person with anti-social tendencies that are described to social or environmental factors, whereas psychopathic traits are more innate, though a chaotic or violent upbringing may tip the scales for those already predisposed to behave psychopathically. Both constructs are most closely represented in the diagnostic and statistical manual of mental disorder (DSM) as anti-social personality disorder.

Nor All Criminals Are Psychopaths, Finding Psychopathy is among the most difficult disorders to spot. The psychopath can appear normal, even charming. Underneath, he lacks conscience and empathy, making him manipulative, volatile and often (but by no means always) criminal. They are objects of popular fascination and clinical anguish: adult psychopathy is largely impervious to treatment, though programs are in place to treat callous, unemotional youth in hopes of preventing them from maturing into psychopaths. The terms “psychopath” and “sociopath” are often used interchangeably, but in correct parlance a “sociopath” refers to a person with antisocial tendencies that are ascribed to social or environmental factors, whereas psychopathic traits are more innate, though a chaotic or violent upbringing may tip the scales for those already predisposed to behave psychopathically. Both constructs are most closely represented in the Diagnostic and Statistical Manual of Mental Disorders (DSM) as Antisocial Personality Disorder. Brain anatomy, genetics, and a person’s environment may all contribute to the development of psychopathic traits. Psychopaths are challenge for Indian Judicial System, ie; treatment is more effective than punishment.

The current paper traces the roots of the hotly debated concept of psychopathy and its relationship to criminal behavior. I begin with a short overview of the term followed by key contributions to the term and its notion. Modern perceptions are then reviewed with particular emphasis on the Psychopathy Checklist and its

revisions. I criticize the current tools used to measure psychopathy and recognize their limitations. I then combine psychopathy and criminality shedding light on various contributions in the field. Psychopathy is further compared to criminal recidivism. The paper concludes with the necessity to investigate more the interaction between psychopathy and criminal behavior since it has only been explored to a very limited extent.

The concept of psychopathy is widely contested from a theoretical as well as a scientific point of view. Though its importance is evident not only in the fields of psychiatry and psychology, but also in other disciplines, such as criminology, it nonetheless remains a mental disorder which has not yet been fully explored. Further discovery of this construct will help in the process of correlating psychopathy scores to delinquent behaviour. To help clarify psychopathy, this paper will address its general thematic area by reviewing theoretical foundations, recent developments and criticism of the concept. A brief summary will follow, focusing on the association of psychopathy to criminal behaviour, showing that it is mainly indicative and not determinative of the effect, but certainly more efficient when predicting probable recidivism. Ethical and philosophical aspects of biological factors are analyzed along with up-to-date studies that correlate psychopathy with offending. Psychopathy and its tools can be used by scientists and policy analysts to draw modern crime prevention tools and implement their findings to formulate more solid risk assessment mechanisms for future offending. Finally the paper will conclude with some comments regarding the issue discussed. Overview of the term Looking back to the origins of the term, Theophrastus, one of Aristotle's students, describes the characteristics of psychopathy in the same way that they are defined in the present day. The term 'psychopathy' itself is etymologically linked to the illness of the mind, to the notion of being 'constitutionally inferior' – in the sense of being irresponsible and morally weak throughout life.

Although the field of psychology does have some influence in criminal procedure and sentencing, for the most part, the criminal justice system as it is today is more focused on the crime that was committed and holding people responsible for their actions, rather than why the crime was committed and what should do to prevent. So, there is chances of treatment rather than punishment in Indian Judicial System among psychopaths.

CONCLUSION

There are different kinds of criminals, and the judicial system should take them into consideration when determining how to deal with them.

- 1) An ordinary individual driven to crime by some arguably overwhelming external circumstance.
- 2) A seemingly normal individual when gets caught up in an impulse they have no control over.
- 3) The neurotic individual who is also driven by irresistible forces, but they may be unconscious and the reasons for the urge may be unknown. This individual considers these urges as unfamiliar and may try to resist playing them out.
- 4) The anti-social individual who enjoys committing criminal acts or causing harm to others
- 5) An individual whose criminal behavior is due to an illness or an organic brain injury.

Although the field of psychology does have some influence in criminal procedure and sentencing, for the most part, the criminal justice system as it is today is more focused on the crime that was committed and holding people responsible for their actions, rather than why the crime was committed and what should do to prevent. So, there is chances of treatment rather than punishment in Indian Judicial System among psychopaths.

- Hence, the Psychopaths in India are to be treated, rather, punishment.
- Though, psychopathy is personality disorder and it is not possible to give death penalty or life imprisonment to give every crime of psychopaths as they are tendency to do series of crime once they punished.

- To solve ambiguity in psychopathy and other types of crimes such as rape, murder etc., judiciary and legislature may make or pass special laws for mental illness.

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