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Prasanna S,

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No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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AN EXTENSIVE STUDY ABOUT SERIAL KILLERS

AUTHOR - JEYASHREE.G, STUDENT AT SCHOOL OF EXCELLENCE IN LAW, THE TAMIL NADU Dr. AMBEDKAR LAW UNIVERSITY

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ABSTRACT

We have all heard of a serial killer at some stage in our lives. Simply put, a serial killer is someone who repeatedly commits crimes, with murder being the most popular because the word "serial killer" itself refers to a killer. Generally speaking, these people are also just regular Human Beings. They are identical creatures that live in a similar manner to people. However, the only distinction between a normal human and a serial killer is that the latter lacks the common mentality that a normal human possesses. Their manner of thinking, how they respond to life's challenges, how they view the world around them, each and everything is totally different from that of a Normal Human. This is basically because in most cases the society drags these persons in the wrong way and they even have the common thinking that being this way, they can start to earn more money. Which is truly a misconception. To be frank, Bad qualities can be acquired easily, but on the other hand Good things take a much longer time. As this itself makes us get interested, Let's go in depth and read each and every topic with Interesting Case Laws.

I. INTRODUCTION

Due to each person's innate personality, which wants thrills in life, everyone is fascinated by biographies of serial killers. Serial killers are frequently portrayed as extremely dangerous individuals who lack cognitive control or are driven by an irresistible urge. Due to the various rules that each state has in place, the subject matter of studies on serial killers varies from

jurisdiction to jurisdiction. It is crucial to understand the psychological aspects of these serial killers and how they connect to the legal side of criminology. A list of the most well-known serial murderers in the world would be followed by some crucial information about the factors motivating serial killers and the different kinds of serial killers.

II. CONCEPT OF SERIAL KILLERS

Due to the ambiguous nature of the word itself, there is no universally accepted definition of a serial killer across all paradigms. Each criminal court system and/or police agency has a distinct definition of it and has been applying their own standards in this area. The Federal Bureau of Investigation, the top investigation division and law enforcement organisation in the United States, has provided terminology regarding the requirements for any criminal to be classified as a serial murderer. Any criminal who kills more than three people in a time longer than a month while taking a break in between as a way to emotionally recoup. This description contains a number of ambiguous terms, so it should not be used as the only justification for labelling any common street criminal as a serial killer. This is merely one perspective on the term's intricacy.⁸⁴

The National Institute of Justice's alternative meaning has given a clearer understanding of the sexual needs of the offender that motivate them to commit heinous crimes. This relates to the psychological idea of an innate motive to satiate one's drive for sexual fulfilment through a

⁸⁴ <https://www.fbi.gov/>



sadistic act that is beyond the reach of the law and is considered illegal in every criminal jurisprudence. It is classified as a sexual offence, but it has the perfect amount of brutality and gore to frighten even the most unconcerned citizen. Sexual urges are thought to be the result of uncontrollable or irresistible feelings. Although it has been said that this meaning comes the closest to the word that has not yet been fully defined, it too has its limitations. This is founded on the supposition that, due to their unchecked sexual urges, only men can be serial killers, eliminating the possibility of any female serial killers in society. The gender-neutral actions either with similar goals or varied personal gains have eluded the rational viewpoint over stereotypes. It has also neglected to consider any other factors that might motivate someone to murder many people without showing any sign of remorse.⁸⁵ It would be safe to list all the elements or factors causing people to commit mass murders in the absence of any legally, socially, culturally, or globally accepted norm on the precise meaning of the term.⁸⁶

III. KINDS OF SERIAL KILLERS

There is widespread agreement that serial killers can be divided into four groups based on the reasons they attack. These classifications have been used as a method to determine the underlying reason why a person engages in brutal murders of people. Prior to learning about these four groups, it is crucial to comprehend the difference between organised and unorganised murderers. Unorganised killings are unpremeditated killings caused by some internal or external factors influencing the individual. Organised killers have pre-planned ideas about how they will carry out the killings without being discovered. The FBI was the first to propose this organised/unorganised killings

hypothesis.⁸⁷ These four groups have been defined as follows:

A. THRILL-SEEKERS

After committing murders, these serial murderers get all the thrills they want from outwitting the police and investigation teams. They rely on media attention to spread their viewpoints to the broader public, and they thrive on it. They keep meticulous records of every murder they commit, but occasionally they forgo careful planning in favour of a thrilling last-minute action to avoid the police inquiry. Before killing their captives, thrill-seekers are known to frequently use weapons or rape them. To proceed on to another victim, they use the strategy of concealing the corpse.⁸⁸

B. MISSION-ORIENTED

This is the most extreme instance of xenophobic-related serial murders, where the murderers think they are doing society a favour by eliminating particular groups of people. They specifically target people who belong to any group that they have hateful sentiments against. Young women, drug dealers, prostitutes, or homosexuals are some of these murderers' most frequent target demographics. These serial murderers fall under the organised killers category due to their pre-planned crime. In common usage, it is noted that these killers are readily identified because they choose their victims carefully and according to a predetermined pattern.⁸⁹

C. VISIONARY

Serial killers who fall into this group believe they are being directed to kill others by a higher power. They feel or think that they must carry out the instructions they are given to kill the targets or they will perish. According to the testimony of previous members of this category of serial killers, these commands are either from God or the Devil. Due to their immediate need to

⁸⁵ <https://www.fbi.gov/stats-services/publication/serial-murder>

⁸⁶ <https://www.priyasepaha.com/post/2018/06/25/psychopaths-an-unrevealed-area-in-indian-judicial-system>

⁸⁷ <https://www.legalserviceindia.com>

⁸⁸ <https://www.dailyo.in>

⁸⁹ <https://www.tutorialspoint.com>



carry out the orders of the higher authority or else they will perish, they are the least organised serial killers; instead of making any plans, they simply start killing people. Due to the absence of organised crime, they are the simplest people to find.⁹⁰

D. POWER AND CONTROL

Power is one of the most important factors motivating serial killers, as was previously mentioned. These types of serial murderers relish inflicting agony, pain, and intimidation on the faces of their victims. They are the organised killers, and a professional in the field can tell by the manner they go about carrying out their murders. The majority of them have a background of abuse as children, which caused them to develop as weak adults before realising they needed to take control of other people. Without any genuine lust, they have intercourse with their victims.⁹¹

IV. THINGS WHICH DRIVES A SERIAL KILLER

There are numerous academic fields that each have their own ideas about what motivates serial killers. Serial killers develop into what they are over time for a wide variety of causes. Viewpoints ranged from socioeconomic to psychic causes of serial killers. A thorough understanding of each of these viewpoints would offer a picture that could be controlled through the manipulation of the external environment as a method of deterrence and stop anyone from taking the same route in the future. This is merely a supposition that all of these variables may be modified to some degree in accordance with the advantages or suitability of the relevant parties.⁹²

A. PSYCHOLOGICAL PERSPECTIVE

It has been asserted that these serial killers most often indulge in killings without any personal motivation. The most well-known theory in this respect centres on the

requirement that individuals inform others of their inclusion in society. They credit the intensity and brutality of their murders for their reputation in society. They kill without any personal motivation or retaliation in mind, but they get pleasure from the deed itself. The fictional character "Joker" from the DC comics universe is the best illustration of finding pleasure in committing crimes. Everyone may or may not view the Joker figure as a serial killer, but the manner in which the victims were killed was just as gruesome as that of any real-life serial killer. After numerous strategic victories over their hero or messiah of humanity, "Batman," he derived his existence from the terror he instilled in society.⁹³

Serial killers are distinguished from other criminals by their ongoing cycle of murders. A typical criminal has a reason for engaging in criminal activity, which evolves into a malicious intent to engage in prohibited behaviour. All regular criminals are one-time assassins, whereas serial killers use murder to mask their insecurities about being rejected by society. The manifestation of intensely powerful sexual impulses that are strong enough to undermine an individual's capacity for self-control is the other psychological trait connected to serial killers, as was previously stated. The individual normalises any behaviour that is in furtherance to the achievement of his ultimate objective. This is frequently cited as the motivating factor for male serial murderers and is thought to have kept female serial killers out of its purview. The present acceptance of other domains of views was made possible by the existence of female serial killers.⁹⁴

B. SOCIO-ECONOMIC PERSPECTIVE

Most frequently, those engaging in such horrific activities are people who have grown up in extreme poverty and who reside in marginalised communities in the area. Many

⁹⁰ <https://www.dailyo.in>

⁹¹ <https://www.fbi.gov/>

⁹² <https://www.quora.com>

⁹³ Twisted - A Profile of Indian Serial Killers , By Shirish Thorat and Sampada Karandikar , Volume - 1 .

⁹⁴ <https://www.legalserviceindia.com>



people become serial killers because they feel the need to vent about their circumstances or as retaliation against the wealthy metropolitan population. Their failure to distinguish between "right" behaviour or socially acceptable behaviour and "wrong" behaviour or anything against the accepted standards is partly a result of their inadequate education. They put a personal righteous mindset into everything they do, even regularly killing people. They are forced to take additional steps to obtain everything they believe has been taken from them and given to others due to the xenophobia they naturally absorb from their surroundings toward the privileged class. Regarding peer coercion, more information has been given. When the peer group is engaged in such activities, it has an impact on the identity of the specific individual as well, and he follows the same path to gain acceptance in the peer group. Individual behaviour is an image of interactions with other people. With constant information transmission over an extended period of time, the potential criminal mindset is shaped starting in infancy.⁹⁵

C. SUPERIORITY PERSPECTIVE

Every person aspires to superiority in status, position, and/or money, which is a widely held belief. Serial murderers have always been linked to people who want to rule a large portion of society. These serial killers will do anything to gain the social status they consider necessary for them. To slake their insatiable thirst for power, they abandon the socially acceptable standards. Every offender views power differently; some desire economic dominance, while others aim for a dominant social position. The entire theory is supported by numerous instances in the past where serial murderers claimed responsibility for the killings in an effort to amass as much power in society as they could.⁹⁶

V. CRIMINAL JURISPRUDENCE ON SERIAL KILLINGS

⁹⁵ <https://www.dailyo.in>

⁹⁶ The Deadly Dozen : India's Most Notorious Serial Killers , By - Anirban Bhattacharya .

Due to the lack of a precise definition of the word in the majority of criminal law, serial killings have not been recognized as a distinct offence. Police investigations into the incidents form the basis for the judicial rulings. It has been noted that these serial killers become experts at killing without leaving any traces of proof against them over time. It all comes down to the method of committing the crime, which frequently enables the investigating authority to connect various homicides and come to a consensus that a single individual committed all those murders.

A. INDIAN CRIMINAL JURISPRUDENCE

Because Indians think serial killers only occur in other countries, their perception of the concept of serial killings is based on western conceptions of the same. The Indian Penal Code, 1860 limits its discussion of homicide rather than having any special provisions for dealing with serial killers.

1. PENAL PROVISION OF MURDER

Murder is the most serious criminal offence in India, according to Section 300 of the Code. Section 302 of the Code specifies the penalty for the crime of homicide. Murder is a crime that carries a death sentence, life in jail, and a fine as punishment. This clause only addresses a single murder, whereas serial killers are known to have committed numerous homicides. The scope of serial murderers far exceeds India's penal guidelines. Given the number of killings as evidence of the "rarest of rare doctrine" as given by judicial pronouncements under the murder clause, the death sentence may be the maximum punishment imposed for their murders.

In *Bachan Singh V. State of Punjab* (1980) , to distinguish them from any less serious murder offence, the judiciary adopted the doctrine of rarest of the rare cases. The idea of weighing the severe and mitigating factors that contributed to the final offence was presented. The court noted that only in situations where life



in prison is "unquestionably foreclosed" should the death sentence be an option.⁹⁷

In *Machhi Singh V. State of Punjab* (1983), the *Bachan Singh v. State of Punjab* case was upheld by the judge. A family dispute in Punjab led to a string of killings in five separate villages, according to the case. The court observed that two questions need to be considered before imposing a death penalty: the punishment of life imprisonment being inadequate for the particular offence, and death sentence being the only alternative, after evaluating maximum applicability of all mitigating factors available in the case.⁹⁸

The majority of decisions made today do not account for mitigating circumstances like the offender's low socioeconomic status, youth, or other variables. The sole aggravating factor of "brutality of the offence" is used to determine whether the death sentence should be applied. The death penalty is the most likely punishment for serial killers who have committed crimes, and the numerous killings in a row would come under the category of brutal offences.

2. DEFENCE OF INSANITY

The general defence of insanity is discussed in Section 84 of the Indian Penal Code, 1860 to shield the accused from punishment for any crime. It was incorporated into the Code to protect a person on the basis of legal insanity. The M'Naghten Rules, which were established in the famous common law case *R v. M'Naghten*, have been incorporated as the insanity clause in the penal code. (1843). In this case, a number of the principles that Indian courts consider when deciding cases involving insanity clauses are listed. Among these guidelines are -

(i). Until the opposite is established, it is assumed that a person is sane if they have the necessary level of reason to commit a crime.

(ii). A "disease of the mind" must be present in the perpetrator for the deed to be justified.

(iii). The person will be conscious of the illegal nature of the act if they are aware of the nature of the crime.

These are some requirements that must be met in order to establish a person's lawful insanity in court and invoke India's general insanity defence. The majority of psychological disorders have been excluded from the definition of legal lunacy because the law does not recognize medical insanity as a defence. It has been noted that antisocial personality disorders like sociopathy or psychopathy affect the majority of serial murderers. These disorders are not recognized as mental disorders by the American Psychiatric Association (APA), the premier association for psychological disorders. Therefore, the broad defence of insanity does not apply to serial killers.⁹⁹

3. REFORMS SUGGESTED TO SECTION 84 OF IPC

The Indian Penal Code has been really very restrictive when it comes to this topic of Insanity. When it comes in respect to other clauses present in IPC, it has been found out that IPC has been very Restrictive when it comes to giving proper definition for this clause of Insanity. The M'Naghten regulations were established in 1843 and have been a part of the Indian legal system ever since the Indian Penal Code was created. Since then, the dynamics of psychology as a science that studies how the mind and soul work have changed as a result of the prevalence of psychological disorders. There are some sensations that affect a person's ability to make decisions in such a way that they are either unable to comprehend the effects of their actions or the irresistible sensations take charge of their control mechanism. Obsessive Compulsive Disorder (OCD) ought to be considered a mental illness under the definition of judicial insanity. The mind is divided into three areas that govern thought,

⁹⁷ AIR 1980 SC 898, 1980 CrLJ 636, 1982 (1) SCALE 713, (1980) 2 SCC 684, 1983 1 SCR 145

⁹⁸ 1983 AIR 957, 1983 SCR (3) 413

⁹⁹ <https://www.legalserviceindia.com>



feeling, and will. Only the portion of the topic that has an impact on a person's cognitive abilities is covered in this part. Given the complexity of the disorders and their circumstances, this option is too limited. This does not support the idea that one's emotions and will can be so affected as to interfere with their ability to regulate their cognitive faculties. The absence of emotion characteristic of the psychopathic offenders must be included in the insanity provision of the Penal Code. As a personality disorder, psychopathy is characterised by antisocial behaviour, a lack of regret, impaired empathy, egocentrism, a low threshold for frustration, deceitfulness, breaking social standards, and other traits. Numerous psychologists have expressed views on whether or not psychopathy falls under the definition of insanity. They believe that their mental health has a greater impact over their behaviour than their own will. The finding of these psychopaths won't help them until their illness is identified and the appropriate care is given. These psychopaths plan to hurt people horribly and for no particular reason. They are not beyond the control of senses, so they do not experience human emotions like dread, grief, or pain.¹⁰⁰

4. INVESTIGATION PROCEDURE

There have been arguments in favour of giving cops extensive investigative authority so they can find serial killers quickly. The primary tools for gathering accurate information about past crimes are crime records, which are also used to monitor any connections between current crimes and crimes from the past by contrasting two methods of operation. Due to limited investigative powers, India's police system has long suffered from an absence of precise crime records for use in investigations. "The rule of law doctrine with police recording crimes and keeping a track, along with careful investigation to track the problem, are required in India," the Supreme Court declared in 2013. Criminal psychologist Dr. Rajat Mitra noted that serial murderers can control their environment.

Multiple murders have occasionally occurred in various locations to avoid any patterns in the killings. In these situations, catching the serial killer without proving a connection between all the killings becomes even more challenging. To find the serial killer and place them in custody, the police must depend on criminal histories and some analysis. In almost all cases, Firstly, the Serial Killer in most cases will leave an Identification Mark Indicating the crime that he has committed. Secondly, the society enjoys the kind of Intimidation that he creates among the people in the society about his Killings. And Lastly when he gains complete attention from the society, when it turns to become serious in nature, then comes the responsibility of the Police Officials and the Investigation team in searching him and producing him in the court in order to get him the correct Punishment in order for the crimes that he had committed in the past with the mindset that no one commits such kind of a crime in the future. Every serial killer follows a set plan when carrying out their crimes in order to draw attention to themselves.¹⁰¹

VI. LANDMARK CASES

A. Surendra Koli V. State of Uttar Pradesh (2011)

After hearing an appeal, the Supreme Court affirmed the High Court's ruling while reiterating that the appellant was a serial killer and should receive the death penalty because his crime qualified as one of the "rarest of rare" offences. In the past, the appellant would entice young females into his home where he would strangle them to death, have sex with their corpses, and then chop them up into pieces. He ate the body parts, and some of them were dumped in the adjacent drain. These actions were described as terrifying and utterly barbaric. The appellant's homicides followed a pattern that made it easier for the court to identify his earlier killings.¹⁰²

¹⁰⁰ <https://www.quora.com>

¹⁰¹ <https://www.fbi.gov/>

¹⁰² CRIMINAL APPEAL NO(S) . 2227 OF 2010



B. The Registrar General V. Mallika @ Lakshmi @ Shivamogga (2012)

The Karnataka High Court found Cyanide Mallika, a female serial murderer, guilty of her crimes. The serial killer used to befriend these temple-goers' wives before luring them to a deserted location where she gave the women poisonous food to consume. She then used to steal all the expensive jewellery off of these dead corpses. During their investigation, the police discovered the serial killer's possession of all the jewellery that had initially belonged to the deceased. In the present instance, the court sentenced Cyanide Mallika to life in prison. In two previous cases, she had been given the death penalty upon conviction; however, the sentence was subsequently commuted to life in prison.¹⁰³

VII. CONCLUSION

Serial murderers differ from past offenders in a number of ways. Finding connections or links between several murders on the premise of a pattern of killing or the evidence discovered at the crime scenes requires a more thorough analysis and investigation on the part of the police and other competent authorities. Forensic science plays a significant part in offering professional judgement on the evidence discovered. The FBI has discovered several different types of serial killers. Every country has a distinct criminal code when it comes to serial killers, but they all agree that psychopathy falls under the umbrella of insanity and is therefore protected by the law. In the past, there have been a number of serial murderers, and maybe there would be an equal number of them wandering around the globe.

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¹⁰³ Criminal Appeal No . 434 of 2009 DB(C) IN CRL.RC.NO.5 OF 2009