THE OBLIVION OF SERIAL HOMICIDE INTHE INDIAN CRIMINAL CONTEXT

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Definition

The serial killing or serial homicide is fundamentally understood as an unlawful homicide of at least two or more individuals by the same person in at least two different settings. This differentiates against mass killing, which is associated with killing multiple individuals in the same situation. Whilst this conception is not legally recognized across various legal codes such as United States, United Kingdom, India and so forth, it has emerged to be a significant issue in the global crime prevention scenario.

Origin

The origins of this criminological phenomenon are not particularly highlighted owing to the dynamic and inculcating nature of the definition. But notable cases agreed upon by criminological historians include Gille De Rais from the fifteenth century, a paedophilic serial killer who raped, sodomized and killed children, Elizabeth Bathory, who killed young women with the intent of sadistic pleasure and so forth into the legends of jack the ripper for Victorian England. However, the practical cases of alarming concern emerged in the latter half of the twentieth century, predominantly in western nations. The famous cases include ted Bundy, John Wayne Gacy, Ian Brady and so forth. The alarming rate of motiveless crime has ever since fused into the popular fiction and lifestyle symbolism at a global level. The historical perspective and literature on serial homicide are restrictively associated with western elements. The aberrational psychological tendencies were assumed to be a characteristic of western lifestyle and thought which was individualistic and flexible by cultural customs. Over time, this was proven wrong by landmark cases such as Andrei Chikatillo, Alexander Spesivtsev, Javed Iqbal, Jaishankar S and many other criminals who emerged from the Russia, Pakistan and India respectively. However, the origination, dynamics and responsible factors for the phenomenon of serial homicide in the collectivistic and society driven culture of the east are practically non-existent. The criminological analysis of identifying a serial homicide is extremely poor in developing countries owing to the other significant criminal struggles in the nation. The root of the problem lies in not being able to recognise the existence of the issue itself.

Indian context

Legal concerning the Indian context of legal code, criminal investigation procedure and socio-cultural perspective, this oblivion towards serial homicide tin is understood by initiating from the legal definition of murder in the criminal procedure code followed in the Indian legal system.

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Murder

A special case in the section allotted to 'culpable homicide', which is covered by sections 299 and 300. The legal system identifies murder as one of the two possibilities - murder – the direct action with the intent of killing someone and the individual is fully aware that the victim would die if and when engaged in the procedure of intent by the perpetrator. For instance, this tin be exemplified by a knife stabbing or a gun shooting with the intent to kill the other person.

Culpable homicide not amounting to murder

This is a homicidal variant in which the intention of killing exists, death is inflicted on the victim by conscious means to kill either by bodily injury and is known to the offender, or to cause physical injury and the offender is consciously aware of the consequences where the injury is sufficient to cause death of an individual along with the knowledge that the act committed is dangerous enough in all probabilities to cause death.. For instance, when you know someone would die if they operate a faulty switch on a transformer and intentionally damage it to cause death, then it would autumn under this scenario.

Whilst both the classifications seem nearly identical, murder is merely a special case of culpable homicide where the perpetrator attacks the individual by direct involvement, with the intent of kill. Whilst a serial killer could be engaging in the either or both of the legal violations, the main point of concern that puts him/her apart from the other classes of homicidal perpetrators is the motive to kill. Motives tend to be aberrant and rationally non-existent in these cases and also, the lack of official legal recognition of the phenomenon poses a problem of classification to the legal system to execute the necessary code of punishment. Also, the psychiatric intervention against the perpetrator is a fluidic element of control which often exploited for mental asylum to escape the equivalent of legal punishment at least temporarily.

Police and investigative procedure

Whilst legal aspects are key to executing judgment, fundamental problems are also existent in the investigative procedure in India. A criminal investigation is predominantly a police procedure, but in case of serial killers, especially the ones who tend to move across states and maintain a low dynamic profile to avoid being recognized or followed, the procedure tends to autumn short of efficiency. The police authorities do not necessarily link the cases because of the change in jurisdiction across crimes, subtle aberrations in modus operandi with a unifying underlying meaning and many other factors. The lack of legal and criminal infrastructural imposition to consider a serial homicide would fundamentally leave the surface option of considering the crime as singular whilst investigating the same. In the best-case scenario, this leads to delayed results if any and in the worst possibility; it leads to the arrest of innocent individuals unable to defend themselves. This exhibits a striking need for psychological intervention and education in criminal investigation procedures through structural and operational transformations. Often cases escalate to a higher priority, depending on the intensity of the case and the associated civil unrest. The pan-investigative framework lists over thirty divisions specialising in various fields of interest. The organisation that specializes in a criminal investigation is Central Bureau of Investigation (CBI). Its functionality is distributed across seven divisions, namely.

- Special crimes division
- Policy & coordination division
- Anti-corruption division
- Administration division
- Directorate of prosecution
- Economic offences division
- Central forensic science laboratory

Along the operational ability of these divisions, serial homicides are handled by special crimes division as exemplified in the Noida 2006 serial murders and so forth. This division is specifically directed at handling mafia criminal dynamics, terrorist activities, explosions, hostage situations and homicides that garner significant national interest and attention. Looking the over the elements of capability, the closest division that could be associated with the legal intervention of serial homicides is only summoned in the cases of 'sensational' homicides. Even the specialized branch of investigation does not cater to the needs of this growing criminal phenomenon, stressing on an eminent need to establish the required infrastructure.

Informational System

Whilst the police and legal elements are crucial to the emergence of a new system to battle serial homicides, it is equally important to enrich the present system of connectivity in the police system. A virtual police database to enable data accessibility across the state and central police departments were christened in 2009 by the name, crime and criminal tracking network and systems (CCTNS). It is an integrative and comprehensive system for policing through electronic governance. It is the evolved emergence from CIPA (common integrated police application) and CCIS (crime and criminal information system) which emerged in 1995 and 2004 respectively to facilitate information access across various hierarchies of police database and digitalise the first information report (fir) to integrate elements of a case into legal proceedings in real-time rather than consuming time over the red tape hindrance. Whilst CCTNS is a theoretically robust concept, that builds information from the earth level of police interaction and channels the information across higher levels for both access and record-keeping, it tends to experience severe practical issues in function. The present dynamics of this system enable it to function as a record-keeping database whilst the most important ability of integration of police information across state and union territory borders is still missing. This is exemplified by the inability to coordinate the missing person characteristics with the new inputs from different cases where the data is merely arranged into static stack variants rather than dynamic interactive classification. The synchronisation full stop is a seven-day interval which tin prove to be a viable window of escape to a criminal on the move whilst the cases before CCTNS emergence are still a paper-driven database with overdue of various cases yet to be digitalized. Also, the information system is not capable of forming associations between the modus operandi and the possible similarities between case files to ease the process of investigation. Whilst it is a practically possible venture to indulge machine learning in this process and ascend the efficiency of the mere collective database, it could be a question of cyber security to open the access of sensitive information to progressive cyberspace.

Nevertheless, the data is still a mere raw component for the trial and error procedure of police investigation.

Lack of specialized programs and training

Another element of importance is the lack of specialized training of police personnel to engage in serial crime investigation. The realm of serial homicide resonates with psychological analysis more than any other associated field and hence, it would be necessary for the respective investigative personnel to get the required conceptual training in psychology and associated applications concerning serial homicide. Significant literature exists in this aspect, such as the criminal profiling elements, behavioural-motivational typology and so forth. Also, the lack of Indian equivalent of VICAP (violent criminal apprehension programme) which is integrative of cases of sexual assault, homicides, kidnaps irrespective of being random, sexual, ransom orientated or a serial missing cases string with possible foul play indications. It correlates and tracks the individuals and cases concerning the above points to keep a leash on possible serial crime that misses the authorities. Whilst addressing the difference in the governance systems between India and the United States, it is necessary to create our equivalent with focus on the required elements.

Rationale

Whilst the structural and conceptual inefficiencies in the contemporary system have been identified, it is also necessary to provide a rationale onto why the focus on serial homicide in India is a pressing concern and what are the possible means to analyse these dynamics from the existing pool of criminal statistics. National crime records chest of drawers releases an annual document by 'crimes in India' addressing various elements and types of crime along with their statistical data. The records are existent from 1953 and the records about 'state, UT& city-wise motive of murder and culpable homicide not amounting (CHNA) to murder' were utilized to arrive at the rationale and also in constructing the method of explanation. The motive of murder and CHNA statistics were first published in 1971. In this analysis, statistics from 1972 to 2015 were considered owing to their similar structure of documentation and hence making it possible to generate a cumulative conclusion. The statistics are classified based on state and ut data across potential motives. And the data parameter of interest across the years is the all India data from the cumulative of the states and union territories. In the case of motives, the categories were selected from the 2014 revision of the statistical classifications. The motive classification from 1972 and 1987 featured gain, dispute over property, personal vendetta, sexual causes, sudden provocation, lunacy and others. These are given respective columns in murder and culpable homicide not amounting to murder. In 1988, revisions were made to motive categories with the addition of dowry, communalism, casteism, class conflict and merging love affairs with sexual causes in the dual columned parameters of murder and CHNA. Further revision of categories was made in 1999 when the categories of witchcraft, political reasons and terrorism were along with separate statistical data for victims. Finally, the updated revision of 2014 includes the categories of gain, dispute over property, personal vendetta or enmity, lunacy, witchcraft, human sacrifice, communalism, casteism, class conflict, political reasons, honour killing, rape, gang rape, love affairs, kidnapping and abduction,

illicit relationships and others in dual columned murder and CHNA. The present analysis would be utilising the 2014 revision of motive categories and apply the same to data from 1972 to 2015. In the case of unclassified elements such as sexual causes in the 1972-87 classification, they would be marked under 'rape' of 2014 categories whilst leaving gang rape and other sexual associated categories as empty columns.

Primary categories

From the above categories, only the ones which resonate with the fundamental conception of serial homicide are chosen here. And this conception is borrowed from the disorganized classification of serial killers. A serial killing could be a result of a behavioural manifestation of mental disorders such as schizophrenia, delusional disorders and so forth. For instance, a schizophrenic believing that he is killing people as instructed by god to him to erase the sinners. And this could be categorized by murder and CHNA by lunacy. One of the most important elements of serial killing is sexual assault. Various forms of sexual aspects are observed in serial killers. These include sexual asphyxia, necrophilia, substituting stabbing activity for penile intercourse and so forth. And they are done against the will of the victim and hence be categorized as murder and CHNA by rape and murder and CHNA gang-rape respectively. These six categories (three murders and three CHNA) form the primary categories of serial killing.

Secondary categories

However, the categories chosen by NCRB could be ambiguous in terms of motive classification. For example, witchcraft killings could be the work of a schizophrenic who believes in a particular theological force and hence be classified so, whilst it would be a serial homicide of possible lunacy. Categories with a chance of error in classification form the secondary categories and these include gain where the self-proclaimed gains are not necessarily true, witchcraft and child human sacrifice with the possibility of mentally disoriented individuals accomplishing the act and kidnapping and abduction where ransom was never the primary intent but just a means to distract the attention of the investigating forces. This amounts to eight categories with four of murder and CHNA each.

Tertiary categories

Finally, the tertiary categories are included as an aspect of probability owing to the miscellaneous accommodation in the others category by NCRB. So, others in murder and CHNA respectively constitute the last two categories. The present analysis, hence, constitutes of a 16-parameter data segregation of murder motives from 1972 to 2015, discussed along with the specifics of each category.

Lunacy

This category fundamentally accounts for the seemingly motiveless murders where the perpetrator is declared mentally unfit. The trend of this category was relatively stable over 100 cases until 1987, where the cases almost tripled to 348 in 1988 owing to the changing in the definitions of classification criteria. However, a steep rise and autumn are observed in 1992 and 1993, which is unaccounted by any particular reason. And further, along time, the cases were

relatively stable between 50 and 100. Whilst this exhibits a positive prospect, the lack of a comprehensive definition and investigative means to confirm the true presence of a mental disorder makes it a highly vulnerable category masking the serial homicide cases and unintentionally protecting the serial killers until long durations. These individuals often display intense recidivism even after extended periods in mental rehabilitation facilities as exemplified by peter woodcock, Edward Kemper and so forth. And this element makes them a comprehensive threat across extended times irrespective of the relative progress exhibited.

Rape

Murder and culpable homicide by rape need to be addressed on a three-fold basis owing to the change in the definition of category in 1972, 1988 and 2014. In 1972, sexual causes were the category of rape, but it also included elements of lover dispute, marital elements, illicit relationships and anything else that involves sexual activity, but not necessarily non-consensual and/or coerced sex. The rate of rape was doubled during emergency, indicating a social trend of aggression and turmoil distilling into rape. In 1988, when the categorisation was restricted to sexual causes and lover disputes whilst alienating dowry and other related socio-cultural factors such as caste differences in marriage and so forth, it gives a more accurate depiction of the coerced sex elements. A sharp increase has been observed in the rape cases from 1988 until at least the beginning of the twenty-first century. This tin be explained by the correlated measure of globalisation changes where people were opening up to new social orders and hence, the opening up and vulnerability of being sexually attacked by strangers. From 2001, murder rape statistics were also released concerning the proximity of the perpetrator to the victim in terms of a relationship. And the statistics of strangers attacking women sexually has almost tripled from 2001 to 2014, indicating an evolving chance of vulnerability through serial sexual homicide. From 2014, the classification of sexual crimes into rape and gang rape provides the dynamics of better precision since most serial sexual homicides are committed by individuals rather than groups although the motives could be identical with groups such as notions held by Nirbhaya gang rape case offenders and other sex offenders who claim their actions to be a means of punishment for breaking the socio-cultural norm. Along with the historical origins of serial homicide, sexual involvement was invariably involved with a very small parting of the crimes being unrelated to sexual activity, if any. The cases could indulge a varied set of attitudes such as substituting stabbing for penile intercourse in light of erectile dysfunction, harbouring intense hatred for promiscuous women such as prostitutes, sexual perversions of necrophilia, paedophilia, gay rape and so forth. So, it is crucial to analyse the elements of sexual crime statistics alongside murder by rape characteristics to figure out possible attempts of serial rape and molestation before they escalate to full-scale murders. The following cases do not form a direct relation to the functionality and dynamics of serial homicide but only present a reasonable doubt of possibility in the statistics towards this phenomenon and hence explained in that manner.

Gain in the murder motive context, gain often refers to the prerogative of gaining something through the act of ending the life of the individual. Whilst it offers a theoretical clarification, it is often too broad and mixed enough to be mistaken in a practical case scenario.

For example, if a serial killer engages in killing of multiple individuals and simultaneously utilizes the material and emotional gains of indulging in that act, it could be classified as a gain operant statistic whilst the gains were immaterial to the perpetrator, but merely a means of distraction to the legal investigation to secure a less intence punishment and/or sentence. This is often true in the case of highly skilled serial killers with near-geniusiq. For instance, peter woodcock would misplace elements of value from his victims to misdirect it as a gain orientated murder and often kept them as souvenirs of the victim. Because of the innate human nature of gaining things, these crimes constitute a significant majority of total murder and culpable homicide with an increasing share of cases along the years.

Witchcraft and child/human sacrifice

These phenomena are predominantly culture-based witchcraft refers to the use of spiritual or harmful magic with the intent of causing harm to someone, whilst human sacrifice is the act of killing someone in the name of offering him/her to a deity for their blessings. Both of these harbour intent and actions to kill. Whilst witchcraft only became an official category in 1999 and child/human sacrifice was inculcated in 2014, it must be observed that these elements are a significant, foundational base in our cultures. Across different religious backgrounds, respective dark forms of sacrifice and witchcraft exist. For instance, voodoo magic involving dolls is a popular dark magic element in few parts of Andhra Pradesh and Telangana, whilst sacrificing new-born children and virgin girls is a traditional custom of certain Hindu clans and so forth. The statistical elements show a significant rise from an average of 100 cases in 1999 to nearly 240 in 2011. And these could be the result of mentally distorted beliefs being consumed and relayed by serial killers in their delusional notions. These types of killers are usually referred to as angelic killers as they consider their work to be god-driven and pious.

Kidnapping and abduction

Murder in the process of abduction and kidnapping often possesses the danger of being misinterpreted, especially in case of high IQ serial killers. The killer Tin propose a deal of ransom to release the victim with no intent to do so and kill the victim long before the process whilst portraying it as an issue of ransom. The possible solution in these cases is to identify the nature of the individual as well as the demands to decode the notions. This tin be achieved through hostage negotiators, who specialise in dealing with cases of kidnap. These individuals are equipped with the psychological knowledge of analysis and tin utilise the same to assess the authenticity of the perpetrator's offer. In spite of only possessing data from 2014 and 2015, it shows a significant rise in the number of cases and hence, relays the pressing need for psychological knowledge of hostage negotiation.

Others

This category constitutes the paramount importance among all the above owing to the figures in the total number of murders and CHNA combined. Because the percentage of the miscellaneous, non-categorized cases constitute at least 45% across all the years initiating from 47.6 % of the total cases in 1972 to 49.5 cases in 2014. There has been a steady increase in 'others' cases along time with steep rises in 1985, 1988 and 1990. It has relatively stabilized over the last

decade of the twentieth century with the slow but gradual progress of cases in the early twenty-first century. The inability to categorise often involves multiple category conflict or lack of effective motive to classify in either category. This poses the biggest masking site for serial homicide since it is not possible to identify the motiveless crime pattern without accommodating serial homicide investigative techniques and these statistics resonate with the same. Also, a significant pattern tin be observed in the increase of CHNA cases in the recent years starting from 1995 till 2015 where the means of murder are rather hideous than direct contact killing and pose a risk whilst exhibiting resonance with high intelligence homicides. Owing to the increasing nature of complex and/or mysterious homicides, it is necessary to adopt the serial homicide framework. Whilst the entire analysis is based upon the statistics obtained from NCRB, it must noted that data discrepancies were observed between murder rape data of women in rape statistics and murder rape data in motive of murder and CHNA statistics, with the latter being significantly low in 2015 at 171 whilst the rape data shows it to be 8291. Hence, this poses the question of data authenticity to gauge the practical intensity of the situation. Also, it must be noted that this analysis is solely dependent upon the registered cases and the actuality would only be infested with more possible cases and offences.

Shortcomings

The shortcomings of this analysis include the assumption of homogenisation between the revised categories of 1972, 1988 and 2014. Also, the impact of secondary categories is assumed to be significant on a practical margin. And finally, the general scope of statistical error in the NCRB data applies to the conclusions derived from it. Conclusion serial homicide is by and large ignored in the criminal investigative and analytical framework of most third world nations. In India, the need to recognise the alarmingly possible inept classification of serial homicides in the country's crime databases is now higher than ever. The necessary human resources and infrastructure should also be established instead of the investigative framework to handle the issue of serial homicides in the most effective manner. Existing models of FBI, Interpolcan be utilized to restructure the foundations suitable to the Indian criminal context and police procedures.

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REFERENCES

Toledo Blade. (1999, October 6). Insane Russian accused of killing, eating people. Retrieved from https://news.google.com.au/newspapers?id=uEpPAAAAIBAJ&sjid=6QMEAAAAIBAJ&dq =alexander-spesivtsev&pg=5567%2C1874753

Ministry of Home Affairs, Department of States. National Crime Records Bureau (NCRB). (1972-2015). State/UT-wise Motives of Murder and Culpable Homicide Not Amounting to Murder during 1972-2015. Retrieved from https://data.gov.in/resources/state-ut-city-wise-motive-murder-and-culpable-homicide-not-amounting-murder-during-1972-2015

Ministry of Home Affairs, Rajya Sabha. Answers Data of Rajya Sabha Questions for Session 246. (2019). State/UT-wise Number of Cases of Rapes, Murders and Molestation of Women Registered during 2015 and 2016. Retrieved from https://data.gov.in/node/6620495/download

India TV News Desk. (2013, February 25) Serial killer Javed Iqbal who sexually abused and killed 100 children in Pakistan. Retrieved from http://www.indiatvnews.com/crime/news/serial-killer-javed-iqbal-who-sexually-abused-and-killed-2733.html

Sudhir, T S., Swamy, R., & Reddy, S. (2013, September 6). Psycho Shankar - How the serial rapist and killer was nabbed. Retrieved from http://indiatoday.intoday.in/story/psycho-shankar-how-serial-rapist-killer-was-nabbed/1/308631.html

Federal Bureau of Investigation. (2010, August 24). Violent Criminal Apprehension Program. Retrieved from https://www.fbi.gov/wanted/vicap

Vronsky, P. (2004). Serial killers: the method and madness of monsters. New York: Penguin.

White, J.H. & Lester, David & Gentile, M & Jespersen, S. (2010). Serial murder: Definition and typology. 31. 17-37.