

“Kidnapping and Abduction: Psychology and Physical Effects on the Coping Survivors”

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ABSTRACT

This research work is intended to study “Kidnapping and Abduction: A glimpse through the Psychology of the Coping Survivors. The researcher is trying to analyse overall psyche of the victims of kidnapping and abduction. Both kidnapping and abduction are the crimes against the ‘person’ of human. It is said to highly affect the overall persona of the victim.

Kidnapping and abduction poses great threat to the life of the victim and, as well as, endless mental agony to both victim and their family members. Primary reason for the seriousness of this crime is that it leads to various other crimes and most common victims are the children and women. They are neither able to comprehend the situation nor defend themselves. This makes the are very complicate and delicate for research work as it exposes the victims to various mental and physical conditions and also affects overall psyche of the victims. various studies are, made on this subject and it is generally concluded that victims are greatly affected for their whole life.

Key Words – Kidnapping, Abduction, psychology, victims, victimology, Stockholm syndrome etc.

INTRODUCTION

Kidnapping and abduction are two such crimes which have great psychological affect over the victims. Normally, victims take years to recover from the psychological wounds which is inflicted over him, and at times they are not even able to properly heal from them. Kidnapping and abduction gives both emotional and psychological scars to the victim and ultimately they become so much broken that they have trust issues, independence problems, etc. not only the victims but also the family members of the victims suffer with them. It is very important that it must be understood as to why people uses resorts such as kidnapping and abduction and also as to why people becomes victims of these crimes. The victims of kidnapping and abduction faces a lot of psychological problems. People who survive such problems usually face certain issues such as trust issues for their whole life. At times they become afraid of being alone or afraid of dark or not being able to live with freedom, being afraid of a certain type of people etc., at time their trust over whole society ends because of certain miss-happening with them. It is necessary that victims go to certain recovery therapies. These therapies help victims to cope up with various theories, it helps them in

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changing their way of thinking, changing their negative theories, and changing their way of thinking.

According to a survey, India stands at second position in world's highest percentage of kidnapping cases. The leading country in the world is Mexico, while the neighbours of India i.e., Pakistan ranks third in the list while Afghanistan lists seventh on the list. This simply means that in India, has second highest rank of recorded cases of kidnapping and abduction around the world. In India, though till now kidnapping and abduction is not being used as an organised business but rather as a means of taking revenge or selling innocent witnesses for the purpose of various trades such as organ trafficking, sex trade, etc. one of the reason for being India at second place in world is that the sheer size of population in India. Thus, it explains why the number of kidnapping and abduction cases is relatively large in number than other smaller countries.

Various steps are taken by the government of India and Judiciary alike to decrease the number of cases of kidnapping and abduction around the country. Both kidnapping and abduction are punishable under the Indian Penal Code. Section 359 to section 369 of the Indian Penal Code have defined kidnaping and abduction as punishable with different level of severity of crime. the main object behind these provisions is to protect personal liberty of the citizens and also to protect both children and people of vulnerable group who are kidnapped or abducted because of their weakness.

Kidnapping and abduction are done for various reasons most common of them are kidnapping for ransom, selling victims for various trades, political kidnapping, kidnapping by militants for recruiting victims or for various other reasons.

KIDNAPPING AND ABDUCTION: MEANING AND DEFINATION

1. Kidnapping

Meaning:

The term Kidnapping consists of two words, kid and napping. Kid means a child or a minor while napping means to take away. Thus, kidnapping means to take away a child. In India, the term kidnapping is used only for minors, but in English law it is used to refer kidnapping of both adults and minors. Kidnapping is declared as illegal by the Indian penal code.

Types:

Kidnapping is done for various reasons such as for ransom, or as a way to allow someone or themselves to escape or for terrorising people or forcing a person or third party to accept their demands, usually for money or for letting a prisoner escape. Sometimes kidnapping are done for changing or dominating political decisions.

Thus they can be divided into;

- for ritual killing by cults etc.;
 - for forcing children in forced labour or child trade;
 - Kidnapping of young boys for selling them for manual trade or as slaves
 - Kidnapping of young and teenage girls for selling and indulge them into sex trade.
 - Kidnapping of people by terrorist groups for creating their fear in people.
 - Kidnapping for ransom, it is said as most common type of kidnapping.
- As per the Indian Penal Code, 1890 the kidnapping is of two types;
- Kidnapping from India (section 360 of IPC, 1890)
 - Kidnapping from Lawful Guardianship (section 361 of IPC, 1890)

2. Abduction

Meaning –

According to Blackstone, “Abduction in general signifies the act of illegally taking or leading away, carrying off by force a child, wards, voters or wife. This may be by fraud, persuasion, or open violence”

In a more restricted sense it is confined to taking of females for the purpose of marriage, concubinage, or prostitution.²

Abduction means to take away a person by force or by fraud. Abduction is also declared as illegal by the Indian Penal Code. In India, there is differentiation between terms kidnapping and abduction. The term kidnapping is used for minors and the term abduction is used for adults. While in English law, the term Kidnapping is used for both the minors and the adults.

LEGAL PROVISIONS

1. Kidnapping

The provisions are under;

- I. Section 359
- II. Section 360
- III. Section 361

Section 359: Kidnapping is defined under section 359 of the Indian Penal Code it says that kidnapping is of two types:

- Kidnapping from India
- Kidnapping from lawful guardianship.

Section 360: The term Kidnapping from India is defined under section 360 of the IPC.

² Bouvier: 4 Step, Comm. 84

It says; “Whoever conveys any person beyond the limits of India without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from India.”³

The offence which is done under this section is committed on both an adult or a minor person by taking him beyond the territories of India. However, if a person is more than 12 years and they have given their consent, then this section is not available. The age limit for girls is 18 years and for the boys is 16.

Ingredients:

- Taking person beyond territorial limits of India
- That too without the consent of the person

Section 361: defines what is Kidnapping from lawful guardianship.

“Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.”⁴

INGREDIENTS:

- Taking of a minor, or unsound person
- Minor boy – age 16; minor girl – age 18
- Taking must be without must be for keeping the minor or unsound out of lawful guardian’s reach
- Taking must be without must be without the permission of the minor person or unsound’ lawful guardian.

Courts have given certain principles regarding this section;

- This section will be applied irrespective of the fact that whether the minor girl is married or not.
- The consent of the minor is immaterial⁵
- The motive or intention of the kidnapper is also immaterial.⁶
- If the kidnapped girl turn turns out to be under 18 years of age, the kidnapper will be held liable, even though he had a bonafide belief and reasonable ground for believing that she was over eighteen years.⁷
- ‘Enticing’ is inducing a minor to go of her own accord to the kidnapper. There is distinction between taking and enticing. The mental attitude of child is immaterial in

³ Indian Penal Code, 1890, Section 360.

⁴ Indian Penal Code, 1890, Section 361.

⁵ State of Haryana vs Raja Ram, AIR 1973 SC 819)

⁶ State vs Sulekh Chand, AIR Punj. 83)

⁷ Queen vs Prince, (1875) LR 2

the case of taking when the child is taken away. But the word ‘entice’ involves the idea of inducement or allurement.⁸

2. **Abduction**

These sections deal with provisions of Abduction under the India Penal Code, 1890.

- I. Section 362
- II. Section 363
- III. Section 363-A
- IV. Section 364
- V. Section 364-A
- VI. Section 365
- VII. Section 366
- VIII. Section 366-A
- IX. Section 367
- X. Section 366

These sections are given below;

Section 362

Section 362 tells us about *Abduction*.

“Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.”⁹

In the definition, the term ‘force’ means actual force and not only threat or showing force. It would be an offence to carry a grown-up woman by force against her own will even with the object of restoring her to her husband¹⁰ The expression deceitful as used here, is wide enough to include inducing a girl to leave her guardian’s house on a pretext. It also implies the use of misrepresentation and fraud by act or conduct.¹¹

Section 363

Section 363 tells us about *Punishment for kidnapping*.

“Whoever kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”¹²

Thus, if a person kidnaps any person from India or from lawful guardianship, then he will be punished with imprisonment which can extend up to 7 years along with fine. The imprisonment can be more than of both types.

⁸ **Biswanath Mallick vs State of Orissa, 1995 Cr.LJ 1416 (Ori)**

⁹ Indian Penal Code, 1890, Section 362.

¹⁰ **Allu vs Emperor, AIR 1925 Lah 512**

¹¹ **R. vs Cort (2004) 4 All ER 137 (CA)**

¹² Indian Penal Code, 1890, Section 363.

Section 364

Section 364 tells us about *Kidnapping or abducting in order to murder.*

“Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”¹³

Section 364 – A

Section 364-A tells us about *Kidnapping for ransom, etc.*

“Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”¹⁴

Section – 365

Section 365 tells us about *Kidnapping or abducting with intent secretly and wrongfully to confine person.*

“Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”¹⁵

Section – 366

Section 366 talks about *Kidnapping, abducting or inducing woman to compel her marriage, etc.*

“Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that

¹³ Indian Penal Code, 1890, section 364.

¹⁴ Indian Penal Code, 1890, section 364-A

¹⁵ Indian Penal Code, 1890, section 365.

*she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.*¹⁶

Section 366 – A

Section 366-A talks about *Procuration of minor girl*.

*“Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.”*¹⁷

Section 366 – B

Section 366-B talks about *Importation of girl from foreign country*.

*“Whoever imports into India from any country outside India or from the State of Jammu and Kashmir] any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.”*¹⁸

Section 367

Section 367 talks about *Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.*

*“Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”*¹⁹

Section 368

Section 368 tells us about *Wrongfully concealing or keeping in confinement, kidnapped or abducted person*.

*“Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.”*²⁰

¹⁶ Indian Penal Code, 1890, section 366.

¹⁷ Indian Penal Code, 1890, section 366-A

¹⁸ Indian Penal Code, 1890, section 366-B.

¹⁹ Indian Penal Code, 1890, section 367.

²⁰ Indian Penal Code, 1890, section 368.

VARIOUS PROBLEMS FACE BY THE VICTIM

Though a number of problems are faced by the victims of the kidnapping and abduction. they can be divided into few divisions;

- a. **Cognitive** – confusion, concentration problems, confusion, damage in memory, memory loss, dizziness, flashbacks of his time as hostage etc.
at times it is seen that these problems increase with time. This problem is more common with young victims. they tend to have flashbacks, nightmares, fear of being alone etc.
- b. **Social problems** – Avoiding people, avoiding a t type or class of people, irritation, depending on others, avoiding social meetings or gatherings,
At times these victims feel helplessness with their situations, at times people believes that no matter how much they work or improve themselves then also nothing will change. Social awkwardness etc.
- c. **Emotional Problems** - mostly for the purpose of study, the scholars divide emotional problems in two parts;
 - Depression
 - Anxiety Disorders
 - I. **Depression** – shocks, phobias, feeling helpless, numbness, hopefulness, anger, disassociation, guilt etc.
 - II. **Anxiety** – being anxious from time to time, constant worrying etc.

Stockholm syndrome also comes under the ambit of Emotional anxiety disorder. The main reason behind this is that in Stockholm Syndrome the victim subconsciously feels attached with their captors. Scholars are of view that the victims subconsciously make it as a survival strategy.

PHYSOCHOLOGY OF VICTIMS

The impact of certain experiences is very hard on the victims. the victims of kidnapping and abduction have everlasting effect on the mind of individual persons. The atrocities faced by them are very harsh and they often lose their hold on reality. These events change whole life of the individuals and also changes their whole personality. They destroy the personality of individuals and their way of looking at their life. The behaviour of a kidnapped person changes greatly. At times different between personalities of the victim before and after kidnapping and abduction is so much that it can be seen even without keeping them in special observation units. The victims face many hardships when they are kidnapped but their problems don't end even when they escape or release from the hold of his kidnappers or

abductors. Their actual problems start after they get out of the hold of their kidnappers and abductors, then they are not able to live their life as they used to live before. Every case is different.

Though hundreds of people get kidnapped or abducted daily but how they react to the situation and after their release greatly differs in each and every situation. It partly depends on their mind set and over how they generally perceive life as and partly it depends upon the way they try and overcome the problems. Kidnapping have many effects on victims, they generally face trust issues, do not feel safe, not able to communicate openly and freely, have nightmares, not able to live freely and to the fullest etc.

At times it is said that the surviving victims of the crime have more hard time adjusting in their life, and because of their experiences during their time as a hostage, their life becomes even more harder. Their psychology develops according to the situation they had faced. When a kidnapped person escapes or is saved from the clutches of the kidnapper, then the very first thing their relatives or police does is to take them to the doctor for their proper recovery. The doctors work with the victims according to the degree of suffering and the present condition of victim. They are treated accordingly. Generally, these victims are cared for and looked at with great precautions. These victims are very sensitive and there is no guarantee how they may reach during a particular situation. Thus, it is very important that they are treated sympathetically. Another problem which is face by the doctors is when the victim is a young child. It is seen that usually kidnappers kidnap children and other vulnerable class of people. These are often termed as “easy kill” by the kidnappers as they are comparatively easy to take as hostage. Given their delicate condition the doctors have to take much more precautions with them.

Another main issue with these victims is the process of Healing. As per Liss Hart- Haviv, a director of organization which is dedicated for helping recovery of the kidnapped victims, the main issue when a victim of kidnapping and abduction is released is that of healing, and healing, according to them, is a process which never ends. It can be assumed that he victims totally depends upon their kidnappers for everything, while they are kept in captivity. They get used to their life and the presence of their kidnappers. In some cases, it is even seen that the victims grow affectionate towards their kidnappers. They get used to this life and at times do not even try to escape even when they had opportunity to. They get so comfortable about their situation and forgets about their previous life. Sometimes, the victims even act in same way after their release as they used to when they were kidnapped. Such victims have suffered great psychological injury because of which they act so strangely. Their survival instinct makes them to do all these things. Thus, there are a number of challenges which are faced by the victims to heal and to return back to their normal life.

Another bigger problem which is faced by the victims is able to trust other persons. Trust is the thing which is easiest to break than to build. the victims are not able to trust anyone once such crime happens with them. They have serious trust issues throughout their life, their whole mind make-up is developed in such way that they are not able to trust anyone. This is one of the hardest thing faced by these victims because trust issues end their whole social life

and they remain alone to face all their problems. It can be said that the psychological effects left over the victims are the worst thing which can happen with them. At times the psychological effect is so much that the victim's trust over whole humanity ends. Sometimes the victims condition is so bad that they do not even trust their family members. Thus, such mentality destroys victim's, both, professional and personal relationships. Psychologists are of view that it is normally seen that such victims have trust issues. Such persons need time to get back their confidence. This is the struggle faced not only by the victim but also by their family and loved ones. It is a long process and usually takes large number of time. It must be tried that the victims trust issues gets resolved because when they will start trusting their family and the ones who care for them then their trust can help them with their healing process.

The process of healing contains many different levels and aspects. The victims normally have many psychological problems. At times they do not feel safe when they are alone or they get doubt full when in company of certain types of people which resembles their kidnappers or they are afraid of being at dark places or being at certain places. They have faced experiences which a normal person must never witness for the sake of their own sanity. Thus, such situations may impact their life disastrously.

When in captivity victims face many things, they are tied, not given proper food, no proper place for sanitation, no hygienic place, they often face violence, at times violence is life threatening, sexual assaults are also common with victims of both genders. All these experiences tend to have deep impact over victims and their imprints do not leave victims easily. The victim's sub-conscious mind often helps them in facing these situations. They sub-consciously device mechanisms for self-pervations. They start reacting even on small triggers. They learn the best way to cope up with the situation and to defend themselves. They remain on guard and this habit continues even after they are released to safety. the effect of kidnapping on the minds of individuals is horrible. Such miserable is their condition that they tend to feel unsafe even at their own homes. Such is their condition that they could live in fear for their whole life. Because of such reasons the victims are not able to love their life normally and usually have issues when in company of others and especially stranger people.

Main behavioural changes which are faced by adults are;

- Hostile attitude
- Feeling of mistrust
- Withdrawal from society
- Feeling helplessness
- Feeling emptiness
- Not being able to communicate openly
- Social issues
- Withdrawn attitude
- Insomnia
- Being constantly on edge.

Main behavioural changes which are faced by children are;

- Refusal to go to school
- Not able to make friends
- Being constantly dependent on someone
- Irritated
- Being dreamy or preoccupies
- Having nightmares

One must understand that these are not the only effects which are faced by the victims neither they are the only dangerous ones. Another problem faced by the victims of the kidnapping and abduction is the Stockholm Syndrome. This syndrome affects victims who are kept as hostages for longer periods of time and they get attached towards their captors.

The Stockholm Syndrome

Stockholm Syndrome is a condition in which the hostages or victims feel affection towards their captors. The victims feel psychological alliances with their kidnappers. This is usually considered as victim's survival strategy. At times this strategy is not pre-decided but devised by their sub-conscious mind. The victims become attached towards over their kidnappers and depends up on them for their survival.

It is seen that at times these victims support their kidnappers, pleads before courts for release of their kidnappers etc. These feelings are generally called as irrational because the danger in which the victim is, in such condition the victim must not develop such feelings for his kidnapper, it is both dangerous and risky. In layman's term, in Stockholm's syndrome the victim develops strong emotions with the person who has held him captive, has beaten, threaten, intimidates, abused him. This is not healthy for the life of victim. It is said that around 8% victims of kidnapping and abduction gets Stockholm syndrome.

This syndrome was introduced by the name of Stockholm Syndrome because of a bank robbery which happened at Stockholm Sydney. In that robbery four persons were kept as hostages. All these people were terrified, abused etc. by their captors. After they were released and bought before the court to identify their captors. They did not agree to witness against them. Then later during their proceeding they actually asked the court to release them and they collected money for their release. Even in one case the victim committed suicide for protecting her captors from death punishment because according to her, her captors know her better than anyone else this world. Thus, we can say in Stockholm Syndrome the victims fell sympathetic sentiments towards her captors instead of fear and hate, which a normal victim must feel.

There are four main components which causes the Stockholm Syndrome. They are;

1. Positive feelings of victim towards their kidnapper/abductor.
2. No previous relationship between both victim and their kidnapper.
3. Refusal by victim to cooperate with police and other authorities.
4. The victim believes that there is a humanitarian side of their victim.

Many scholars say that the Stockholm syndrome is not a form of illness, there are no particular proofs and researches about the same and many law officers doubt that any such illness exists. Many believe that the victims are hypnotised or brainwashed by extremely manipulative criminal minds because of which they feel and talk such things. It is unnatural that the victims speak in favour of persons who are the reason for making the person a victim at first place. Thus it can be deduced that there may be two primary reason for such unexpected behaviours of the victim, one is that the victim is brainwashed or the victim has suffered so much psychological damage that they are not able to differentiate between right and wrong and utter complete unbelievable things. The victim may act like a normal person but in reality their psychology is greatly damaged and at time the damage is so severe that the victims are not even able to become normal during their whole life.

The doctors and scholars working over this issue have also tried to compare the happenings of this syndrome with other victims of other crimes. Shockingly enough, they have found out that similar condition is found with the victims of discrimination, sexual abuse, terror, political oppressions, human trafficking etc.

Thus, it can be inferred that it is a problem which is faced by many victims who have suffered so much abuse that their psychological condition is damaged, at times, beyond repair.

Another issue with the victim of Stockholm syndrome is that the victims, when once returns, are not able to live their comfortably. They feel lonely and often gets overcome with their experience as a victim which was taken as a hostage. Overcoming Stockholm Syndrome is all the way more difficult then subconsciously becoming a victim from it because victims tend to get affectionate towards their captors and usually go to jails for meeting them, helping them, providing them with monetary helps etc., thus, they remain in the clutch of their captors for long. If they are forcefully not allowed to meet their captors, then they often try to fled from their house. It totally depends upon the victim themselves to try to recover from this psychological damage. The more they try to replace their memories and to forget about their past, the more it urges them to come towards them. it is a never the ending process. The only cure is determination and mind-set of the victim. It is seen that many victims recover and then return to their normal life.

CONCLUSION

Kidnapping and abduction are both such crimes which are made punishable with serious punishments. Deprivations of personal life and liberty says that no person maybe arrested expect without procedure of law. Kidnapping and abduction affects the whole life of victim up to great extent. These victims are not able to live life to their fullest. The only way to survive is to open up and with positive attitude. A person who is kidnapped will have to struggle a lot with his personality and social life. But at the end it is up to the kidnapped person to reform themselves and to keep positive attitude towards life and try to overcome all the obstacles which have come in front of them.

It is very important that both parents, family members, and society tries to help victims in their recovery process. For reducing the psychological effect of the victim, the simplest method is called as Psychological debriefing. It contains Interviews in which victims are made to relive the vents so that they can be more stable with them, sharing of feelings with Counselor etc. other therapies includes, relaxation therapies etc. Thus, we can say that when we start to recognise the dangers around us then only we can live a peaceful land better life.