Conclusion

Until recently the study of criminality amongst women has been a neglected field of research though the phenomenon of criminality amongst women exist time immemorial. Low incidence of crime, fewer numbers of criminals, low arrest rates and lack of interest are contributed much to this negligence. However, the incidence of criminality amongst women is increasing. The tempo of industrialization and urbanization has altered the situation concerning women criminality. The increasing trend of criminality among women in the recent years and the interest of the women and their development triggered the researchers to devote much attention on this complex phenomenon.

The criminality amongst women is steadily increasing day by day all over the world India being no exception. Study reveals that criminality amongst women is not only a national problem rather it has become global problem amongst women. Our mental picture of the criminal is that of a male violator of the law, and criminological research seems to have been largely under the spell of this cultural stereotype. The lack of scientific attention to the problems presented by women offenders is probably due to the ever recurrent observation that considerably smaller numbers of women come into contact with the law-enforcing agencies than do men. Women, however, represent about half of our population and live under conditions which may often protect them against the detection or prosecution of crime. These conditions suggest that criminality amongst women deserves more research interest than it has received, no matter how small its numerical importance may appear on the basis of criminal statistics taken at their face value.

Viewed in the context of development and social change, the concept of criminality amongst women is a recent phenomenon both in developed and Third World countries including India. Criminality amongst women is a product of
varied socio-economic-cultural and environmental factors resulting out of rapid industrialization, westernization and urbanization. Currently because of its increasing rate, it has drawn the attention of psychologists, sociologists and criminologists both at the International and national scene. Not only it has given a strong blow to our social and cultural heritage but also affected the social structure of Indian society. Against this background, the present study focuses attention on various causes of criminality amongst women in India and its consequences upon our society, family and individual. With the help of various theoretical and empirical models the researcher has analyzed the various factors which make women crime prone. The theories on criminality amongst women are divided into two broad categories: Early and Modern. The early philosophy deals with the biological and the psychological factors and the Modern theory limits its focus to the various sociological factors. According to Lombroso, women are jealous and revengeful. These set the criminality in a woman. He also stated that the female characteristics contributed to make women criminals more ‘terrible’ than males. Thomas, the other philosopher believed that women had varieties of love, and also, variety of desires of love. This desire is more intense than that in males and when they fail to feel the sense the same intense in response; this switches on their criminality. He basically pointed towards the ‘crimes’ of sexual desire.

To understand women’s experiences as an offender in criminal justice system, laws should embrace the theories of sociology, psychology, and anthropology. No single theory can help understand the nature of criminality amongst women and it is thus important to take a cumulative picture depending on the facts and circumstances of the case. This may require calling for expert opinions and expert witnesses more often. State should make efforts to make this available to women taking help of the legal aid clinics.

Criminality amongst women can, thus, be attributed to various factors such as marital life, political factors, social forces, and economic factors, education and residence in particular region. In addition to these, in Indian context, societal hierarchies like the caste system and immediate cultural context along with tools of expression and suppression also contribute to it. Sexuality
and family structures are also important factors that result in criminality amongst women.

Study reveals that authors have argued that criminality amongst women must be viewed and understood in context of above noted factors and even the prison programming, etc, must take into account the contextual variables. There are also a variety of gender difference perspectives, which focus on biology, psychology, everyday interactions, and structural constraints. One enduring problem is that gender differences tend to be interpreted as gender deficiencies, with girls and women being viewed as sick, pathological, victimized, or powerless. In addition to the theories on female criminality, criminologists have studied causative elements that have been shown to correlate with the crime and delinquency of women.

There is still a need of introducing more gender oriented defences to protect the interest of the most vulnerable section of the society. The starting point of any defence could be statistical information coupled with the facts of a case. For example, a research conducted in Canada revealed that majority of women prisoners had a long standing history of physical and sexual abuse. Similarly sociologist, criminologist or legal academician in India may embark to explore whether such a situation exists in the case of Indian women offenders.

Pollock marked about the under reporting of female criminals. He stressed on the fact that the crimes committed by women are not much detected as compared to men and along with this; the police and the court are lenient towards them. Only the few criminals who are actually the worst of all the offenders are subjected to harsh handlings. Another group of philosophers believed that women are mere instigators in crime. They seldom form the class of perpetrators. Alder held that criminality amongst women was a result of equality between the two genders. He also stated that criminality in females is a result of women liberation movements. The more they desire to compete with men, the more criminal intent they develop.

With regard to the geographical background criminality amongst women is reported more from urban areas than rural area. Illiteracy is reported to be an
important factor in women criminality. Studies show that the criminality among women is on the increase and claims serious consideration. Today women akin to men are taking part in all types of criminal activities involving physical process and the use of strong weapons. The changing role such as, shift in occupation and status, the concept of women emancipation, economic independence and political independence open the gateway for women to engage in various activities and hence the exposure to criminal activities is more than in past.

In early age the concept of criminality amongst women was a unique matter to society because the society was male dominated and the women had a little scope to contribute with the works of men. The main duty of women was to house works and rearing children. As they couldn’t go outside so the concept of crime was unknown to them and they were frightened to do any illegal work. But due to the change of time and development in the field of science and technology the negative and dominating attitude towards women began to disappear. Women represent the fastest growing criminal population, growing by almost a third over the course of the 1990s, and almost a third of all incarcerated women report having been on welfare in the period just prior to their arrest. And yet despite this apparent dramatic increase in the criminal behavior of poor women, the study of criminality amongst women remains in its infancy. Drawing on life course theory, however, some feminist scholars are taking steps to address this hole in the literature, and the most striking finding to emerge from the field of feminist criminology is that the best predictor of female criminality is a history of sexual or physical abuse victimization.

There are various reasons found to be responsible for the criminality amongst women. These causes may be classified under various heads like economical, biological, social, psychological, women’s liberation, and urbanization, personal and familial. In some cases it is very difficult to identify a particular criminal activity. Sometimes a specific factor in a particular situation becomes the cause for a specific type of criminal behaviour. Hence in the analyses of causation the possibility for different kinds of interpretations has to keep in mind and one has to carefully discern the real case of causes for a given criminal behaviour.
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In the mid 1970s several factors converged to convince the public that changes were occurring in the rate and nature of criminality amongst women and the female offenders also began to receive more attention during this time. In the last few years the rate of female criminality is increasing in our country in an alarming rate and women are committing new types of crime and most of their crimes remain hidden because it is very difficult for the law enforcement agency to detect them as they are adopting new policy for committing crime. The chief type of criminality amongst women in Punjab state is drug trafficking, goods trafficking, status offender, hijacking, cheating, theft, prostitutions etc.

The consequences of criminality amongst women is more complicated in nature and it leads to continuous deterioration. Crime done by women is dysfunctional than the male crimes because women are having greater consequences on the society than man. Socially crime committed by females are compared to be more serious to the male crimes since the vital role played by the women as mother, wife and more to say a central figure in every society. Hence the role makes the female crime more dysfunctional. When a crime is committed by a female it affects the individual, children, husband, family and society at large. The consequences on the family is at large since it influences the children and their development; the husband his familial role and sexual life and to the neighbours and friends their interpersonal relationships. A crisis is created in the family by committing of crime by women and consequently her imprisonment. This crisis requires a new type of adjustment on the part of all the members of the family.

Due to the criminal behaviour individual’s education, occupation, financial life, personal, psychological, and familial life along with social participation, are badly affected because of the criminality amongst women. The consequence on the family are adverse since it influences the children and their development; the husband and his familial role and sexual life and to the neighbours and friends their interpersonal relationships. Family is the basic unit of the society, where in each member has an influential role to perform in the sense that both the individual and the family influence each other. Mother is the basic unit of the family where as she has to socialize the children in such a way
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that they should be normal being of the community. The role of the mother in each and every family is most significant and crucial in upbringing the children. When the mother indulges in criminal activities, the children at many circumstances get exposed to criminal risk and also face social harassment from other members of the society.

The legislators, judiciary and lawyers need to be more sensitive to the issues relating to women and should pave the way for innovative psychological and sociological defences to help women who are the victims of the circumstances. As a matter of practice, it should be the defence of self-defence coupled with battered wife syndrome that should be given priority over other defences as it confers rationality to the action of the woman, whereas provocation coupled with learnt helplessness or diminished responsibility reduces her action to a state of mind. The use of such defences in India may generate debate about the differences between self-preservation and self defence and opponents may claim that provision of self defence does not aim at protecting an individual from an anticipatory attack. However, expert and other evidence could assist in showing the reasonableness of the fear/apprehension of such attack and probability of the attack depending on the frequency of violence suffered by the woman at the hand of the abuser. Such a case would require the judges to define “imminence”, “reasonable apprehension”, etc, from a battered woman’s perspective even though such terms have not been defined in the Indian Penal Code, 1860.

Although women protective laws have been justified with respect to status of women in olden times, but as we all know the world has changed and so on the behavior of women. Those women who are used to be subjected to house-taker now are taking steps ahead along with men. The law on the other hand has not changed proportionately. The society has progressed to such an extent that criminality amongst women have achieved a higher stand in society and certainly have become influential but with respect to law is still where it was in olden times. The repeatedly misuse of legal protection can lead to new legal terrorism. So there is a need to change law relating to women. It is not fair to pre-establish that domestic violence happens to wife only.
While making special laws for women, the legislators must think of victimized sect of the society in male line also. Laws like, Indian Penal Code specially section 498-A and The Protection of Women from Domestic Violence Act, 2005 have number of provisions to intimidate men and their families. The effect of these laws is unjustified power in the hands of women for blackmail and extortion in domestic disputes which irreparably damages the life of husbands and their relatives and sometimes also becomes the reasons for their death.

In India and elsewhere in the world, there are no special laws for male. There is Dowry Prohibition Act, Section 498A in Indian Penal Code i.e. offence of cruelty by husband and relatives of husband; section 125 in Code of Criminal Procedure i.e. maintenance for wife; protection of women from domestic violence, in Statute books. But there is no protection of men in Domestic Violence Act, 2005, there is no provision like Section 498B in Indian Penal Code, there is no provision like Section 125A in Code of Criminal Procedure i.e. maintenance to husbands under the Act. Rather the specific laws for women are misused by errant women and police officers. The cry of victimized husbands and their relatives is not heard either in courts or in society. The practice says that real purpose of the women – related specifies laws are misused and thereby husbands suffer for no fault.

The solution does not lie in dismissing the all existing laws. It is desirable to provide an opportunity to estranged spouses to settle their dispute amicably. To amend certain existing laws at the extent through which that laws can’t be misused or abused.

Prison institutions are one of the three main constituents of the criminal justice system. Prisons are no longer regarded only as places for punishment with the changing perception towards the prisoners. They are now being considered as reformatories and greater attention is being given to ameliorate the conditions in jails so that it has healthy impact on prisoners in developing a positive attitude toward life and society.

The number of women offenders is, generally, meagre and the problem of security is also not acute in their case. As a result, no meaningful efforts were so
far made to improve their conditions in custody or after their release. To establish a separate institution for such a number of women prisons has often been ignored by legislature. There is strong need to look for alternative to the traditional criminal justice system and incarceration. It is argued that ‘incarceration fails to address, or even exacerbate the problems which the women were facing prior to incarceration.’ Reformation and rehabilitation should be the sentencing policy for women offenders as opposed to punitive treatment. The main purpose of punishment is to protect society from crime and to reform the criminal, so that he can lead normal life after release. The women face more problems in rehabilitation after being released from the prisons since they completely cut off from their families. Neither the family member accepts them nor do they take advantage of rehabilitation scheme due to illiteracy and ignorance. It is submitted that the process of rehabilitation should start as soon as female offenders enters the prison and should continue till the ex-prisoner is fully absorbed into society. It is suggested that welfare officer should make the women prisoners aware of the Government Rehabilitation Assistance Scheme and helps the deserving ones to secure it.

A review of the existing prison administration in India shows that though numerous efforts have been made through the formulation of various jail regulations and recommendations of committees from time to time, the ground reality, however, presents a diagonally opposite picture. An overwhelming majority of the prison population is not even convicted. The inmates are mostly under-trial or even uncommitted to trial, with only a few criminals in their criminal careers. As mentioned earlier, several committees have recommended classification of inmates on the basis of their status which is not being followed.

Prisons are still following the concepts as prevalent in colonial India. When imprisoned, men and women do not cease to be human beings. Therefore, the material and moral standards by which society lives must apply to them as far as possible. As a consequence to this fact, it follows that what happens to people in custody must always have regard to their likely conditions during as well as after release. Apart from the humane and secure containment of inmates, the prison environment should provide controlled conditions in which they can move
towards a better understanding of themselves and learn to accept and deal responsibly with the consequences of their own behaviour.

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The present Research has focused on experiences of women in the whole justice system. Gender though a fundamental, is largely an ignored issue in the field of criminal justice system. The main reason for this neglect is a small number of women criminals in comparison to the number of men. Further women offenders are different to men, having different pathways to crime, different life circumstances and different rehabilitative and rehabilitative needs.

The present research has focussed on nature of women criminality, its causes and victims. In present study it is also concluded that what kind of crimes are committed more by women either violent or non-violent, what are the causes, either economical, biological, sociological and circumstantial or who are the victims of women criminals by taking the views of judiciary, legal fraternity and general public through questionnaire.

Researcher has also visited four jails in Punjab where I came to know that 871 women inmates are there in jails including convicted and under-trial. Findings indicate that most of the inmates are married and majority of them were in Amritsar Central Jail. These women were either widow, divorced or separated. Both married and widows, divorced or separated women have children. Maximum numbers of inmates have more than three children. Children are of both the sexes and ranged in the different age groups. 15 children of less than 6
years of age were accompanying their mothers and grandmothers in the prison. There were 41 children who were on their own. They did not get any help from their relatives or friends. These children were staying alone either because their mothers had been imprisoned for the homicide of their father or both the parents were imprisoned for homicide on account of land disputes. In many cases the younger sibling was taking care of the elder one’s. Lack of economic resources forced many of these children to follow the path of crime.

Recently in Ludhiana on 13th April 2013, Director Inspector General (prisone) Lakhwinder Singh Jakhar inaugurated Day Care Centre to take care of jail inmates’ children. Two NGOs Vishwakarma NO 173 and Sarbat da Bhala, collectively adopted the crèche and nursery school, which was running in the Ludhiana jail for the years. This kind of efforts should be done by the authorities and NGOs to protect the children of jail inmates’ from the bad atmosphere.

Over-crowding, unhygienic living conditions were a common factor in all the prison. Except Ludhiana jail which is far better from other jails. There was a lack of adequate medical, education and vocational support for women prisoners. Lack of ventilation, poor lighting, and bad sanitation was visible in Jalandhar jail. Quality of food was found to be very bad except in Ludhiana jail. In some jails food was unpalatable and women were cooking for themselves, using earthen ovens. Recently most of the women prisoners of Jalandhar jail have been shifted to newly constructed jail in Kapurthala. This jail has been considered as most improved jail in Punjab.

Non-availability of a female doctor was a common complaint. No Psychiatrist paid a visit to the jails. Nearly half the inmates of Ludhiana jails reported psychiatric problem.

Despite the heterogeneity in terms of age, caste, socio-economic and criminal background, women prisoners develop strong bond amongst themselves. All the inmates become a part of large family, where they fight and argue, console and share the same world view. The inmates spend days, weeks and years together with one another. They know almost everything about each other.

In conclusion, it can be stated that through this study, nature of crime
committed by women, its causes and victims have been discussed. Further it has also been discussed what kind of punishment and treatment should be given to women offender. In this study other major problems have also been discussed under the criminal behaviour of women when they misuse their legal protection given to them by law. This is very much affecting the male society. In this study survey has been conducted in connection with criminality amongst women for which questionnaires have been prepared and filled by law fraternity, judicial officers and general public. The lives of the women prisoners in Punjab were also explored against the background of the offence having been committed or alleged to have been committed. The offence is the main component of their present lives and the reason for them to be in the prison.

Even though the situations and the causes of crime committed by women vary, the law only knows that it is an offence under the Indian Penal Code and the offender must get the punishment that code sets out. Majority of the women do not have any clue where their offensive act would lead them to. Majority of the incarcerated women are illiterate and belong to the marginalized sections of the society. It has been established that women’s crime tends to reflect the role that economic disadvantage plays in their criminal careers. There is a gap between legal system and social reality.

The law talks about the equality between the sexes. When women commit crime, they would be punished equally like men. The social reality, on the other hand is full of inequality in case of women prisoners, thus present specific challenges for criminal justice system because they constitute a very small proportion of the prison. The profile and background of women in prison, and the reasons for which they are imprisoned are different from those of men. Existing prison facilities and programs for women inmates have all been developed initially for men, who have historically accounted for the larger proportion of the prison population. It is therefore asserted that a gender perspective must be considered while catering to the needs of women in criminal justice system, in general and prisons in particular.

The findings of this study it is clearly observed that the predominant
factors which are found to determine criminal tendencies in Indian women are economic insecurity. People from legal fraternity, general public and judicial officers strongly believe that economic factors are the main cause of crime amongst women. In the present study, poverty was found to be significant factor in provoking a woman to crime and it may be the root of marital and other frustrations. Poverty creates severe economic strain on women. The findings indicated that female criminals are mostly from lower income backgrounds. The rising prices have forced women to seek jobs in cities. As urbanization increases, property offences in cities also increase. They do think that biological, psychological and sociological factors also significantly affect the criminality amongst women. Social environment and deviance are highly relevant to the subject of criminality amongst women. Migration from rural areas to urban areas and the imbalance in their adjustment to city life may also result in an increase of crime in cities.

Majority of the respondents from all the groups do believe that women misuse the legal protection given to them by law for their interior motives. Respondents do think that there should be some punishment for those women who misuse the provisions of law for their own bad motives. Findings of the present study shows that majority of the judicial officers had a view that criminality amongst women is increasing from last decade and they don’t think that they are treating women criminals harshly as compared to male criminals due to this increasing load. Persons from the legal fraternity and judicial officers respond that there should be adoption of more alternative sentencing methods for penalizing women they do think there should be adoption of more vocational programmes for female inmates as compared to present status.

Finally, some significant and relevant suggestions have been provided to prevent and control the increasing trend of criminality amongst women.

Suggestions

A criminal is not a born criminal, efforts can and should be made to correct and re-socialize the individual. Those who commit crime as a matter of choice or as a means of livelihood are few indeed. A large numbers of criminals
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are victims of situations or criminals by accidents.

One of the prison system’s greatest failing may be treating all insiders similarly, because not everyone in prison is criminal. A woman going in for one or two weeks out of her whole life, who may never offend again, is not a criminal although a jail sentence usually means that to the community. As soon as such a woman is released, friends and neighbours shy away from her as though she was contaminated. At this point, chances are high that such a woman might offend again because of community attitudes.

Women prisoners are hardly a bunch of dangerous criminals. Less than a handful might need to be locked up for public safety. There is also the possibility of female criminals being psychologically disturbed rather than criminal.

There is no doubt about the fact that removal of the criminal from family has a very serious and disabling impact on her family. In fact, her family may be as much affected as that of the victim, or even more so because of the stigma involved in it. Further, the prevalent conditions may force the children of the criminal to take to anti-social modes of behaviour. When the criminal has committed a crime, she has to be punished. Whether her children or other family members who have not been involved in the crime should also suffer for it, is an important issue that needs to be looked into. The most important reason for this is that, efforts have not been made to evaluate or even to understand the impact of policies and practices in the criminal justice system on family life. A family is very greatly affected by the sentences passed on its members. It has to be understood and dealt with. This is by no means an easy task. But, it is an important, which has to be performed.

On analysing the findings of the present study one can conveniently say that the phenomenon of criminality amongst women, as it exist today, can not be dealt with till we are able to bring about a positive change in existing system and our socio-cultural practices. Keeping all this in view, the following steps are found necessary at different levels to eradicate or at least to reduce the criminality amongst women. The suggestions are grouped into preventive, correctional and supportive, and rehabilitative for the convenience of the
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prospective consumers of the study.

Preventive

1. In planning up the programme for the prevention of crime it should be borne in mind that human nature is complex and programmes must be in accordance with. Many are of the opinion that crime prevention is the task of the police and criminal justice system alone. Insofar as crime is social phenomenon crime prevention is the responsibility of every part of the society. Prevention of the crime is not the only responsibility of the police and the criminal justice system but also the general public. Hence the cooperation of the public in crime prevention programme must be incorporated.

2. The various methods such as educating the public through mass media, community programmes, participation of youth and children in communication and education programmes like small group discussions and critical incidence programmes must be employed. The role of the voluntary organisations could be of immense use in preventing of crime.

3. Measures should be taken to launch a campaign at grass-roots level to provide sex education to both the partners and to create values that sex is a biological need which needs to be fulfilled. The concept of imposed socialised sex should be replaced by physical urge of promiscuity.

4. A constructive social action movement should be started by educator, researcher, social-workers and all men of prudent cosine involving the common man to change social values and cultural ethos which is responsible for the increase in crime by the woman against the woman.

5. Pre-marital and post-marital counselling centres should be started in rural and urban slum areas so as to prepare the partners to lead healthy conjugal life.

6. Short term “family life education” programmes should be organised involving young (would be brides) and aged women (mother-in-laws) so as to give them orientation to have a proper understanding of the concept.
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of family and to prepare them to become a loveable wife and daughter-in-law and loving and understandable mother-in-law.

7. In-laws should accept the daughters-in-law as their own daughters and should grant them functional autonomy. They should not become obstacles in the harmonious inter-personal relationship between husband and wife, rather if time demands they should work as a catalyst between the two, and they should recognise the contribution of their daughter-in-laws.

8. Husband should understand the physical and emotional urge of wife and should give more time and show more concern to the wife’s physical, emotional and material needs.

9. Parents should involve the girls in the selection of their life partners and also girls should be given parity with boys.

10. The secondary position of women should be rejected by all with one voice of giving equal rights and creating the concept of role sharing rather than subordination.

11. The energies and capabilities of the women should be properly channelized by giving them opportunities for advancement.

12. Village level or small cottage industries should be encouraged to provide employment to even illiterate women so as to feed her baby and she is not forced to lead criminal life.

13. The need of the hour is to sensitise every human being to develop secular and humane values about dowry and craving to have a male child etc.

14. Since ignorance is a curse and so far as knowledge of legal provisions is concerned, the people are still ignorant about legal rights and duties. Sometimes unconsciously they indulge in crime so it is strongly suggested that legal literacy campaigns at grassroots level must be organised so as to prevent the innocent persons to be labelled as criminals.

15. The age-old rigid laws relating to divorce seem to be obsolete in the present contexts. The concept of family courts should reach every nook
and corner including very remote villages in its true spirit and the administration of justice must be made smooth and flexible.

16. The practices made by so-called quacks (faith-healers) must be strictly discouraged from every front-cultural, legal and social.

**Corrective and Supportive**

1. In society like ours the importance of socio-cultural expectations can not be overruled, at least laws should have its own eyes and ears to guess the true situation that compelled the committal of crime. It is suggested that courts must take socio-legal consultancy of established professional organisations and entrust social investigation work to them.

2. Situational factors leading to crime must be given primacy over the legal technicalities and for this judges and magistrates should be thoroughly sensitised and given orientation for a more sensitive and humane handling of judicial and legal procedures affecting women.

3. There should be compulsory legal audit of each and every verdict/case as to ensure fool proof justice owing to the often repeated charges of corruption on lower judiciary.

4. A conscientisation process has to be undertaken for the judicial system and whole legal system need to be sensitised towards women issues.

5. A code of conduct for the bar council needs to be revised to make it more humane and to add specific commitments and modalities which can in turn reduce the gap between the law and the women. The advocates needs to be humanised and practice of law should be taken as a humble profession rather than commercial enterprise. For this Government must fix the fees of the advocates as to avoid any bargaining or exploitation.

6. There should be special courts for women in which women judges should be appointed to ensure better understanding of the situation which lead women to crime.

7. Measures should be taken to make free legal aid available to women in
distress in its true spirit. The rehabilitation officers should make special efforts to build a link between the two.

8. The training pattern of police needs to be revised to add more humane values and during their training they should be properly sensitised over the sensitive issues related to women.

9. As such the provisions of section 406 and 498-A of IPC dealing with subjecting a married woman to cruelty and criminal breach of trust were being blatantly misused. The case mentioned herein blow was classic example. After hearing the arguments, Justice Lal directed the setting aside of the order passed by the trial court, summoning six relations of the groom, The suggestions were also made to correct the situation by Delhi High Court in *Savitri Devi Vs. Ramesh Chand*\(^1\) which are as follows.

- Marital offences should be bailable
- Offences to be compoundable
- Investigation by civil authorities
- Minor children not to be arrested.

10. Following points can be helpful in improving the situation of husbands, who are harassed by their wives with the threat of S. 498A of Indian Penal Code.

- If the parties decide to put an end to their marriage by mutual divorce or they want to settle dispute by amicable means, they should be allowed to compound the offences so that criminal proceedings don’t chase them if they want to start their marital life afresh.

- Where minors and unmarried girls are named in the complaint, they should not be arrested because it ruin their future life and lower them in their self esteem.

- Investigation for these offences should be made by civil authorities and cognizance should be taken only after completion of investigation.

\(^1\) AIR 2004 SC 3946
• Stringent action should be taken against the person making false allegations under S. 498 A. It would be discourage others from coming to courts with unclean hands and ulterior motives.

• Lie-Detector Tests such as Brain Mapping Test and Narco-Analysis Test should be used to get to the truth of the story.

• An independent working agency at Central Government level should be set up to review atrocities against men that go unreported probably due to their gender only. National Commission for Men should be set up to protect the rights of men.

• Arrest of any person should not be made merely on a complaint by wife. Evidence should be given before arresting husband or other family members.

• Post-marital counselling should be provided to couples who are both working, living independently and feeling stressed due to work pressure or family burdens. A joint declaration should be signed by both husband and wife that they have not taken any dowry in marriage, and so their problems are not related to dowry harassment. Wife should realize that a house without wife is like wilderness.

11. The prevalent police investigation methodology needs suitable overhaul so as to ensure the each reported incident is dealt with the quest of ascertaining truth and bringing the real culprits to book including those who have tried to misuse the law by making concocted or vague complaints. Efforts should be made to generate and create humanitarian conditions for female offenders in the prisons. It was found that in the absence of recreational and cultural activities women lead to monotonous life in the prison which is always determinable to their physical, emotional and psychological health.

12. In prisons provisions should be made for spiritual therapy. Periodically religious leader should be called for bhajan, keertan, and preachings to strengthen the super ego of female offenders.
13. Judiciary must ensure speedy disposal of cases and justice needs to be less expensive. It was found during the study that trial sometimes is unusually delayed and sometimes the women even have to be in the jail for duration which is more than what their offence actually requires. In such cases judiciary must give proper compensation. No accused should be arrested before the court has finally convicted her/him, as if the accused is acquitted after a period of detention in the jail for the crime he/she was not guilty. It involves the serious question of human rights and for that there is no provision to undo the legal and systematic mistake. Parliament must amend the Criminal Procedure Code to the extent of making it democratic and humane. If parliament fails, Supreme Court must liberate the system through appropriate rulings. Otherwise the provisions of an exemplary must be made against the date if it keeps any person under unlawful detention for even a day.

14. As regards the medical facilities, female prisoners face problems because male doctors are generally posted in almost all the prisons. Recently, a women prisoner died in the Jalandhar jail due to delay in providing medical facilities, since in house doctor was absent. Medical, diagnostic and care facility must be available to inmates routinely and, by a female doctor. There should be a separate ward for women in prison hospitals. If this facility is not available, then female prisoners should be treated in their own barracks by a lady doctor and attend by female staff. So far as pregnant female prisoners are concerned, gynaecological examination needs to be conducted and prenatal postnatal care be taken according to the requirement of each case. They should be given specific diet.

15. At present, facilities for educational, vocational training and other skills are greatly restricted. Lack of vocational engagements and the leisure time leads to indiscipline. Effectively managing the time of prison inmates remains the key to good prison management. Women prisoners should be provided training in tailoring, doll making, toy making, poultry farming, and embroidery painting etc. at the pattern of Ludhiana and Amritsar jails.
16. In Punjab, jails have the capacity to accommodate 336 women, whereas they are presently more than 800. The large numbers of prisoners not only contribute to serious problems of congestion, owing to insufficient space, but also create inhumane and unhygienic conditions causing serious health problems endangering humane lives.

17. Long-term prisoners should be provided more opportunities for parole. In situations when it is found that female prisoner has reformed herself in the jail and no purpose is served by keeping her unnecessary in the jail, liberal provisions should be granted for parole. Section 433A of Cr.P.C. as requires a compulsory stay of life prisoners for a period of 14 years is proving to be a greater deterrent in the reformation of the female offenders.

18. Probation system must be properly developed and taken into consideration in the administration of justice. Probation officers are generally not the professional people, neither their report is necessary in each and every case. Each and every case of female offenders must be thoroughly examined and investigated before awarding justice. What is immediately necessary is that probation and correctional officers must be appointed in sufficient quantity or if not possible by the government, voluntary organisations should be involved in this regard for the purpose of social investigation of each and every case. Probation officers as to-date are generally clerical promoters and do not know the importance of probation system. There is an urgent need for a thorough review of the existing probation system in the interests of the justice particularly to the women.

19. There should be Day Care Centres for women jail inmates’ children. The need for this move was felt because of the presence of children upto the age of six years who are not mature enough to be separated from their mothers. These innocent and invisible prisoners are deprived of the joys of childhood for no fault of their own. Recently in Ludhiana Director Inspector General (prisoners) inaugurated a Day Care Centre for the children of women prisoner and under trials at women’s jails in Ludhiana.
20. Schools of social work should play a major role in producing sufficient number of correctional social workers. At present social work institutes are not doing much in this direction barring a few. The responsibility to sensitise the judiciary and police also rest with social work institutions and voluntary organisations which must organise some topical programmes for them at short intervals. They should also take up advocacy and consultative roles to help the governments to reform the legal and police system.

Even subjects pertaining to latest trends in criminology and penology be incorporated in the existing courses. The training institutes for the training of police and judicial officers should also include components pertaining to modern principles and methods of reformation and rehabilitation of female offenders. Schools of social work should sensitise people pertaining to the problems of women in general and women offenders in particular through seminars and conferences.

Rehabilitative

Rehabilitation is the medical term. In medical sense, rehabilitation means the restoration of the handicapped individuals to the fullest physical, mental, social and economic usefulness of which they are capable; including ordinary treatment. Rehabilitation has been borrowed from the medical field to the social scientists to provide orientation and due to the emergence of the concept of ‘welfare State’. In social sense, rehabilitation means the process or technique of re-educating and re-directing the attitudes and motivations of a delinquent criminal or a social deviate so as to bring his/her own willing acceptance of social regulations and legal restriction. Rehabilitation of women is a complex and difficult task. As far as the women involve in moral offences the task of rehabilitation is much more difficult.

The main purpose of punishment is to protect society from crime and to reform the criminal, so that he can lead normal life after release. The women face problems in rehabilitation after being released from the prisons since they are completely cut off from their families. Neither the family members accept
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them nor do they take advantage of rehabilitation scheme due to illiteracy and ignorance. It is submitted that the process of rehabilitation should start as soon as female offenders enter the prison and should continue till the ex-prisoner is fully absorbed into society. It is suggested that welfare officer should make the women prisoners aware of the Government Rehabilitation Assistance Scheme and help the deserving ones to secure it.

The welfare services must be started when a women criminal enter into the prison system and complete when she settled in the society. She should be treated as an individual and as part of the society with a view to improve her personality and behaviour. It is an urgent need to recognise women prisoners as a distinct social group. For successful welfare and rehabilitative programmes, the following suggestions are given.

1. It is observed that the general attitude of jail officials and workers is not proper. The female warders have no sympathy even towards their children, who are neither the criminals nor share their mother’s crime. Such a treatment at the hands of jails authorities, result in violation of Article 10 of International Covenant of Civil and Political Rights (ICCPR) which requires that all persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person. It is submitted that role of jail authorities should be like a doctor treating patient. It is therefore, suggested that deviant jail official should be punished and a welfare officers be appointed in every jail to assist female prisoners in availing legal facilities.

2. It is strongly suggested that there should be a provision of liberal wages for the work the female offenders do in the jail. No matter if jail authorities retained some amount of that money to meet their stay requirements but remaining almost two-third of the wages be deposited in the bank so that it may build up a sizeable amount for female offenders to ensure her proper rehabilitation after her discharge.

3. During the course of study, it was found that no attempt has been made to

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provide any effective vocational training to the female offenders during the course of their internment in the jail nor there any provision of after care or follow up. In the absence of these, female offenders after they are discharged often find themselves in dole drums. The prison stigma stands as an obstacle in their social and vocational adjustment. In the pursuit of their adjustment they are sometimes badly exploited. Therefore, it is strongly suggested that in order to protect these offenders from further exploitation the provision for effective vocational training must be incorporated in prisons.

4. Rehabilitation officers must be appointed in the prisons to help the prisoners to plan their post-release rehabilitation in the society. They must be entrusted the task of mobilising social organisations and government help for their proper rehabilitation in the society rising above the prison stigma. He must also undertake suitable follow-ups and after care services till she is properly adjusted back in the given social setting.

5. Prison counsellors must be appointed in the female prison to help the female prisoners to adjust in the changed environment, cope with the harsh realities of life, reinforce their collapsed morale, and to make their stay in the jail more fruitful and rewarding. Prison counsellors may coordinate with after care and rehabilitation officer in her post release adjustment.

6. The correctional medical and mental health services can play a constructive part in the rehabilitation of the prisoners right from the moment the prisoner is admitted in a penitentiary. The person may come inside with feelings of guilt and fear, resentment, self pity, relief and remorse and helplessness. It is here that medical and psychiatric services are very much in need. To provide such facilities hospitals with well equipped facilities are of crucial need. The medical officers should be available for that purpose with all necessary Para-medical staff who may be available for that purpose during day and night. Health services should be provided in taking into consideration the inmate’s biological, medical,
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7. Expectant mothers and their children should be given adequate care. For the expectant mother's pre-natal and post-natal care, nutritious food and medical check up are necessary. For the children crèche and nursery schools must form part of the welfare service.

8. The women prisoners should be treated more generously and allowed to meet their children frequently. Correspondence with family members and close friends be allowed, because it is necessary to boost their morale and may form the basis for both present and future good adjustment. The rules pertaining to the scrutiny of postal mail should be liberalized. Since the inmates lack funds, postage is paid by the government. It is submitted that these steps bring the prisoner closer to society and also pave the way for rehabilitation.

9. Together with the medical treatment psychiatric services such as individual therapy, group therapy, therapy of maturity, therapy of research and therapy of conditional fear be adequately available to the women criminals. When these services are provided, in long run these facilities facilitate rehabilitation process much easier.

10. Female prisoners require counselling and guidance on various issues. Various voluntary organizations, NGO’s and government agencies should be involved. For instances, at Amritsar Central Jail various non-government and government agencies are working with jail. Organisation like India Vision Foundation, Red Cross Society, Punjab State Social Welfare Board, Patanjali Yogpeeth etc. these agencies assists jail administration to provide educational, vocational and recreational facilities.

11. Recreational services are more necessary for the prisoners as their life is confined to four walls with a routine work. Added to this living away from the family and community give them the feeling of depression. In order to have a free mind, recreational facilities should be provided. Along with radio and television, musical programmes, cultural
programmes and film shows should also be arranged periodically. Various sports and games materials shall also be made available to exhibit their talents.

12. Since women are emotionally weak, they are completely shattered when they are separated from their family especially children. In order to divert their attention and to provide emotional support, it is essential that entertainment activities should be arranged for them occasionally. Physical exercise and yoga should be given due importance and their time should be utilized more in productive and creative activities, which keep their mind engrossed.

13. There should be timely redressal of the grievances of the prisoners. It is suggested that following methods be adopted to redress the grievances of inmates:

- Grievance Deposit box be kept in all jails and access to it should be allowed to all prisoners.

- Selected Law students under the guidance of a teacher not only for their criminal education but as prisoner grievance gathering agency be allowed to visit jails in their respective areas and meet the prisoners and do needful in the matter.

- A Board of visitors with sufficient powers be constituted for every jail to look into the grievances of the prisoners. This system would be an alternative or to be considered as functional substitute for a prison ombudsman operating in the United States.

- District Magistrate and Sessions Judges should visit jails periodically within their respective Court jurisdiction and afford effective opportunities for ventilating grievance and take suitable reward measures.

14. Social case work is one of the important methods in social work. It has a distinguished role to play in the prisoners. By case work methods the individuals find the problem area and also tries to find out solution for
that problem along with the cooperation of the case worker. The slowly winning the confidence of the individual in such a way that the person may identify his own problem area. The case work programme should be started immediately when a person enters the prison.

15. Besides, it is also suggested that government should open rescue homes, Asylum and Shelter homes with boarding, lodging and training facilities. Special care be taken about juvenile delinquents, females and unmarried female prisoners and detainees. It is also suggested that separate women jails with female staff should be established.

16. Moreover, after-care service is of great importance in case of female offenders. Prior to release of females, the welfare officer should visit home town and study of the situation for rehabilitating the. He should convince the concerned people to accept and treat them properly. It is the duty of the government to see that these women are not groping in darkness, but are leading a new life with bright future and also contribute to the development of the nation.

To sum up, it has been submitted that prisons have constructive role to play for the largest interest of society by reforming the in-mates. But in this process, the basic human rights should not be infringed or curtailed and basic prison decency should be maintained. The prisoners are also human beings and be treated like human-beings and not like animals and chattels. At the same time, the precautions have to be taken that prisoners are not converted into luxury homes to attract more and more people. It is time to frame ‘Model jail Manual’.

The motto of correctional settings is the social, economical and moral rehabilitation of the criminal. The training and the treatment given to the inmates should foster all-round development to the individual. Such a specialist function requires the cooperation and coordinations of the professionals like medicine, education, vocational, recreation, administration, security and social work. In probation and parole the scope of social work methods are predominantly greater.

Rehabilitation process starts from the prison and ends when a criminal is
settled again in the society after release. Rehabilitation is the process in which the criminal must experience, as if attained, more socially acceptable life on return to society. The various programmes like social case work, community link services, educational programmes, vocational training, and recreational services and after care services are adopted to rehabilitation programmes should be given due emphasis for the successful rehabilitation; since the very motto of rehabilitation programme lies in making such women acceptable.