There is hardly any society which is not beset with the problem of crime. It is a grave social problem faced by every society. A precise definition of ‘Crime’ is by no means an easy task. Generally speaking, almost all societies have certain norms, beliefs, customs, and traditions which are implicitly accepted by its members as conducive to their well-being and healthy all-round development. Infringement of these cherished norms and customs is condemned as anti-social behavior. Thus many writers have defined ‘crime’ as an anti-social, immoral or sinful behavior. However, according to the legal definition, ‘Crime’ may be considered as an omission of an act which the law of the land expects the individual not to do or commit an act which it forbids to do. In the legal terms crime may be defined as ‘any form of conduct which is declared to be socially harmful in a state and as such forbidden by law under pain of some punishment’.¹

Crime is common to all countries and to all societies. Crime presents itself basically as a manifestation of the dysfunctioning of a social system. In India, recognizably, the problems are predominantly economic-deep-seated poverty, destitution, high dependency ratio and unemployment. All these lead to lack of social services, illiteracy and ill health. Industrialization, urbanization and migration to other parts and outside the country also contribute substantially to the alienation and anomie and resultant crime. These take place when peasants, traditional, rural, tribal artisans and unemployed youth cluster get together in urban slums. Due to breakdown of primary group relationships the structure of people’s life collapse and thereby delinquent and criminal behaviours increase.²

1. Definition of Terms

1.1 Crime

Crime is an acute form of deviance which means digressing from what is

considered normal. The legal definition of crime is that, it is behaviour or an activity in violation of the legal code. In other words crime is intentional act or omission in violation of criminal law committed without defense or justification and sanctioned by the law as violation or misdemeanor.

_Tappan_ has defined crime as, “an intentional act or omission in violation of criminal law, committed without any defense or justification and penalized by the law as felony or misdemeanor.”³

An act considered criminal in one place may not be the same in another place. It is _Barnes and Tecter_ gave a definition for crime in the following words, “crime is a form of antisocial behavior that has violated public sanction to such an extent as to be forbidden by the statute.” So crime is more of a legal term as it is mostly explained in terms of law.⁴

_Hall Jerome_ has defined crime as, “legally forbidden and intentional action which has a harmful impact on social interests, which has a criminal intent, and which has legally prescribed punishment for it.”⁵

_Lemert_ has classified crimes as situational and systematic. The former are those which are committed because of the pressure of situation while the latter are those which are committed in a planned and systematic way. This classification is important in the treatment of criminals.

1.2 A Criminal

Legally speaking, a criminal is one who is convicted by a court for violating the law of the land. A person who is arrested by the police but is let off by the court cannot be designated as a criminal, i.e. technically the term criminal cannot be applied to one who has not been convicted of a crime. However, the law has never specified whether the criminal status of a person ends after completing the term of imprisonment imposed upon him, i.e. when the status begins and when it ends. A serious problem thus occurs when society refuses to erase the label of criminal. In practice, a person who is once labeled as a

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⁴ Barnes and Teetere, _New Horizon in Criminology_, (1944), p. 60
⁵ Hall Jerome, _General Principles of Criminal Law_, (1947), p. 8-18
criminal is often not permitted to forget the status.\textsuperscript{6}

\subsection*{1.3 Criminality amongst Women}

Crime and criminal both have become the focus of attention in the present society. Crime is increasing at rapid rate. In India, crime has been considered a male behaviour. But today the former notion is proved wrong. Women, like men, suffer from tensions, frustration, jealousy, enmity and hatred, which motivate them to criminality. They indulge in all sorts of crimes. The changing social norms and values as well as the impact of other cultural patterns culminating in the complexity of life are largely responsible for this change.\textsuperscript{7}

Criminality amongst women is indeed a serious social problem, it may be considered a crucial problem because of its impact on family, upbringing of children and the overall fabric of the society.

The topic of women and crime has recently developed into broad field of research in the field of social work, sociology, criminology and law. For centuries, criminal behavior of women had been a neglected area of research. The history reveals that the woman had been the foundation stone of the family in particular and society in general. Since the dawn of civilization, women have been seen as preservers of social norms, traditions, customs, morality and family cohesiveness. Woman has been given a status of pride in every religion. The researcher's immediate concern is why the woman, who has been considered to be the foundation stone of family and every spiritual faith, without whose blessings the work of infusing new life into humanity cannot be accomplished, has gone astray, entering the crime scene and this is what has encouraged the researcher on the topic “Criminality amongst Women”

Women criminals involved in crime like dacoity, robbery, theft, kidnapping, abduction, pick-pocketing, chain or watch snatching, cheating, counterfeiting and drug trafficking are nowadays operating with crime syndicates in bigger cities. Women who have such kind of criminal behavior also has tendency to misuse the laws which are made for their protection.

\footnote{Smriti A. Bhosle, \textit{Female Crime in India and Theoretical Perspective of Crime}, (2009).p.16}
\footnote{\textit{Ibid}, p.16}
Until recently women were seldom studied as offenders in the system of criminal justice. Various explanations have been given for this neglect. As offenders, women have constituted a much smaller percentage than their proportion in the population. The types of offences for which women are imprisoned and the lengths of sentences they receive, suggest that they present little risk to the society. Most arrested females are usually first time offenders. They do not recidivist as often as do males. It is a common perception that prisons are for men. The last decade has, however, seen a surge in both the number and the proportion of incarcerated women. Although they still make up a small percentage of the total prison population, yet they are fastest growing population. Further, their involvement in more violent crimes has awakened the researchers from their slumbers to take a serious look at the female criminal justice system.8

Women’s involvement in delinquency may encompass gang membership and participation, individual delinquent acts, and minor and serious forms of offences, ranging from underage drinking to homicide. The disregard meted out to female delinquency is disheartening. While female gang membership was once largely confined to male gangs, in which females were employed in mediocre roles or used as objects during sexual exploitation, female gang memberships have presently evolved beyond females’ roles of sub ordinance to male gang leaders toward gangs dominated by females and/or consist solely of females.9

The example of a notorious female gang leader in Kansas City, Missouri, named Shauntay Henderson is pertinent to mention here. Henderson’s rage of terror in Kansas City gave her the coveted title of being on the FBI’s most wanted list for 2007. Shauntay was eventually arrested and charged for multiple crimes comprising of serious felonies. She was being sought for an execution-style murder of a Kansas City man in his truck, among other related charges. There are other equally notorious females sought after for other atrocious crimes.

However, given the undeserved attention to their behavior, any prospects of rehabilitation for these criminals become diminished. Being that females are equally capable of committing vicious crimes as men, why then has their involvement in criminal behavior been trivialized? One proposition has been postulated by Cobbina, Like-Haislip, and Miller (2010) who suggested that the interpretation of women’s involvement in crime is largely construed by the opposite sex who sees women’s delinquency and/or criminality as inconsequential, simply because it is committed by a female. It is rightly said that, young men viewed male violence as necessary to earn respect, settle monetary disputes, and defend one’s loved ones. Male violence was viewed as lethal, explosive, and dangerous, especially violence stemming from gang wars. However, these same boys viewed female violence as emotionally driven, irrational, and unpredictable. These boys indicated that female violence is ineffectual because it is less lethal than male violence. Additionally, they believe female violence to be stupid, as females generally fight over petty stuff, such as gossip, boys, or jealousy.10

"Considering the increasing rate in crime, where there is no demarcation between male or female, it's our prime duty to keep our alert button on," Sharad said in a statement. "Shooting for this series was thrilling as well as shocking to know that the rise in women criminals is a new trend compared to several years ago when women took a more passive role in crime," he added. The first episode will show the journey of a girl who was a victim of physical abuse. Because of the trauma she ended up having complete distrust and hatred towards men and took revenge from as many as she could. Another episode will show how a spoiled daughter kills her father who decided to disown her. Nikhil Alva, CEO Miditech, said, "Shaitaan is a show that delves into the minds of the worst criminals the society has seen. Be it a man or a woman, when the mind takes its own turn all controls fail! This weekend and the next we are coming up with two shocking real life instances that involve the frightening criminal attempts by women." 11 Here under we will discuss the views of sociologists on women

10 Supra note 9
11 Shaitaan focuses on women criminal minds, May 31, 2013, show forecast by colors channel.
criminality.

1.3.1 Lombroso and Ferrero

Cesare Lombroso and William Ferrero wrote the book named ‘The Female Offender’. It gives us an account of their much debated analysis about ‘Women Criminality’. Women were, on the whole less inclined to criminality because of constitutional and psychological factors. Women, in Lombroso’s scheme of things, are less likely to be born a criminal type and are more likely to display the characteristics of an occasional criminal. This type only committed crime under the influence of a male or in situation of extreme temptation—but most of such female criminals are not entirely deficient in the moral sense. The small majority of female criminals whom Lombroso described as “born criminal” type tended to display greater criminal propensities and perversities from the psychological and behavioural standpoint than the male born criminal type. In this sense, when a woman is bad or worse, she is really worse or more perverse than man. The criminal woman, said Lombroso, is a monster who surpasses man when she wants to be wicked, cruel or diabolical. As criminal, she is an exception among criminals and her perversity knows no bounds.\(^\text{12}\)

1.3.2 W.I. Thomas

Thomas deals with female delinquency as a normal response under certain social conditions, using assumptions about the nature of women. He rejects economic causes as a possibility at all, denying its importance in criminal activity. Thomas’s most important work in regard to female criminality is ‘The Unadjusted Girl’. Thomas lays emphasis on individualistic, psycho-physiological and socio-cultural approach. However, he failed to consider the secondary and low social status of women. Thomas offered an explanation for delinquency on part of young females which characterizes them engaging in departures from lines of conduct that are biologically and psychologically normal for women. Every human, he believed, has certain basic desires. The desire for new experience and the desire for response influenced criminality. A woman enters

prostitution to satisfy a desire for excitement and response. For a woman, prostitution is, in one form another, a means to satisfy their needs. Thomas did not altogether ignore environmental factors in criminality amongst women.\(^{13}\)

### 1.3.3 Otto Pollak

In his book ‘The Criminality of Women’, Pollak has challenged the so-called disproportion between male and female criminality. He claimed that women engage in hidden crimes like abortions, murders by poisoning, offences against children, etc. because of their greater skill at deceit and cunning behaviour acquired through sexual socialization. Besides the superstitious and cunning nature of women acquired through differential socialization process, Pollak also suggested that biological factors including lesser physical strength, as well as psychological concomitants of menstruation, pregnancy etc. enters into the etiology of female crime.\(^ {14}\)

### 2. History of Criminality amongst Women

The phenomenon of criminality amongst women is not new but still it could attract the attention of sociologist only during late 1950s. It is not only today that we have Subhas’ to kill Rajiv but we had the reference of women criminals even in the period of Mahabharata. Even today, the name of Putna, a character of Mahabharata, who used to kill the infants by feeding them through her poisonous nipples and that of Swarpanakha of Ramayana who brought the nation at the brink of war because her lust was not fulfilled by Ram and Laxman, are not out of tongue. Here emerges a question that this is not something new then why in last few decades we have started talking of female criminality. The reason, people think that woman is still to make mark on crime scene and she is much a victim, that is why even today female criminality has least studied and much misunderstood.\(^ {15}\)

The criminality amongst women has been gaining much attention only in recent past since their participation in the criminal activities has increased much

\(^{13}\) W.I Thomas., *The Unadjusted Girl*, (1967), p.67
\(^{15}\) Anju Bajpai and P.K Bajpai, *Female Criminality in India*, (2000), p.15
higher rate. To have an understanding the historical perspective of the issue is of crucial importance.

In the nineteenth century the Raj embarked on a period of aggressive intrusion into Indian society which saw the extension of colonial law and the erosion of traditional legal systems, such as caste, panchayats, and village councils. In this process, new forms of crime and criminality emerged. These were significantly different from Indian notions and had an especially adverse effect on women. Defined, pursued, and prosecuted by the courts as criminals, it was in the second half of the nineteenth century that 'the female criminal' emerged in India. The most important variant of the female criminal was the infanticides woman. A product of the ban on widow-remarriage in traditional society mechanisms had been in place to deal with those who engaged in the killing of newborn children. The extension of colonial law and the shift from community-centered female infanticide to infanticide highlighted the mother's responsibility for the act while ignoring the circumstances surroundings.\textsuperscript{16}

Quetelet (1835) was the first scientist in the nineteenth century to inquire into the women criminality. In 1919, Lombroso attributed certain physical characteristics to deviant women. In the beginning of 20\textsuperscript{th} century, the concept has changed from physical characteristics to social and economic factors in understanding women criminality.

The criminality of women has long been a neglected subject of research. Criminology has been a traditionally male endeavour with the male scientists studying predominantly male offenders. It has been reminded that men overwhelming dominate in number, those who relay and interpret these events for us in the media. Perhaps due to their relatively small number, their predominantly non-militant posture and the apparent infrequency of over brutality by their keepers, women prisoners have been neglected.\textsuperscript{17}

It has been the traditional opinion of criminologists and social scientist

\textsuperscript{16} Padma Angol. “The Emergence of the Female Criminal in India: Infanticide and Survival Under the Raj” History workshop journal, 53(1) 2002, p.73

\textsuperscript{17} A. Thomas William, Women Criminals in India, (2004), p.21
that women commit relatively few crimes and that when they do so they somehow betray their womanhood by venturing out into a reserve of man. In the last decade the proportion of female arrests among the total number of persons arrested increased rapidly. This seems to be an indicator of the increasing deviance among the women. In the recent past women have been participating in various aspect of social life including academic, scientific, culture and other productive and non-productive activities. The growing participation of female in these fields may be one contributing factor for the increase in the crime rates among women.\textsuperscript{18}

3. Differences in Crime Committed by Men and Women

Different researchers have tried to find out differences between men and women offenders in terms of their crimes and treatment in the prison. The types of crimes for which male and female offenders were sentenced to prison differ significantly. Several types of violent crimes committed by males were rare among the population of female inmates. Most prominent among these were sex related offences such as sexual assault and incest.\textsuperscript{19}

Both males and females have low arrest for serious crimes like homicide or robbery; and high rates of arrest for petty property crimes like larceny-theft, or public order offences such as alcohol and drug offences or disorderly conduct. In general, women tend to have relatively high arrest rates in most of the same crime categories for which men have high arrest rates. For example, rates of homicide are small for both sexes, as compared to larceny theft.\textsuperscript{20}

In various research studies it was found that the men committed more crime in comparison to women. Even in cases of men and women belonging to the same class and one of the same groups, it was observed that males were more prone to commit crime. Further, it was reported that males committed more offences of serious nature than those committed by females. Males accounted for the use of vast majority of those arrested for crimes involving force or fraud.

\textsuperscript{18} Ibid, p.22
\textsuperscript{20} Smriti A. Bhosle, Female Crime in India and Theoretical Perspective of Crime, (2009), p.232
Regarding the types of crime or age, male’s involvement was substantially higher than females. Men’s violence against partners was much more frequent, extensive and serious than women’s violence against their partners.\(^{21}\)

Criminality amongst women is masked since crimes by women remained under-reported to a greater extent than do the crimes by men. He concluded that men and women committed about the same number of crimes, but the crimes of women such as illegal abortion, prostitution and shoplifting were infrequently reported.\(^{22}\)

There are very great differences between the criminal activity of women and that of men. Statistical data are bound to indicate a greater participation of women than of men in crimes of abortion and infanticide not because of their really greater implication in such offences but because the crime are more easily proved against women. Women appear prominently in relation to prostitution, whether as procurers or otherwise, but in practically every type of case men are enormously in the majority. In some respect women are prominently involved like receiving the stolen goods. But in this respect they are less than half as much as involved men. As whole women are much more likely to engage in crimes in which they can play a relatively inactive role than otherwise. This, in all probability, is due to their lack of physical strength and prowess and to lack of opportunity afforded by their position in the economic, industrial, and commercial world, than to any other cause.\(^{23}\)

A debate in the recent criminology literature has focused on the handling of female offenders as they are processed through the criminal justice system. There are two competing perspective, i.e. the chivalry or paternalism hypothesis which echoes the perception of female inmates as victims, argues that women are treated more leniently than men at various stages.\(^{24}\) The second perspective, i.e. the “evil women” hypothesis which parallels the female inmate as sub-human perspective holds that women often receives harsher treatment than men in the

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\(^{21}\) Reiss and Roth, *Understanding and Preventing Violence*, (1993) p.62
criminal justice system and suggests that this different treatment results from the notion that criminal women have violated not only legal boundaries but also gender role expectation.25

Farrington and Morris (1983) found through empirical evidence that women did receive less severe punishments. Majority of females were the first-time offenders, and had committed a less serious form of the relevant offence, stole smaller or fewer items, used less violence, and so on. Prior history of offending, and seriousness of offence are fundamental factors in determining the severity of sentence, for any offender.26

Women in prisons have some needs that are quite different from men’s especially with regard to pre and post-natal care of pregnant women and mental illness. Many needs that were non-criminogenic in male offenders might be criminogenic in female offenders. Women offenders were also more addicted to drugs.27

For both men and women, the likelihood of criminal behaviour is increased by weak social bonds and parental controls, low perceptions of risk, delinquent associations, chances to learn criminal motives, techniques and other access to criminal opportunities, in this sense, traditional criminological theories are useful in understanding female crime.28

4. Changing Social Roles of Women

The lower social status and the underprivileged position of women in the Indian society have certainly contributed to the liberal provisions relating to the arrest, bail and custody of women criminals. Crime may even be a rational and coherent response to women awareness of the social disabilities imposed on them by class and gender roles. The increase in the incidence of female criminality is

28 Smriti A. Bhosle, Female Crime in India and Theoretical Perspective of Crime, (2009), p.244
attributed by some to the increase in the status of women. The role of wife, lover or girl-friend is important of a woman. Now the pattern of the role-behaviour is changing, so also the pattern of crime among women.²⁹

As women’s traditional activities in society change and diversity, she has many opportunities to break the law. Simon (1975) concluded that women’s participation in selected crimes will increase as their employment opportunities expand and as their interests, desires and definition of self shift from a more traditional to a more liberated view.³⁰ In a study conducted in Canada by John Fox and Timothy F. Hartnagel (1979), observed that if female labour force participation rate increases substantially in future years it is possible that this variable may come to have a greater effect on female conviction rate. Women’s role outside the home provides them with more opportunities for committing crime especially those of white collar crime.

As women’s role change and become more open to opportunities and tensions associated with the male-role, their criminal activities will be transformed in kinds and degrees. The predominant factor which are bound to determine criminal tendencies in Indian women are economic insecurity, social deprivation and emotional disturbance. Besides, family and domestic quarrels the destitution may also significantly affect the criminality of women. Social environment and deviance are highly relevant to the subject of criminality. 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. It is obvious now that women criminals do not form an isolated group from the normal population.³¹

As far as the women’s liberation movement is concerned, it may have been of only indirect influence on female crime. Together with other changes in our 21ˢᵗ century society, it may have helped to break the barriers of opportunities to crime. It can not be disputed that women are becoming more aware of the changes in their opportunities and responsibilities in a consumer society. Moreover, an increase in divorce and rising unemployment has subjected them to

³¹ Smriti A. Bhosle, *Female Crime in India and Theoretical Perspective of Crime*, (2009), p.17
considerable stress in coping with the duality of their roles as mothers and breadwinners.\textsuperscript{32}

Finally it is concluded that changes in various aspects of women’s structural position in society affect female criminal rate. Exposure to criminal risk increases due to decreased guardianship either because people live alone or with unrelated persons or because labour force participation removes both husbands and wives from their households during working hours.\textsuperscript{33}

5. Increasing Trend in Criminality amongst Women

It may not be wrong to state that a woman committed the first crime in the world by violating the God’s command as per the Christian doctrine. The criminality among the women is on increase. The women offenders are found in almost all the fields on par with the male offenders.\textsuperscript{34}

Sociologists and Criminologists have proposed a number of potential explanations for the differences in crime rates observed across various sub-populations. Many researchers believed that social pressures such as unemployment, poverty, income inequality, substandard housing and inferior education, disproportionately afflicted minority populations lead to greater levels of frustration and aggression. Others emphasized the dissolution of the two parent family structure as a factor contributing to greater violence. Family dissolution reduces both formal and informal social controls at the community level, which in turn may increase propensities for violence. Still other highlighted cultural differences across demographic groups.\textsuperscript{35}

The post four decades have seen our society virtually saturated with crime, sensationalism, sadism, sex and brutality. Broken homes, conflicts and unhappy intra familial relations, widening of spheres of occupational and social activities, radio, movies, TV, widespread circulation of pornographic literature

\textsuperscript{32} Dr. Madhurima, \textit{Women, Crime and Prison Life}, (2009), p.203
\textsuperscript{35} E. Anderson, \textit{The Code of Street}, (1999), p.31
each has inadvertently contributed to criminality among women. Women offenders came to the notice of the police mostly for shoplifting, domestic theft, and violation of Excise and Prohibition laws, prostitution and infanticide. In recent years, there is a rising trend of women taking part in offences of dacoit and white collar crime like cheating, criminal breach of trust, smuggling etc.36

Adler reported that lifting of restriction on women’s behaviour gave women the opportunity to act like men that is to be violent, greedy and crime prone.37 Simon (1975) explained an increase in property crimes by women especially larceny, fraud and embezzlement because of getting increased opportunities to work.38

Rocawich (1987) reported that deteriorating economic conditions were pushing women to the brink faster than men. As the primary caretakers of children, women may be driven by poverty to engage in more crimes for survival.39

Chapman (1980) studied the connection between labour force participation, and revealed an increase in female criminal activity during times of economic hardship. The smallest increase in arrests coincided with periods of the greatest increase in economic activity with the most common offence being that of shop-lifting. Changes in laws and practices were commonly referred to as a main factor in rising imprisonment rates for women.40

The reasons for the female offenders to commit a crime revolve around the family environment and dissatisfaction encountered by the female members from the family members. If they are married in most of the cases it is their better half who is the main cause for the women to become an offender. Though there is a belief that women have high tolerance level but even that is being burnt out and leads to commit a crime. The psychological dissatisfaction in the family situation which leads to stress has been observed as one of the main contributing

36 Supra note 20
38 Supra note 18.
40 J. R, Chapman, Economic Realities and the Female Offender, (1980), p.120
factor for the female offenders. Another important phenomenon about female offenders is that they are not organized as a kind of gang as in the case of the male offenders. At tunes the women criminals in majority of the cases happens to be a single individual in committing crime.  

The quantitative information with regard to increase of criminality amongst women is a disturbing phenomenon at the same tune it should not be ignored. Since the population is increasing and the female members are almost equal in size as male members does not justify the increase in criminality among the women. When there is an increase in female offenders there are also other difficulties in handling the situation by the prison authorities as there are certain limitations.


Women are engaged in a wide variety of crimes. Unlike in the past women actively participate in all sort of crime as men do. They are not confined to particular types of crime which does not involve toughness of aggression, but they also engage in various other types of crime which warrant 'maleness'. Women engage in wide variety of crimes like murder, theft, adultery, kidnapping, blackmailing smuggling, illicit distillation and prostitution, cheating counterfeiting and drug trafficking are nowadays operating with crime syndicates in bigger cities and town.

In the earlier days people were of the opinion that crime was only a male affair. The women were treated as less aggressive, more moral. It is very recently that women have been occupied position in criminological literature as subjects to be studied. Industrialization, urbanization and modernization throw way to women to expose themselves to the outside world which brought them many chances to engage in criminal activities. The crimes committed by women criminals range from petty theft and shop-lifting to kidnapping and murder,

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infanticide.\textsuperscript{43}

Srivastava (1984) revealed that the decent looking women smugglers and call-girls trained in tricks and masking their deceit and deception under the cloak of a respectable is a new phenomenon in bigger cities and metropolises. But it is true that these women belong to the lower social and economic class whose services are hired by such ‘organisations’ meant for this purpose.\textsuperscript{44}

Females are now being found not only robbing banks single handily, but also committing assorted armed robberies, muggings, loan-shirking operations exertion, murders and a wide variety of other aggressive crimes, violence-oriented crimes which previously involved only men. In present times women criminals differs from their predecessors not only in attitude and aspirations but in basic intelligence. A high rate of property offenders may engage in robbery one day, burglary the next, motor theft the day after. On the whole it is quite clear that these women should be treated different from the traditional criminals. These women who have been in the headlines as murders, bank robbers, kidnappers, hijackers and revolutionaries were considered as a new breed of women criminal more violent than the traditional women offenders. On the whole it is quite clear that these women should be treated different from traditional criminals.\textsuperscript{45}

7. Difficulties in Dealing with Women Offenders

Many women offenders have dependent children and relatives who must be cared for and hence it has to be considered before, during and after conviction of women offenders. At times when this is not taken into consideration the law enforcement authorities are being condemned for being inhumane in their dealing with the female offenders. Institutional settings are to created to keep the women offenders who are the dangerous for themselves and others, or who are not

\textsuperscript{44} S.P Srivastva, “Women Crime and Criminal Justice System in India”, Indian Journal of Criminology and Criminilistic, Vol.IV, No.3 and 4, Sep-Dec, p.92
capable of living in free and uncontrolled settings.\textsuperscript{46}

There is already a kind of discrimination in built in the society against the criminals and it is aggravated if they are female offenders. Acceptance of the ex-offenders in the family and in the community due to the stigma irrespective of gender is a major problems encountered by offenders in general and female offenders in particular. It further hampers the rehabilitation of the ex-offenders. The societal treatment encountered by the women offenders after their conviction period is at times unbearable to the extent that they are even resort to some means to end their life. Therefore while the female offenders are in the prisons they have to be given capacity building on one side by providing skill oriented training and on the increase their will power to face the society.\textsuperscript{47}

There are professionals like social workers who are trained to deal with the problematic individuals to prepare them socially, psychologically to become a fit person in the society. Let us make use of their expertise and help the unfortunate and situations of offenders to be a normal person to live in our society.

\textbf{8. Requirement for Effective Rehabilitation}

On the evaluation of the rehabilitation programmes Srivastva (1984) has rightly pointed out that the rehabilitation and training programmes in women prisons are grossly ineffective. For reasons for such effectiveness he further contended that due to small proportion of women criminals it is rather difficult for the administrators and policy makers to innovate methods of education and vocational training which could be of much use to the women criminals after release. Moreover the rehabilitation programmes have been administered by males and prison system has also been managed by men, primarily for men.\textsuperscript{48}

The institutional placement of women criminals should be that they are being sent to specialized institutions for purposes of correction and rehabilitation

\textsuperscript{46} Ibid \hfill \textsuperscript{47} Ibid \hfill \textsuperscript{48} S.P. Srivastva, “women crime and criminal justice system in India”, \textit{Indian Journal of criminology and Criminalistics}, vol.6. Sep-Dec, P.92-105
and not for custody and confinement. The major emphases in the correctional treatment afford to such women and girls in the institutions should be to create a desire for conscious guidance and the recognition of benefits in rehabilitation and the rehabilitation tools. Overcrowding in the institutions must be minimized as to make individualized treatment possible. The correctional institution for such women and girls must become schools where inmates, through their close associations with the staff at every level can come to understand what it means to be decent human being.\(^\text{49}\)

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.\(^\text{50}\)

9. Objectives of The Study

The present work is an attempt to understand the psychology and sociology of the context in which females commit crime wilfully or negligently. It also discusses causes, nature and impact of women criminality on family and society. It tries to understand how the women misuse the laws which are made for their protection.

To analyse personal and social antecedents of women criminals in terms of their age, marital status, rural – urban, religious education, occupation,


\(^{50}\) Smriti A. Bhosle, *Female Crime in India and Theoretical Perspective of Crime*, (2009), p.210-211
income etc. In present study only one state i.e. Punjab has been selected for in depth study. This study demands some changes in existing laws like marital offences should be bailable, one unverified complaint under Section 498A IPC lands a man and his family in jail. No probe is done to verify the tenacity of the complaint. The constitution states that no person shall be tried twice for the same offence. However, in a harassment case, the man and his family face multiple litigations, prosecutions, trials for the same cause of action. Under the domestic violence act, men are not provided protection against abuse by their wives and in-laws and the complainant woman’s sole testimony is considered as evidence of violation enough to convict the man. The study is to reveal that such laws should be changed because of a provision of law is misused and subjected to abuse of the process of law. The present study shall also analyse the role of judiciary in this context. The following are the objectives of present study.

- To understand the changing forms of criminality amongst women.
- To study the theoretical explanation for criminal behaviour of women.
- To study the various crimes committed by women its causes and to examine their nature.
- To measure the consequences of women criminality on individual, children, family and society at large.
- To know how the women are misusing their protection given to them by law.
- To analyze the socio-economic background of women criminals in terms of their age, marital status, residence, religion, caste, education, occupation, income etc.
- To know that what kind of punishments are given to women criminals and impact of incarceration on women criminals.
- To assess the facilities provided in prison and the impact of prison life.
- To analyse the increasing trend of women criminality by taking views from the general public, law fraternity and judiciary in State of Punjab by
conducting a survey.

To suggest the suitable preventive, corrective, supportive and rehabilitative programmes for women criminals.

10. Hypothesis

The attention towards woman has recently been attracted due to the fact that crime rate among women is on increase. There are various factors found to be responsible for that. The problem of women crime is so serious that the consequences of women criminality are greater as the woman performs the role of mother, wife, house holder and caretaker.

On the basis of the survey of literature done by the researchers, following hypotheses were put forward for the study.

- Low socio-economic status off the family is an important factor for criminality amongst women.
- Stressful situation within the family plays an important role in the life of women criminals.
- Women’s liberation also plays a major factor for increasing criminality amongst them.
- Crimes committed by women are more dangerous to society.
- Women are misusing their legal protection given to them by law.
- Judiciary take a lenient view while awarding the punishment to women offenders.
- Under trial female prisoners are prone to certain feelings and attitudes.

11. Research Methodology

The basic object of research has always been to arrive at certain conclusions and to give suggestions on the basis of the study and it has been possible by getting material which is informative on the basis of proper understanding of the relevant document on the subject. The methodology used in present research work is basically intended to be comprehensive. The present
study is based on descriptive, analytical and empirical research design. The present study has been conducted in state of Punjab. The research work is based on the studies of primary as well as secondary sources of information. In the present study present primary sources are taken in the form of literature on women criminality; Secondary sources are available and have been utilized in the form of journals, periodicals, magazines and articles and newspapers. Emphasis has been mainly made to cover all relevant areas for the study of Criminality Amongst Women which till now has not been explored to the desirable extent.

12. Review of Literature

A systematic review of literature provides an overview of crime scenario. Many studies have been conducted on criminals, males and females. Which are throwing light on various factors such as sociological, Psychological and economic, which contribute to the criminal offences of the individual. However, there has been a considerable change in the view taken by researchers about women indulging in crime.

During 1960s and 1970s, not much attention was paid to incidence of female crime in India; rather it was almost a neglected field. Much of the writing has been in the field of criminological theory, criminal law and Indian prison system. Some reviews on various aspects of women criminals are mentioned here in brief. Though researchers in the field of women criminality are of recent development, yet a plethora of literature has mounted in this short span of time to prove the growing interest of the scholars in this field.

Ahuja is of the view that only economic compulsions lead women to commit crime like theft. He rejects physical and psychological factors and put the responsibility of dragging women to commit crime due to instability in family relationship or disintegration of family life. Regarding nature of crime he found that 63 percent of the convicted females were convicted for murder, 14 percent for theft, 5 percent for excise offence, 4 percent for kidnapping and so on. The major portion of female offenders in his study falls under the age group of 16 to 30 years (52.8%), followed by 35.8 per cent in the age group of 30 to 53 years. Illiteracy is found closely related to crime as 79 percent female criminals
were found illiterate and 11 percent though can simply read and write but had no formal education. Most criminals (81.9%) belong to rural areas and were married (76%). However, 17 percent were widows and 3 percent were deserted.

Rani in her study found that more than 50 percent women criminals belonged to backward castes. Like Ahuja she observed that urban areas provide more criminals than rural areas. Her finding again support Ahuja by revealing that in more than 70% cases, domestic factors played an important role in disposing of women to entertain attitudes victims of provocation, lover’s / friend’s instigation played a major direct role in pulling out such criminal proneness. In the analysis of her case histories she found that in almost all (94.3%) cases, women were deprived of the love from their parents or husbands or in-laws or combination of both.

Bajpai Anju and P. K, made attempts to study female criminality from theoretical point of view. The researchers have tried to study the phenomenon of women criminality in truly feminist perspective. In this study efforts have been made to provide the assessment of the problem, its extent etiology, personal characteristics of female offenders, their attitudes and behaviour patterns, aspiration and their values. Detailed case histories are given to support the quantitative findings of the study with qualitative facts.

An effort has been made by William Thomas in his study to comprehensively understand the socio-economic background, causes, nature and pattern of the crime n relation with the socio-cultural antecedents. The consequences are measured at four levels viz, on the criminal herself, children, family and society. The study also extends its scope beyond the prison by enquiring about the details of their husbands, network of friends and relatives in the criminal context, childhood criminal records, family of orientation and family of procreation, facilities and treatment available in the prison and their future plan after release.

Bhosle Smriti, in her research aims at revealing the trend in female criminality in general and in Mumbai in particular. It provides the theoretical perspective of criminality and also analyses the most recent research findings. It
also highlights the changing profile of female crime and criminals. Beside that other topic have also been discussed like-‘Feminist Perspective in Criminology’, ‘Gender Differences in Crime’, ‘Women in Prison’, and ‘Prison Visiting system in India’, have also been included to provide more information on the related issues.

According to Dr. Madhurima, the literature on prisons in general and women prisoners in particular has largely remained a part of fiction writings. In her research she starts with worldwide women prison population including India. She also discussed the incidence, profile, causes, and consequences of incarceration, of women criminals.

In last three decades numbers of other studies were taken up. Scholars like Sharma (1965), Rao and Sethna (1964), have tried to study from sociological point of view. Mishra and Gautam, Richy Man Caramae, Female Crime and Delinquency, Reema Kaul, Women and Crime, A. Kumar, Women and Crime, P.K. Das, Law Relating to Cruelty to Husband,

Though, a number of writings are available in criminology and social-science literature, in newspapers and magazines about the problem of crime but very few of them have addressed to female crime. The literature available on female criminality is rather journalistic, informative and descriptive in nature of which a large number of studies have addressed to narrow perspective basically revolving round specific crime and stereotyped etiological factors on the basis of which no generalisation can be derived. The Indian criminology has not yet adequately addressed itself to the core issues concerning women and crime.

13. Scheme for the Study

For the purpose of systematic study, the present research work is divided in to seven chapters.

The first chapter is as usual is Introductory. In this chapter firstly definition on important terms like crime, a criminal and women criminality have been discussed. Different views of sociologist on criminality amongst women have also been discussed. Then the historical background of criminality amongst
women, difference of crime between men and women, increasing trend of women criminality and changing social roles of women have also been discussed in this chapter. This chapter also covers aims and objectives of present study, review of existing literature in the field of criminality amongst women and research methodology.

The second chapter deals with Theoretical Perspective of Women Criminality. In which I have discussed some early theories and modern theories of women criminality. The early researchers attributed criminality amongst women to biological or sociological antecedents. Although crime, is a behavioural or social problem, is complicated and not easily understood. Criminality amongst women is seen more complicated as understood and not easy to control.

Theories about crime have been propounded from time to time. Many writers have explained the deviant behaviour of a person. We have writers of biological school, the psychological school as well as of the sociological school. Writers of biological school explain deviant behaviour in term of inherited traits, physical and mental. According to psychoanalytical school, deviance is not problematical because this theory starts with the postulates about human nature, according to which tendency to deviance is “given”. But sociologist looks at it as problematical and as a tendency that is not given but learned. They explain the deviant behaviour as the function of social environment and as one which is learned through group associations. In this chapter I have also discussed major theoretical explanations of criminal behaviour.

The third chapter deals with Nature and Causes of Criminality amongst Women. The worldwide statistics on the incidence of crime exhibit a general increase in the rate of female criminality in many countries. Women in India seem to be taking part in all types of crime. Thus, criminality amongst women will remain a significant area of studies. The field in which women criminals operate is not confined to petty crime alone. While more and more persons are being arrested for crimes like dowry and burglary. It is theft which engages the attention of the largest numbers. More than 20 per cent arrests are for the crime
which includes shop-lifting, petty pilferages and even pick-pocketing. In this report the women criminals in India shows the same trend as in other countries where women are arrested for thieving, normally attributed to the fact that they have more opportunities than men to come into contact with shopping areas and such other places where thefts are easy to commit. Women are arrested even for rioting, kidnapping, abduction and begging. Now their involvement in smuggling, white-collar crimes and even terrorism has come to stay as a big poser.

The causes of women enter into criminal system have been examined with specific headings of economical factors, social factors, sexual relation, status of women, changing social roles, psychological causes, premenstrual period, environmental factors, impact of urbanization and modernization. The consequences are the most important part of the research. The perceived and or experienced consequences of the subject are studied so as to suggest future rehabilitation programmes. In the same direction the consequences are also measured at different levels viz. themselves, children, family and society are discussed carefully.

The fourth chapter deals with Punishment and Treatment for Women offenders. Some of the major questions which are engaging the attention of penologists today are whether the traditional forms of punishment should remain the exclusive or primary weapons in restraining criminal behaviour or should be supplemented and even replaced by a much more flexible or diversified combination of measures of treatment of a reformative, curative and protective nature. In many countries of the world, Sex is not a mitigating factor at least on paper while penalizing women especially if the offences committed by them show the determination to reject totally the sex roles they are required to play in patriarchal society. In this world of gender equality women should be treated at par with men as regards equal offences committed by them. Women are competing men in the criminal world, are emulating them in all the crimes and in even some surpassing them, so any rationale behind awarding of lenient penal treatment to them is a weak one indeed.
In this chapter first I have discussed historical as well as modern trend of punishment for women offenders. Then criminal justice process towards women offenders has briefly discussed. Criminal justice process is the entire system of criminal prevention, detection, apprehension, adjudication and punishment. It includes all those agencies such as police, correctional institutes, courts and legislatures that are responsible for enforcing criminal laws. Attitude of Judiciary towards women offenders from ancient India to modern India is also discussed whether it is strict or lenient through concerned case laws. Then impact of imprisonment on women, human rights for women prisoners and alternative to imprisonment for women offenders has also discussed.

The fifth chapter deals with Misuse of Legal Protection by Women. 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 the 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 proportionally. The society has progressed to such an extent that women criminality have achieved a higher stand in the 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 need to change law relating to women. It is not fair to pre-establish that domestic violence happens to wife only. The sole object of dowry laws was to give legal protection to the married women against victimization by the dowry greedy in—laws. But these laws have now become a handy weapon for many women to blackmail, harass, humiliate and falsely implicate the innocent members of the in-laws family in dowry-demand cases and extract money from them before finally setting the marital discord or dispute.

In this chapter provisions of Domestic Violence Act, Dowry Prohibition Act, provisions of Indian Penal Code and Code of Criminal Procedure have also been discussed critically which are meant for mainly the protection of women offenders. Views of the judiciary for this legal terrorism are also discussed. Some recommendations and suggestions have also put forthwith to prevent this legal terrorism.
The Sixth chapter deals with Empirical Study of Women Criminality in Punjab State. The study was conducted in State of Punjab by making a survey. For that purpose a questionnaire has been prepared. And it has been filled by legal fraternity, judicial officers and General public. Through which view has been taken from all the concerned persons regarding increasing trend of women criminality, its causes, and impact and victims etc. other different aspects relating to women criminality has also been taken. How the legal protection given to the women by law has been misused by them and what judicial officers have special views on this legal terrorism.

In this study research has also been conducted on women prisoners of State of Punjab, and conditions of women prisons in state. For the purpose to visit prior permission from the authorities was sought. Permission was granted to visit the jail of Amritsar, Ludhiana, Patiala, Jalandhar and Kapurthala.

The last chapter i.e. chapter seven is of conclusion and suggestions. Some conclusions based on the study are drawn. Starting from the theoretical perspective, nature and causes, prison life, punishment and treatment of women offenders and misuse of legal protection by women are summarized to give a clear picture about the study. The poor family background, poverty, broken homes, illegal relationship, marital maladjustment, conflict prone relationship are the causes. Reform in the prison life and future rejuvenation programmes are essential to light lamp in the lives of those fallen women. The suggestions are grouped into preventive, correctional, supportive, and rehabilitative for the convenience of the prospective consumers of the study. The first one for preventive programme, where is community development programmes, police, justice system, Government agency, mass media, correctional social work, NGO’s have an important role to play. In the other headings –suggestions for welfare and rehabilitative programmes covering prison facilities-medical and psychiatric, health services, effective individual counselling, education, vocational training, guidance are the aspects covered.

14. An Overview

The review of literature provides an overview of crime scenario in India.
The subject of female crime was generally neglected in western and Indian criminology until the 1950s. In India, interest in woman offenders was manifested by very few scholars. Female criminality is socially viewed as more serious and it is reportedly on the increase. Analysis of these literatures reveals that women criminals are generally younger in age, married, illiterate and also come from low economic class on the basis of review findings, it may be seen that main causes of crime in female offenders are family maladjustment, emotionalism, frustration and emotional insecurity.

In recent years in India, a few studies have been conducted on female criminality in general and homicides particular. It is found that, in committing crimes like sale of illicit liquor, gambling, prostitution and dacoity, the women were helped actively by their men folk. Regarding the place for committing crimes, it is observed that most of the homicides committed by women took place within home and kitchen. The analysis reveals that while committing murders women concentrate mostly on persons who live closer to them.

It was predominantly found that women criminals were generally younger in age. Therefore, this is a problem related to young women. Most of the crimes committed by women are due to stressful family situations, marital maladjustment, disharmonious and often conflict-prone relationship with husband. It is clear that maladjustment in interpersonal relationship within the family is one of the most important causes of criminality amongst women.

All types of crimes are the result of human nature (adjustment), needs (biological, economic and social condition), and situation (environment) which turns into unnatural behaviour (role). It may be explained that poor women have real economic needs which are not being met, and in many cases engage in illegal activities as a viable economic alternative. In recent times women have been participating in various aspect of social life and this growing participation could be one of the contributing factors for the increase of crime among them. It has been argued that, “the socio-economic vulnerability of women is the
dominating factor which explains the rising trend of crime among women."\(^{51}\)

15. Brief profile of the State of Punjab

Here I am giving the brief profile of the State of Punjab which has been undertaken for this study.

Punjab (meaning “land of the five rivers”) is a region straddling the border between India and Pakistan. Punjab has a long history and rich culture heritage. The people of Punjab are

Called Punjabis and they speak Punjabi language. The main religions of Indian Punjab are Sikhism and Hinduism.

Ancient Punjab (0r the greater Punjab) had comprised vast territories of Northern India, eastern Pakistan and parts of Afghanistan. It once extended as far as river Yamuna in the east. The region, populated by Indo-Aryans, has been ruled by many different empires and ethnic groups, including the ancient Greeks, Persians, Arabs, Turks, Mughals, Afghans, Sikhs and British. Subsequently, in 1947, it was partitioned between India and Pakistan.

A historic region of the north-west Indian sub-continent bounded by the indusband Yamuna Rivers, it was a center of the prehistoric Indus Valley civilization, and after 1500 B.C. was the site of early Aryan settlements. The advent of Islam during the eighth century brought the region into prominence, and under the mughals, Punjab came to light as the cultural heart of the sub-continent. The Sikh rebellion and capture of the region accelerated this development until the region was annexed by the Britain. It was subsequently partitioned between India and Pakistan in 1947.

Most of the Punjab is an alluvial plain, bounded by mountains to the North. Despite its dry conditions, it is a rich agriculture area due to the extensive irrigation made possible by the great river system traversing it. The Indian Punjab is one of the wealthiest state in the country per capita, with most of the revenue generated from agriculture. Called “The Granary of India” or “The Bread Basket of India”. Punjab’s agriculture is the only source of income of

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farmers, who constitute almost sixty percent of Punjab’s population.

The study was conducted in State of Punjab by making a survey. For that purpose a questionnaire has been prepared. And it has been filled by legal fraternity, judicial officers and General public. Through which view has been taken from all the concerned persons regarding increasing trend of women criminality, its causes, and impact and victims etc. Other different aspects relating to women criminality has also been taken. How the legal protection given to the women by law has been misused by them and what judicial officers have special views on this legal terrorism.

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