Chapter - 3

Nature, Causes and Impact of Criminality Amongst Women

1. Introduction

Phenomenon of criminality amongst women is not new but still it could attract the attention of sociologists only during late 1950s. Almost 50 per cent of total population of India constitutes of women who are generally the foundation stones of a happy and prosperous life. She is the direct agent of life force and foundation of every spiritual faith whose sympathy blesses the work of infusing new life into humanity. But present decade witnessed a dramatic change in women who were previously thought to be the preservers of social norm, but as women increasingly join the mainstream of the society, their share in the crime has increased considerably the world over. It is true that women in the past were less likely to indulge in criminality as compared with the present time and criminality was characterized as till a few decades ago, crime was considered to be predominantly a male activity. Even the crimes which are traditionally attributed to female either remained undetected or if detected, were leniently dealt with. But with the advance of criminological researches some behavioral scientists have tried to offer explanation for growing criminal behavior among females on the basis of biological and geneticological theories.¹

The criminality among women is a neglected field of research. Our mental picture of 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 among female deserves more

¹ Anju Bajpai and P.K. Bajpai, Female Criminality in India, (2002), p.1
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.²

Male criminality is far greater than women criminality yet the number of criminal offences committed by females has increased at a much higher rate than the number of crimes committed by males. The rate of crime is steadily increasing day by day all over the world, India being no exception.

In India criminality among women is prominent among the young women. It was observed from various studies from all over the country that the women criminals were in between the age group of 20 to 30 years. They are not mentally and physically matured enough (since their age at marriage is very low) to cope with the role expected of them from their husbands and in-laws. They mostly belong to low social and economic status in the society, their monthly income is also very low.³

With regard to the geographical background female crime 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, 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.⁴

Sociologists had described the women by propounding different perceptions. In India, the history speaks that the women are considered as a divine force but the multi-cultured Indian society has placed the women at different positions. Thus there is no uniform status of women in Indian society. Indian philosophy poses the women with dual character. On one hand she is considered fertile, patient and benevolent but on the other hand she is considered

⁴ *Ibid* p.396
aggressor and represents ‘shakti’. In present times there is radical change in the status of women, they are no more victims of crime but themselves become law violators.\(^5\)

Dr. Sutherland refers to the innate trait of women which suggests that they are more law abiding as compared to their male counterparts because they are ‘excluded from the dominant role of bread-earner and other masculine activities. But the fact remains that these behavioral explanations have not provided any plausible answer to the question of criminality amongst women nor do they explain why women are more conforming than men. It is however, generally accepted that women criminality is more damaging to the wider society and perhaps this is the reason why criminal justice system treats women lightly in matter of punishment. In prisons also women prisoners are often assigned the role of mother or housewife to inculcate in them domestic rather than vocational skills. Even today, the general assumption about women criminality is that women are less likely to be suspected of crime. When suspected they are less likely to be charged and prosecuted and finally if prosecuted, they are less likely to be convicted.\(^6\)

2. Nature of Criminality Amongst Women

Since time immemorial crime is with us. It is only in the recent past; crime has drawn much attention and seriously looked into due to the drastic increase in male and female crime rate. 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 ways to women to expose themselves to the outside world which brought them many chances to engage in criminal activities. Those rightly emphasizing upon gender equality emphasize that crime should not be treated as a monopoly domain of males.\(^7\)

A study of history reveals that women have the potential and have


\(^6\) Prof. N.V. Paranjape, *Criminology and Penology*, (2009), p. 62

committed as horrific crimes as male criminals, such as murder, treason, blasphemy and drug peddling etc. Women even volunteered as deadly human bombs. As per war chronicles, 60 women stood trial before the War Crimes Tribunal between 1945 and 1949. And 21 out of those 60 were found guilty and were executed.\footnote{“Female criminality and male perception”, \textit{The Tribune}, 7\textsuperscript{th} October 2010.}

Women have always been known as perpetrators of crime but unfortunately the number of women arrested in murder cases in India is higher than other countries, while 4.4 percent of total arrests of women were for murders and murderous assault as compared to countries like USA, West Germany, Japan, Ireland and Thailand. It was less than one percent. In fact, the number of women criminals is rapidly increasing in the country during the four years period the number of women arrested for IPC crimes has gone up by almost 50 per cent and the rate of increase in women criminality is keeping pace with increasing male criminality. This has been revealed by a study on, “Criminality of women in India”, done by the Bureau of Police research and Development. The report explains the common assumptions that women play a negligible role in crime in the country. The bureau has called for an urgent need to re-orient policies which have so far been designed largely to deal with male criminals. The study has been based on comparative figures of arrest from 1971 to 1975 and sample survey of 641 females\footnote{Giriraj Shah, \textit{Crime against Women and Police}, (2000), p.576}.

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 beggary. Now their involvement in smuggling, white-collar crimes and even
terrorism has come to stay as a big poser.\textsuperscript{10}

Women criminals involving in crimes like decoity, robbery, theft, kidnapping and abduction, pick pocketing, chain or watch snatching, cheating, counterfeiting and drug trafficking are nowadays operating with crime syndicate in bigger cities of towns. Srivastva (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 ‘organizations’ meant for this purpose.\textsuperscript{11}

Women are now being found not only robbing banks single handedly, but also committing assorted armed robberies. These women who have been in the headlines as murders, bank robbers, kidnappers, hijackers and revolutionaries were considered as a new breed of female offenders. On the whole it is quite clear that these women should be treated different from the traditional criminals for such activities. The growing participations of female in these fields may be one contributing factor for the increase in crime rates among women. The pattern of women's crime is broadly similar to that of the men. The child bearing and rearing role leaves women with lesser time to stray into the world of crime. When women commit violent crimes which are purely looked at by men according to their perception of femininity, women receive unduly harsh punishments. It has now been realized that with the gender divide crumbling in a liberal social scenario, women have opportunities to commit crime at the workplace such as a fraud and other white-collar economic offences.\textsuperscript{12}

Laws like Indian Penal Code, 1860, Section 498-A and Domestic Violence Act, 2000 have number of provisions to intimidate men and their families. The effects of these laws are unjustified power in the hands of women for blackmail and extortion in domestic disputes which irreparably damages the life of

\textsuperscript{10} Ibid
husbands and their relatives and sometimes also becomes the reason for their death.

In India legal abuse of elders is rapidly increasing and anti-dowry laws are being used as a tool for rampant abuse of elders in India. According to SIFF (Save Indian Family Foundation) 98% of dowry harassment cases are false. Married women have been extorting money from their husbands by threatening them with false cases. Thirteen lakh men lost their jobs between 2001 and 2006 mostly due to frivolous cases lodged by wives, according to National Crime Record Bureau; married men commit suicide every year (57,693 for 2007) as compared to thirty thousand married women.\(^\text{13}\)

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 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, it is still where it was in the olden days. The repetitive 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.\(^\text{14}\)

The woman and crime has recently attracted much attention due to the fact that crime rate among women is on the 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. To identify the nature, extent, patterns and consequences of crimes committed by the women with a view to prevent as well as rehabilitate them, It becomes essential to find out the basic issues pertaining to woman and crime.

They are proven equal in the lines as with men in committing crimes.

\(^{13}\) Swagata sen and Arvind Chabra, “Unhappily Married”, *India Today*, 31\(^{\text{st}}\) August 2009.

\(^{14}\) M.Ponnian, *Criminalogy and Penology*, (2003), p.129
Violent crime requires physical toughness, aggression are not only male affairs nowadays. Hence in the following nature of the crime committed by women are brought out.

3. **Early Trends in Criminality amongst Women**

Early theories of women criminality were examined by J. Pollock, which revealed that the first stage of research on women criminality was the pre-scientific stage, which continued up until the 20th century. The few things written about women criminality during this period concentrated on environmental cases but women were not then seriously taken as criminals. They did not get the proper attention from the researchers. The next stage, in the early 20th century, consisted of studies concerned with psychological determinants of crimes and studies done by a group called, The American statisticians. In the 1930’s the third stage considered constitutional and environmental cases in 1940’s. Research tuned to ‘number and offences’ statistical studies of crimes and criminals. The next stage focused as women in prison.15

During early times women generally involved in petty offences and they were not the main offenders in criminal activity, they generally play the role of accomplice with their male counterparts.

3.1 **New Trends in the Nature of Criminality amongst Women**

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. Some of the women criminals capitalize their charm and femininity entrap the man usually involves a large some of money.16

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15 Supra note 8, p.582
3.1.1 Women in Violent Crimes

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. Women criminals either convicted or yet not convicted, either serving term of imprisonment inside the jail. The crimes committed by women criminals range from petty theft and shop-lifting to kidnapping and murder, infanticide. Most serious crime like murder is committed by woman who are married and widows. The victim of the murder were almost always the husbands, next in the line were mother-in-law. Most murders were the result of marital conflict, usually after women were ill-treated for long by their victims. Violent quarrels in which the women were seriously beaten up generally preceded the crime-in the day of the crime. Most murders occurred in the families where there were more than one woman living in the same house, where the husbands, parents, were traditional and non-compromising or in such families where there were relations to him/her for help. Murder is the last resort to women to end an intolerable person, women who knew of no other way to escape their torture.17

Incidents of women criminals giving the police sleepless nights are many. The east district police took months before they could nail Geeta Arora Sonu Punjaban (32), an alleged pimp working for dreaded criminals like Hemant Sonu, on August 30, 2007. During interrogation, Punjaban revealed that she had been associated with a number of criminals and provided active support for their activities."She was fascinated by criminals. She has been associated with them for the last 12 years. Her first boyfriend from the underworld was Vijay Singh, an extortionist from Uttar Pradesh who belonged to the Sriprakash Shukla gang. He was killed by the Special Task Force of UP police in an encounter," said a

Domestic help Sudha (35), who mostly targeted elderly couples, was arrested by the south district police on May 23. Sudha used to drug her elderly employers and escape with their valuables, leaving no clues behind. Her area of operation was Delhi and NCR. Her luck ran out when the police team finally joined the dots and with the help of some technical surveillance, swooped down on her Chennai home. Cash and goods worth Rs 3 lakh was seized from her. Sudha took to crime after she was deserted by her husband who also took custody of her three children. In order to get them back and provide them with a good life, she joined the world of crime. A sleeping pill addict herself, Sudha used the same medicines to disable her victims. Three cases were reported from New Friends Colony, Greater Kailash and Sarita Vihar in Delhi and four from the rest of NCR where she had mixed the drug in her employers’ food and decamped with the booty. There have also been a number of incidents of women being used as couriers to smuggle counterfeit currency. In fact, five such women were arrested last year by the Delhi Police. The lure for them was the hefty commissions they received.

3.1.2 Women and Prostitution

The age old institution of prostitution has been attributed to women criminality even though as a profession, the ‘devdasis’ were with devotion and dedication of Gods, priests and temples. The basic principle behind the shunning of this profession is that the practice of non-marital sex as a profession is a degradation to the dignity of mankind. According to Taft, ‘where the institution of marriage weakened prostitution declined because sex gratification could be obtained without payment’.

Prostitution is the crudest manifestation of societies where women have been driven to sell their bodies as a means of survival. Prostitution has existed in India since time immemorial. It is referred to in Vedas, Puranas, Mahabharta and Ramayana. As a matter of fact public women occupied an important place in the

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19 Ibid
city life of ancient India. There were numerous references in ancient literature to the “city of beauties” as they were called.21

Prostitution is well organized industry. There are certain tribes, communities and even castes like Beria, Kanjar, Sansi and Gujjar which practice it as family profession, they were unaffected by legal changes. There are many villages, specially near big cities, like Raspur village near Agra, Mandi Mangalpur and Sajanpur near Rajasthan, Bakas in Hyderabad, Yumna Pushta in Delhi, which are dens of fresh trade22.

Whether thought of as sexual deviance, sexually motivated social deviance, immorality, criminality, victim, or victimless, prostitution has long been characterized as almost singularly a woman's offence. This of course is far from true, as men play important roles in prostitution as both customers and as gay or straight prostitutes. There is also a vast child prostitution market that may overshadow adult prostitution in extent and certainly in implications. In 1985, 68,579 females aged 18 and over were arrested in this country for prostitution and commercialized vice. This ranked eighth for the offences in which women were arrested that year. Yet most likely this does not even begin to reflect the real extent of women's prostitution in this country; its range, discreetness (in many cases), and nature dictates that many prostitutes be adept at avoiding the law. Furthermore, police discretion in making arrests as well as official statistics that count each arrest rather than each individual arrested (arrest figures measure every separate occasion on which a person is taken into custody) indicate that arrest totals are not an accurate assessment of the incidence of prostitution, which some experts suggest runs into the hundreds of thousands.23

The real question we must address concerns whether women who engage in this activity are offenders or victims of crime. Many would say neither—that prostitution is in fact a "victimless crime" or a "crime without a complainant," or not really even a crime at all. These perspectives are no doubt interpretational. However, from this author's research on the subject, considerable evidence

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22 *Ibid*
suggests that in most instances prostitution could not be termed totally victimless; whereas prostitutes seem paradoxically to be both offenders and victims\textsuperscript{24}.

Despite all laws and International Conventions the sordid business of prostitution is flourishing, booming and expanding, in different forms, making the life of the victim nasty brutish and short. Street walkers a common type of prostitute, normally stand at busy bus stop, gates of cinema and other crowded places. They pick up their clients by suggestive hints and gestures. Brothel runners get their clients through middle men, pimps and madams. They decorate their place; provide song and dance programmes to customers for relaxation and relief. Call-girls are another variety of prostitutes who are flourishing because of the elite executive officials of the neo-rich class of society and certain entertainment industries. The call-girl culture of prostitution is the indirect impact of the economic and technological development of our social structure. The remarkable change in the traditional role of women and attractive employment opportunities offered by entertainment industries have open flood gates for women who take prostitution as profession.\textsuperscript{25}

Prostitution as profession was banned through SITA- suppression of Illegal Traffic in Women Act. Although prostitution has been banned legally but clandestine prostitution has spread manifold. Prostitutes covered under the cover of music, dance and entertainment houses are run by gharvalis, pimps, dadas, and quite often corrupt policemen who receive haftas. The rise in the number of juvenile girl offenders increased by 77.4\% from 1960-1970. For the same period there has been a 61.4\% rise in the number of women offenders apprehended under the SITA. The number of women convicts rose from 11,000 to 13,741 and that of women under trials prisoners from 12,158 to 22,200. According to a survey done by a team of doctors from five of the largest hospitals, one woman out of 20 in Bombay in the 30-40 age groups is prostitute.\textsuperscript{26}

Prostitutes or call girls turn sex into a commodity or commercial object or

\begin{itemize}
\item \textsuperscript{24}Ibid
\item \textsuperscript{25}Ibid p.270
\item \textsuperscript{26}Supra note 16
\end{itemize}
‘flesh trade’ without the involvement of sexual relationship and any emotional attachment. It is viewed that prostitutes are abnormal and deviant behavioural characters; they deserve deterrent punishment as criminals. The other perception is on the social phenomenon where they have to be treated. The prostitute population may be classified as follows:

- Professional prostitutes
- Devdasis-religious prostitutes
- Call girls, casual prostitutes, socializing women.

There are quite a number of anti-prostitution measures launched by the state to curve this menace, as a public nuisance and immorality to the society.\(^{27}\)

The rehabilitative programmes for the prostitutes include rescue homes, stree sadhans and nari niketans for destitute girls and women or girls who have fallen as prey to prostitutions under compelling circumstances. The social welfare boards in various administrations of the state and the centre provide ample facilities for the correctional and rehabilitative programmes so that such women and girls can lead a happy and moral life. Even though they might have slipped from the normal path of the life.\(^{28}\)

Preventive, counseling and guidance programmes are as under:

- Family life institutes, school counseling services, vocational guidance bureau.
- Educational programmes to the public, specially the youth-sex education.
- Economic work programmes training-come-production-sale programmes.
- Sex-disease clinics.
- Marriages, counseling programme.

### 3.1.3 Drugs Trafficking amongst Women

Women who had drug or alcohol abuse problems or who broke the law were considered somehow worse than men with the same problem. These women were seen as ‘doubly deviant’ as women who have not only violated legal

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\(^{27}\) M. Ponnian, *Criminology & penology*, (2003), p.126

\(^{28}\) *Ibid*, p.127
conventions but who have also violated social norms about appropriate feminine behavior. Drugs are linked to crime in many ways. The use selling and production of illegal drugs in itself a crime. Some drug users, as their dependence grows, are increasingly incapable of holding a legitimate job and find the need to commit income-generating property crimes in order to support their drug habit. Violence and threats may be a bye-product of drug distribution systems and are often used by drug dealers to enforce payment of debts or to assert control over drug market.\textsuperscript{29}

Drug offences are significant cause of criminality amongst women. The tough sentencing of such offences has made a substantial contribution to the rise in female imprisonment over the last decade. Long custodial sentences were pivotal to the previous sentencing framework for more serious drug crimes. Concern regarding the escalation in female imprisonment for non-violent offences, assessed as particularly severe in relation to drug offences, and is well documented.\textsuperscript{30}

3.1.4 Role of Women in Terrorism

In recent years, in the non-communist countries, female involved in terrorism have shifted from support functions(intelligence couriers or collectors, nurses, doctors, document forger and safe house-keepers) to active operational roles in murder, arson, robbery, kidnapping, maiming and bombing. European and Latin American females have highest percentage of women participation. There are some common reasons for their participation in terrorist activities which are as following:

- Involvement of friends and family members
- Desire for revenge resulting from arrest or death of a loved one.
- Radical political beliefs.
- Desire to dominate others, especially men.\textsuperscript{31}

\textsuperscript{29} Sushma Srivastva, \textit{Women and Crime}, (2008), p.57
It is evident that women are increasingly playing a role in terrorism. The war on terror has restricted freedom of action within the security environment for terrorist organizations, making it more advantageous for terrorist organizations to use women to support or execute terrorist activities. Although women taking part in terrorist and extremist acts is not new and dates many years, their presence in terrorist organizations as both leaders and executors is increasing around the globe. The increasing role of women in terrorist organizations in many cases can be attributed to meet a need or a shortage within the organization. Terrorist organizations are struggling with a shortage of available personnel with so many males being captured, killed, or unwilling to support the cause.³²

International cooperation in the global war on terror (GWOT) has made it difficult for organizations to continue to fight without access to the appropriate human and financial resources. Increasingly, organizations recruit both males and females during childhood to train and manipulate them at an early age to support the cause. Use of female terrorists also produces a tactical advantage, since they generally do not receive the same scrutiny by security forces on patrol or at gates or check points. Women have - become a tactical innovation because they deviate from the established counterterrorist profiles and stereotypes.³³

According to Dr. Meir Litvak from the Tel Aviv University, —women can evade security checks more easily than men, since they arouse fewer suspicions.³⁴ Women are able to hide suicide vests or belts under traditional clothing, making detection of a bomb or weapon difficult. Many cultures and religions do not allow a male to search a female due to the implications it has on the reputation of the woman, making it difficult to conduct a thorough search. Security forces often lack a female member to conduct the search properly. The Daughters of Iraq are filling this void along with the Sunni movement to quell the presence of al-Qaeda by conducting searches on female visitors at schools,

hospitals, banks, and government offices.\textsuperscript{35} As of August 2008, over 500 women have joined the 90,000 members of the Sons of Iraq to provide additional security at checkpoints and to ensure that women receive thorough searches.\textsuperscript{36}

There are several instances of participation of women in heinous terror attacks in the country. Major example of involvement of women in terror activities is Nalini along with other accused assassinated former Prime Minister of India, Rajiv Gandhi in Sri Perumbudur near Madras (Cheenai) on 21\textsuperscript{st} May 1991. Gateway blasts in Mumbai on August 25, 2003 that killed 50 and injured more than 150, Fehmida Hanif and her 15-year-old daughter acted as covers for operations; In the December 13, 2003 attack on the Indian parliament, Navjot Sandhu (named Afsan after marriage) provided lodging to militants, bought ammonium nitrate and carried out field checks at the airport and several embassies; the gruesome killing of late prime minister Rajiv Gandhi took place when a Liberation Tigers of Tamil Elam (LTTE) woman suicide bomber, Dhanu, blew up a kilogram of explosives strapped to her body as she garlanded him at a public meeting, with three other women. Last year, police drew up a list of India's seven most wanted women criminals, the first time that such an exercise has been undertaken. Recent intelligence reports as well as briefs by Home Ministry officials reveal that there is a new dynamism to recruit women terrorists, even as security forces in the country crack down on terror outfits with a new vigor. In the recent past, there have been reports of the Jammu and Kashmir terrorist outfit Jaish-e-Mohammed operating a camp near Kotli in the Pakistan part of Kashmir, exclusively training women in the handling of arms and showing them how to act as human bombs. In a clear departure from the norm, wherein women were used as conduits and to provide logistical support, they are undergoing religious indoctrination to motivate them to fight as well as take part in deadly strikes. There are further reports that militant groups such as the Lashkar-e-Jabbar's women cadre - Anjuman-e-Khwateen, headed by Najma Akhtar - are training women at their headquarters in Pakistan-administered


\textsuperscript{36} Ibid
Kashmir, with special emphasis on suicide attacks.\textsuperscript{37}

A 19-year-old college girl, Ishrat Jahan, was shot dead by Gujarat police along with three others with suspected links with the terrorist group Lashkar-e-Toiba on June 15, 2004, in Delhi. Police claimed that the four were involved in a plot to assassinate Gujarat chief minister Narendra Modi. A nationwide furore followed the killing of Ishrat, with pictures of her lying dead in a pool of blood on a highway, providing much emotional grist. Nobody could imagine that a pretty college girl who resided in Mumbai, belonging to a regular lower-middle class family with siblings and parents working hard to make ends meet - while ensuring that the next generation of the family is educated - could have anything to do with the world of terrorism.\textsuperscript{38}

It is submitted that suitable measures be taken by the State to influence the social, political, and economic environment of an area to discourage women from supporting or participating in terrorist activities.

\textbf{3.1.5. Marital Crimes amongst Women}

A study of women criminals either convicted or yet not convicted, either serving terms of imprisonment inside the jail has revealed that crimes committed by women are from petty thefts and shop-lifting to kidnapping and murder. Infanticide, attempted suicide and murder are the three most common offences and there is prostitution. Most serious crimes committed by women involve men. Rarely their actions are pre-meditated and in most of the cases victims are husbands, mother-in-law and their children. Most of the offences committed by women are result of their marital conflict.\textsuperscript{39}

There are various reasons because of which both husband and wife can have conflict. When both are not adjusting themselves then conflict is the result. Many a time when the conflict is not resolved it leads to further problems and may also result in deviant behavior among the individuals. In many families the married women are treated very badly for various reasons in which they have no

\textsuperscript{37} Siddhart Srivastava, “pretty face of Indian terrorism” \textit{http.www.atimes.com}(assessed on 10\textsuperscript{th} july 2013)  
\textsuperscript{38} Bhavna Vij-Aurora and Uday Madhurkar, “Close Encounter For Modi” \textit{India Today}, july 25(2013)p.46  
\textsuperscript{39} \textit{Supra note} 23 p.581
control over them. Lack of adjustment, not coping with the expectations of the husbands and in-laws, quarrelsome nature of the members of the family of procreation etc. lead the female to be ill-treated by the husband and other family members. Ill-treatment adds further stress and stress on the part of women offenders.\(^{40}\)

Acts of infanticide are also act of depression, one woman tortured and treated by family members of her husband for not being capable of bearing a child, became so desperate that she killed a child in desperation. Other cases of infanticide which have come to light concern of killing baby girls due to fear of dowry and there are instances where childless women murdered infants for fertility rites.\(^{41}\)

### 3.1.6 Women and crime of Adultery

Another crime closely linked with female immorality is adultery. According to the English Dictionary “ADULTERY” means sexual unfaithfulness of husband or wife. The matrimonial offence of adultery is more or less the same under all laws. Adultery in matrimonial jurisprudence is voluntary sexual intercourse between a married person and a person of opposite sex; the two persons are not being married to each other.\(^{42}\) The word adultery has been described in Hindu Marriage Act, 1955, as ‘voluntary sexual intercourse with any person other than his or her spouse after marriage.

According to sec 497 of IPC whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be wife of another man, without the consent and connivance of that man, such sexual intercourse not amounting to offence of rape, is guilty of offence of adultery, and shall be punished with imprisonment of either description of a term which may extend to five years or with fine, or with both. In such a case wife shall not be punishable as abettor.

There is a difference between adultery mentioned in IPC and in personal

\(^{42}\) Eversley, Domestic Relations, (1896), p.274
laws. In IPC penal provision is for male who gets into sexual relations with other person’s wife. While no penal provision is for woman who has indulged in that sexual relation. Whereas personal laws treat it in equal manner, as it gives equal opportunity of divorce in case of adultery for both husband and wife. This has been mentioned as ground for divorce nearly in all the personal laws. They have treated male and female equally. So, why not in IPC?\(^{43}\)

There are some common reasons for no penal provision for women:

- A man is seducer and married woman is merely helpless and passive victims.
- It is believed that women are weak, so no mind of their own.
- The man is presumed by the law to have a mens rea while no such presumption is attributed in reference to the woman.

As we know that Indian Penal Code has been codified in 1860. The situation of that time or social status was something different from today. Today scenario changes so we also need to change. Even in one of the religious book namely ‘GEETA’ it is mentioned that ‘change is the rule of the world’. In present era we talk about women empowerment and the patriarchal society has nearly abolished. Then where is a man as seducer? This is an old story that women don’t get equal status or equal opportunity. Today they have been getting equal opportunity in every aspect. There is provision of quota and reservation nearly in all colleges. Even the reservation has been also given in the jobs. So, today is not time of sati, child marriage. Woman has not been considered to be the suppressed class of the society in present era. They have been enjoying their life. They have been getting every opportunity. One cannot say they are deprived of anything.\(^{44}\)

Hence it is suggested that like personal law, penal law must recognize adultery as an offence for the women too, so that crime of adultery (which is without a penal provision for women) be reduced amongst women.

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\(^{43}\) Purushottom kumar, “Women must be penalized in Adultery” *Cri. LJ*, vol. 116, February (2012)p.57

\(^{44}\) *Ibid* p.57
3.1.7 Other Types of Crime by Women

There is enough material evidence to show on empirical studies that women are mainly involved in criminal activity such as bootlegging, kidnapping, accomplice of smuggling, narcotic drug peddling, drug addiction, cabaret dancing, pick pocketing and so forth. Murder, more often than not by poising, infanticide, blackmailing, shoplifting, forgery and apothecary to smugglers. However, empirical studies have shown that women are less criminals by then men. However there is another school of criminologists who feel that crime committed by women are concealed by their ‘indirection and deceit.’

It has been argued that poverty is the basis of most crimes but it might be contended as well that sex is at the root of the crime. Men steal for women; women kill to rid themselves of unwanted mates; both men and women kill each other because of sexual jealousy. While it is dangerous to generalize, it is almost proverbial that most offences committed by women involve men directly or indirectly.

3.1.8 India’s Most Wanted Women Criminals

Finally the women are becoming accomplice to their male counterparts. For the first time in its history, the Indian police department has drawn up a list of India’s most wanted woman criminals. Traditionally police department focuses on male criminals, and hence the woman criminals get away easily. In the recent times, the department has formed special teams and launched special drives to track down the most wanted women fugitives. Most of the innocent-looking woman is known to partner criminal activities of their husbands including passport forging, drug trafficking, human trafficking, defrauding, abductions, running fake currency rackets and many more hideous activities.

Most of the time, these female criminals get away. Their crimes are no longer exiting in national boundary. They are into international operations. Interpol has issued a Red-Corner notice which is a warrant for arrest issued to its

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45 Otto Pollock, *The criminality of women*, (1950) p.128
branches in 44 countries. If the accused is sighted in any of these countries, his or her home country is alerted so that extradition or deportation proceedings can begin.\textsuperscript{48} The femme fatale which was once a popular figure in crime fiction is today common in real life too. The number of crimes where women emerged as key players have shot up to such an extent that it has given birth to a new saying: “There is a woman behind every successful crime.” Here are the names of the most wanted female criminals in India.

**List of India's Female Fugitives**

Reshma Memon - Wife of Tiger Memon, Accomplice to the criminal activities of her husband | Pakistan
Shabana Memon - wife of Ayub Memon, Accomplice to the criminal activities of her husband | Pakistan
Avani – Fraud | Ahmadabad, Gujarat, India
Bhavna Doshi/ Rupal Doshi - Counterfeiting, Forgery | Mumbai, Maharashtra
Bharti Bhartiben Rajesh Patel- Counterfeiting, Forgery, Fraud | Navsari, Gujarat, India
Indira Prasad- Fraud | Delhi
Padma Poojari- Counterfeiting, Forgery | Mumbai, Maharashtra
Sonalben- Fraud | Ahmadabad, Gujarat, India.
Dr. Omana Edadan- Murder, Intentional transfer of a communicable infectious disease (STD, HIV) | Ooty, Nilgiri District, Tamil Nadu, India.

**4. Causes of Criminality Amongst Women**

There are as many causes of women criminality as may be the number of crimes in the world. As it is an individual’s manifestation that result out of the failure of adjustive mechanism in the society as per one’s own ability and skills to cope with the individual problem and social environment. Though writings on the subject are not much as compared to crime in general owing to its recent emergence as a serious problem, there are some main set of causative factors such as Economic causes(desire for more and quick wealth, extravagance,

\textsuperscript{48} Ibid
industrialization and urbanization. biological (insanity, hormonal changes, defective glandular or nervous system and physical disability). psychological (frustration, aggression, etc.) and sociological (role conflict, opportunity, increased exposure, maladjustment, etc). personal and familial. There are specific reasons like selfishness, disobedience, stupidity, impoliteness, quarrelsome nature, arrogance narrow-mindedness, suspicious nature and illegitimate relations also found contributing factors to women criminality. Hence in the analysis of causation the possibility for different kinds of interpretations has to be kept in mind and one has to carefully discern the real case of causes for a given criminal behavior.\textsuperscript{49}

Female crime, by definition, refers to the crimes committed by women. It corresponds with the male crime, and is a crime classification which is made from a gender perspective. The main purpose of this classification is to explore the causes of female crime and make positive prevention. In recent years, the absolute number and relative ratio of female crime has increased yearly which can not be ignored. And there is a trend towards younger age-crime and organized crime. Female crime has seriously affected the marriage and family stability and social development. In this context, it is particularly necessary to discuss the reasons for female crime and bring forward the corresponding control measures. It is very difficult to identify a particular cause for a criminal activity. Sometimes a specific factor in a particular situation becomes the cause for a specific type of criminal behavior. Here under we will discuss some major causes of crime committed by women:

\textbf{4.1. Impact of industrialization and modernization}

Rapid industrialization and urbanization have ushered a new way of life with new values like permissiveness. As a result, the age-old inhibitions, taboos and traditional social control mechanism have ceased to have force\textsuperscript{50}.

It is assumed that the problem of women criminality emanates from the rapid transformations of the society from past tradition to modernity. The

\footnotesize{\textsuperscript{49} Anju Bajpai and P.K. Bajpai, \textit{Female Criminality in India}, (2000), p.36
\textsuperscript{50} Prof N.V Paranjape, \textit{Criminology and penology}, (2006)p.172
conflicts created between cultural goals and institutional means available to achieve them lead to aggression resulting in deviance among women. Urbanization has lead to the breaking up of joint families. The rising prices have forced women to seek job in urban as well as rural area. The exposure to the world of work naturally brings about a desire for franchise. But when the Indian women seeks freedom at home and asserts for rights, it creates further streets. The male supremacy which is challenged thus, naturally wants to re-establish it and there are resultants, stresses, strains, jealous in marital relationship, resulting in frictions, conflicts, even oppression of the female which ultimately she unshackles through murder. Apart from the stresses coming from the husband front, there are also the in-laws who further make miseries by claiming dowry and in the absence or shortage of which they start penalizing the daughter-in-law. This adds to the marital maladjustment of the female.\textsuperscript{51}

4.2 Women’s Liberation

People are not born criminal, but learnt criminality or confirming behavior from associates and from environment in which they are brought up. Presumed changes in patterns of crime by females are drawing the attention of the popular media as well as that of sociologists and criminologists. Increases in the rate of crime by women and shifts in the nature of women’s criminal involvement are commonly attributed to the emergence of the women’s liberation movement. According to one perspective, the influence of the women’s movement on crime is direct; feminist women, or women holding favorable attitudes toward feminism, are more likely than women with more traditional attitudes to engage in criminal misconduct. Other investigators posit an indirect association between the feminist movement and changes in female crime, arguing that the feminist movement filters down to young, black, and poor women in the form of increasing criminal opportunities, growing group support for illegal behavior, and weakening social controls, especially by parents. Confining our interest to the delinquency of adolescent girls, we examine not only the direct effects of feminist attitudes on delinquency involvement, but also the indirect influence of

the women's movement on delinquency through the intervening variables of delinquency opportunity, the availability of social support for delinquency, and parental social controls.⁵²

Women’s movement is largely concerned with women’s position and standing in working environment. Criminal opportunities are directly related to the release of women from the home environment and into work, the result would show up in increase in specific crimes. In particular, the increase would fall into the area of white-collar crime rather than that of violence, robbery or burglary. Yet it is not white-collar crime which appears to have increased. Before this white-collar crimes remain largely hidden. Its relation to female crime is further obscured, because it appears to be only the middle-class professional or clerical worker whose employment opportunities have been noticeably improved by the so called liberation movement, it was the working-class women who were increasingly appearing in the criminal statistics.⁵³

In the past women have not had the same access to resources as men. It is a lot harder to commit crimes when you are in the home all day caring for the family. Alder uses the example that it would be difficult for a woman to commit the crime of embezzlement when she has no access to funds from which to embezzle or to get into a bar fight if she never goes to a bar. However, as women are liberated and begin infiltrating areas of the work force or the social community where she was not previously allowed she will have chances to act criminal in the same way that a male would. It can therefore be assumed that women are not less criminal than men they simply have less opportunity to commit crime.⁵⁴

4.3 Economical Causes

Financial constraints have been on the important direct contributory causes for the acts of theft. In a country like India this factor hardly needs any detailed explanation. In fact financial factors are the chief factors which give rise

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⁵³ Katherine S. Williams, Text Book on Criminology, (2008)p.525
⁵⁴ Female Criminality, http/voices.yahoo.com/female-criminality, visited on 10th July 2013.
to ferment situations of stress and strain compelling the individual to think of and to take of different types of deviant behavior.\textsuperscript{55}

The proposition that economic life is fundamental and, therefore, has the determining influence upon the social and cultural values is as old as the human civilization itself. Studies were conducted to examine the status of women and the involvement of criminal activities. There is a close association between the economic positions of women and their involvement in crime. A study conducted by Cathy (1990) on the status of women criminality in comparison with male he made the finding that the more unfavorable women’s economic condition relative to male greater the proportionate female involvement in crime.\textsuperscript{56} However, poverty is not the only economic factor, there are many other factors which are economic. The economic factors are comprised of:

4.3.1 Poverty

As referred earlier poverty is the main economic factor for women criminality in India. William A. Bonger’s contribution to criminology in explaining the inter-relation of crime and economic conditions deserve a particular mention. He derived his conclusions after an intensive research study on economic conditions prevailing in different socialistic countries in the first half of twentieth century. He stated that the modern age is a period of capitalistic economy. Bonger concluded that capitalism was one of the potential causes of criminality because the system created an atmosphere for promoting selfish tendencies in men and women.\textsuperscript{57} The relevancy of poverty of women to crime is sufficiently highlighted though some of the judicial decisions wherein the accused were compelled to commit gruesome murder under pressure of extreme poverty. Thus in \textit{re Maragatham},\textsuperscript{58} the accused were husband and wife who were starving for about ten days without food or work for their subsistence. Therefore, they decided to put an end to their lives along with their one and half month old female infant. They tied themselves together with a rope and jumped into a well.

\begin{itemize}
\item \textsuperscript{55} A. Willaim Thomas, \textit{Women Criminals in India-Sociological and Social work Perspective}, (2004), p.35
\item \textsuperscript{56} \textit{Ibid} p.36
\item \textsuperscript{57} W.A Bonger, \textit{Criminality and Economic Conditions}, (1916), p.107
\item \textsuperscript{58} AIR 1968 Mad 498
\end{itemize}
They were, however, rescued but unfortunately the infant drowned. They were convicted to attempt to murder of their infant child and committing suicide under section 307 read with section 34 and 309 of the Indian Penal Code.

In yet another case of *Shreerangyee Vs. State of Madras*, the accused was a hardworking but unfortunate woman who was deserted by her husband. She had five children but was unable to support them for want of adequate earnings. Her financial position further worsened due to her youngest child’s severe illness and doctor’s demand for money for treatment. Shreerangyee tried in vain to raise the sum. Having exhausted all the legitimate means to earn a living, she, in exasperation, killed all her five children by drowning them and finally jumped into the well. She was however, rescued and convicted, under section 302 IPC for killing her children. The court in this case ruled out poverty as an excuse for the murder of innocent children and attempt to suicide.

It must, however, be reiterated that crime and poverty are endemic to any society, whatever be its form-whether it is capitalistic or socialistic and whatever may be the extend of its material development. Just as poverty cannot be wiped out so also crimes cannot be wiped off though they can be reduced with all out efforts towards material development and prosperity of a country.

4.3.2 Under-Age Employment

Many females have to work in hotels, offices and industry and shop at immature age. At this misled age they are easily misled by lust seekers. Due to immaturity they fell in to the way of criminality and prostitution because due to their tender age they are unable to distinguish between legal and illegal acts. Greed for money often induces women to agree to immoral acts. Particularly, in the context of Indian society, the condition of working women is deplorable because of the lack of adequate protection to her from social dangers while she is at work. Commenting on this point Prof. Gillin rightly observed that while lack of employment seems to be hazardous for adult males the employment of women

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59 (1973) 1 MLJ 205.
and children is associated with an increase in criminality.\textsuperscript{62}

4.3.3 Bad Working Conditions

In India many women are able to get employment through intermediaries. These intermediaries and agents recruit women and keep them under their mercy. Whenever opportunities offer itself they exploit it fully and often succeed in receiving sexual bribe. Once a woman falls prey to their lust they in to time make a professional out of her.\textsuperscript{63}

4.4 Social Factors

The social factors are extremely important factors in encouraging and promoting the criminality amongst women. The various social factors such as bad influence, employer’s ill-treatment, environmental influences, felling of betrayal and initiation into criminal activities plays an important role in criminality amongst women. Women are exposed to a variety of undesirable practices and behavioral patterns and they slowly imbibe the same behavioral patterns from the surrounding and take to all sorts of deviant behavior in the footsteps of their reference groups or individuals. In most of the cases of women criminals it has been observed by various studies that these women had experience of dissatisfied sexual/conjugal relations in their life.\textsuperscript{64}

The role of family responsibility, earning money, taking care of the family, managing the affairs of the family, decision making etc, are normal courses carried out by the male member of the family. In some circumstances, due to various factors, these role performances are shouldered by the female members adding further stress and strain on them apart from their roles as the mother and householder. The new role of family responsibility some time motivates the females to engage in anti-social means to achieve their end.\textsuperscript{65}

It is suggested that primary cause of criminality amongst women is family maladjustment and a theoretical model which focus on ‘strength of

\begin{footnotesize}
\textsuperscript{62} J.L Gillin: Criminology and Penology (2005), p. 57.
\textsuperscript{63} Ibid
\textsuperscript{65} A. William Thomas, Women Criminals in India-Sociological and Social work Perspective, (2004)p.133
\end{footnotesize}
character’, ‘role conflict’, ‘opportunity’ and ‘totality of situation’ in the family may be useful to explain crime in women. There are some other social factors which are responsible for women criminality. Like lack of education, competition, conflict, social disorganization mobility, marital factors, bad neighbourhood and illegitimate motherhood are the various other factors due to which criminality amongst women is increasing.66

4.5 Biological Factors

Recognition is increasing that biological processes are at some level implicated in the development of criminal behaviour. There is certainly debate about the precise contribution of such factors to crime outcome, and there is considerable debate about the precise mechanisms that these biological factors reflect. Yet few serious scientists in psychology and psychiatry would deny that biological factors are relevant to understanding crime, and public interest in and understanding of this perspective are increasing. Cesar Lombroso's contribution is considered as the beginning of scientific study on female crime. He viewed, "female deviance as rooted in the biological make up or as inherent feature of the female species". He observed female criminals to be more terrible than the male criminals because her cruelty was much more ‘refined' and diabolic. Lombroso thought women shared many traits with children and they were morally deficient and their lack of intelligence was the reason of their relatively small participation in crime.67

In nineteenth century, Lombroso and Ferrero (1895) wrote a book called, "The Female Offender". Their theories were based on atavism; a belief that all individuals displaying anti-social behavior were biological throwbacks. The born female criminal was considered to have the criminal qualities of men and the worst qualities of women.68

Otta Pollak explained the influence of hormonal changes over


68 Female criminality in India, http/www.articlebase.co/criminal-articles/females, visited on 12th july 2013
menstruation, pregnancy and menopausal stage. He said that in the pregnancy and menopausal phase, the psychological characteristics such as emotional changes of moods, abnormal craving and impulses and temporary impairment of consciousness point in the direction of criminal causation.69

Bio-chemical researchers have tried to show that hormonal imbalances have an adverse effect on women criminality. In other words, hormonal imbalances affect thinking power of the brain and control over nervous system and this may lead to criminality. But the general consensus does not accept these findings. The more accepted view is that hormonal imbalances may act as catalyst for criminal behavior and provide a favorable biological environment for crime causation but criminality cannot be attributed to these imbalances alone. However, imbalances in sex hormones does effect human behavior. Particularly, great hormonal changes usually occur in women just before and during menstruation period. In pregnancy and menopausal phase, the psychological characteristics such as emotional changes of moods, abnormal craving and impulses and temporary impairment of consciousness point in the direction of crime causation.70

Some authors blame the premenstrual period for women criminality. According to them, hormonal changes during this period cause irritation, lethargy, depression and water retention, thus leading to ill temperament, impatience, emotional derangement and violent behavior.71

But, in the present age of information technology and impersonal relations at the threshold of the 21st century, such theories seem to be unreasonable and unscientific. All these theories depict crime as an inherent human trait which does not amply describe the phenomenal variations in the nature of crime being committed these days, when crime has risen upto the status of career for many, involving highly advanced professional skills and typical scientific techniques.72

71 S. Singh & A. Singh, “The Relationship between Premenstrual Tension and Murder” Indian Journal of Criminology, (1979)
4.6 Psychological Factors

Psychological includes within it the study of mind and behavior attitude etc. It is the study of the individual characteristics such as personality, reasoning, thought perceptions, intelligence, imagination, memory creativity and so on.

Psychologists treat crime as behavior learnt by the criminal in course of his contract with different persons. Thus like sociologists, they seek to explain crime in terms of environmental circumstances. It was Ahuja (1969) who made research to look into the situation and environmental variables compelling women to commit crime. Stressful situations, maladjustments, disharmonious marital relations, conflict-prone relationships with husbands and in-laws and maladjustments in interpersonal relationships within the family are causes found to be responsible for women criminality.\textsuperscript{73} Rani (1983) in her study observed that in slightly more than in 70 percent cases domestic factors played an important role in disposing of women to entertain attitudes of victims, provocation, lover’s/friend’s instigation played a major direct role in pulling out such criminal proneness. The pathological family backgrounds like broken homes, parental rejection and faulty discipline by parents, undesirable peer group relations and socio-economic conditions play a major role in crime among women.\textsuperscript{74}

It may be useful to look at Sutherland’s Differential Association Theory, which stresses upon the fact that criminal behavior is learnt in the interaction with other persons.\textsuperscript{75}

It may be quite useful to explain delinquency in youth. But, whether it would be useful to explain crimes committed by some women in the rural areas in India, who have little or no interaction with the outside world, is, a tricky question. It may be answered to some extent by Cohen’s theory of value orientation, where the individuals belonging to lower class reject the middle class values and participate in anti-social behavior to deal with their status issues,\textsuperscript{76} or by radical theory propagated by Quinnery, according to which,

\textsuperscript{73} Ram Ahuja, \textit{Female Offenders in India}, (1969)p.61  
\textsuperscript{74} Rani, Bilmoria, M., “Homicides by Females”, \textit{Indian Journal of Criminology}, (1983), vol. 2, p.11  
\textsuperscript{76} A. Cohen, \textit{Deviance and Control}, (1966), p. 121.
women who become aware of the gender bias existing in society are more likely to indulge in crimes like robbery and burglary. But it does not necessarily mean that all economically marginalized women or all women who become aware of gender bias resort to anti-social behavior. To this, Cloward and Ohlin may have argued that it depends on availability of illegitimate opportunity, i.e. the relationship between crime and opportunity for obtaining desired results by illegitimate means.

4.7 Personal Factors

Human beings like to lead a trouble free and comfortable life. Along with this the luxurious made of life is also preferred by many. In order to enjoy all the luxurious of life, few women were driven to unlawful activities. This is one of the important personal causes of criminality amongst women. Economic pursuits in life lead to craving for more money. This turns into greedy passion on the longer run. Thus, the greed and impatience to earn more money influence individual to opt for criminal ways to earn more money quickly. Human emotions play a vital role in the day to day life. The emotional status of mind often influences the action of the individual. Ill-treatment of the women in the family assumes many forms and is perpetrated by many individuals. Many women criminals reported that they were ill-treated by their husbands, in-laws and other relatives. The various forms of ill-treatment faced by respondents were beating, scolding, made to starve. Another factor is illegitimate contact of one of the partners in marriage, lead to emotional rift and conflict in the family life. It leads to misunderstanding, and disintegration of conjugal life: ultimately results in criminal activity of spouse. In his study, Prasad found that all the women offenders were highly frustrated in their conjugal life and sexual relations. His findings revealed that the major area of conflict among women criminals is:

- Husbands having the habits like drinking, gambling, drug addiction.

79 Supra note 62, p.135
- Lack of interest in family and love.
- A forced marriage.
- Jealousy due to husband’s illegal connection with other women.
- Low income and excessive expenditure.
- Conflict over sex.
- Sexual jealousy and jealousy over property.

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 be kept in mind.

5. Some Glimpse of Criminality amongst Women in State of Punjab

There is increasing trend of criminality amongst women in State of Punjab. There are number of cases which came in the picture shows that the tendency of criminal behaviour amongst women is increasing in the State. Women are involved in number of crimes like drug offence, murder, theft, kidnapping, prostitution, sex racket etc. Here are some under trial cases of women criminals in State of Punjab.

Recently Ludhiana police has arrested, Nirmal Rani, 42, wife of the notorious drug peddler and recovered 200-gm narcotic powder from her possession. Nirmal Rani has been produced before the court and remanded in judicial custody. Rani, a resident of Noorwala Road, is the wife of Brijlal alias Birju, who is facing 15 cases under the Narcotic Drugs and Psychotropic Substances Act.81

Another case of women smugglers of drugs came in the picture by Jammu Police. Nowadays women smugglers from Punjab are giving a tough time to the police in Jammu region. A number of women have been caught in the recent past smuggling drugs, mainly intoxicating capsules, meant to be supplied to local youths. Parvon spas, a capsules, meant for subduing labour pains, is troubling the police the most, as it is the main intoxicating drug being smuggled into the

81 “Drug peddler’s wife held with ‘narcotic powder’; booked”, Hindustan Times, 18th March 2013.
region. Women have also been involved in smuggling poppy husk. As many as seven women belonging to different districts of State of Punjab have been caught smuggling intoxicants, especially the “off-the-counter” drugs, into Jammu division in the last two months. Drugs are leading to glory crimes. The recent kidnapping and murder of teenager Shalin Gupta allegedly by two drug addicts is one such incident. The women smugglers caught were Kulwinder Kaur, alis Sonu, Usha of Talwandi pura and Rani from Hoshiarpur. Then another gang of four women, namely Rani, Paramjit, Bilo and another unidentified woman from Noshera in Punjab, was busted. The police said more and more women were taking to drug smuggling as recently Soma Devi, a resident of the Domana area here, was caught smuggling 12,000 capsules. “She brought the consignment from Punjab, mainly from border districts,” said Sub Divisional Police officer Diwarka Singh.

Involvement of women in drug peddling is again come in the picture, when the Police has arrested two persons, including a woman, with 60 gm of heroin. The accused have been identified as 24-year-old Kajal, alias Lucky, a resident of Lahori gate, Amritsar, and Ramesh kumar, alias Jhony, a native of Islam gunj. Kajal, who was arrested by the Phagwara police in July 2012, was out on bail. The police said Kajal entered the world of drug peddling following her husband’s death. Kajal and Johny were nabbed from the railway station. While 50 gm of heroine was recovered from Kajal’s possession, Johny was arrested with 10 gm of contraband. The police managed to nab the duo. During interrogation Manni told the police that Kajal used to provide them heroin and he and Johny used to supply the drug to addicts.

A case of flesh trade racket in which five women were involved came into light when the division number 7 police of Ludhiana on Sunday claimed to have busted a flesh trade racket with the arrest of seven persons, including five women. However, Jaswinder Kaur who allegedly runs the brothel, manage to flee the spot. The police have booked all the accused under the Immoral Trafficking Act. Giving details police informed that after receiving a tip-off, the police sent

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82 “Women smugglers from Punjab give Jammu cops a tough time” The Tribune, 2nd August 2010
83 “24-year-old woman, aide nabbed with 50gm of heroin” The Tribune, 17th May 2013.
a cop as a decoy customer to the house of Jaswinder Kaur at Jagdishpure. Kaur allegedly demanded Rs 1,000 for providing a girl. Meanwhile, the police team lurking in the area raided the house, and arrested two customers and five women. According to the police, four arrested women are married. They admitted that they indulged in flesh trade due to financial problems. They used to come to Kaur’s house in the morning and remained there till evening. Kaur allegedly charged Rs 500 to 1000 from customers.  

Similar case of sex racket is busted in Dugri area of Ludhiana. On 25th June 2013 the city police claimed to have busted a sex racket being run from a rented apartments of MIG flats in the Dugri area. The police arrested two pimps and three couples, including the kingpin of the flesh trade. The police said two minor girls had been recovered from the same house, but they were not involved in the flesh trade. Lakhwinder Kaur, the main accused used to arrange the girls for this business and other co-accused used to arrange customers.  

The involvement of women in fake currency racket baffles the agencies. One Savinder Kaur was nabbed by Chandigarh police for possessing fake currency of Rs 4 lakh in the denomination of Rs 1000 and Rs 500. She has been staying on the first floor of the house belonging to Kulwant Kaur for eight months. Meanwhile, Kulwant Kaur is reportedly mother of an ASI, Surinder Singh who lived in Kashmir Avenue area. Kulwinder Kaur, said she used to remain out of the house for weeks. Earlier, too the Special Narcotic Cell has arrested Manjit Kaur, resident of Guruwali with fake currency for more than Rs one lakh in the end of 2006 besides Farzana, a Pakistan national was also caught by the police with fake currency of Rs 97,000 in same year. Farzana was going to New Delhi for meeting a relative when the police caught her. Two women were nabbed for smuggling fake currency through Samjhauta Express earlier this year. Intelligence and security sources said that anti-national forces were hiring women to escape police net.  

Nowadays women are not only involved in petty offences here are some

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84 “Cops bust flesh trade racket, arrest seven” Hindustan Times, 11th February 2013
85 “Sex racket busted in Dugri Aear” The Tribune, 26th June 2013
86 “Women in fake currency racket baffles agencies” The Tribune, 2nd August 2012
recent examples which shows their involvement in heinous crimes like murder. Recently in Ludhiana woman named Reena who allegedly killed her father-in-law and step-daughter in cold blood has shown no remorse for her heinous act. The gruesome killing has also shocked the police as Reena is just five feet tall and weighs around 40 kg. In Police custody, Reena narrated how she orchestrated the killing of her father-in-law Narinder Kumar Anand and step daughter Reva. The confession by the Reena did not come as a surprise for police as it was suspecting her involvement in the murder from the very beginning. Even the circumstantial evidence and the mobile phone location established that Reena was concocting stories.  

The court of Additional Sessions Judge Paramjit Singh has convicted Sangita (wife), her mother Amarjit Kaur, father Ram Lubhaya of Heera Nagar, Kokowal road, Ludhiana, for Arvinder Kumar’s murder. All the accused were ordered to undergo rigorous life imprisonment. They were also ordered to pay a fine of Rs 10,000 each. Two tragic incidents that took place in the district Ferozepur came into picture when a five-year-old boy was allegedly killed by her mother and an elderly woman was gruesomely murdered by her daughter-in-law.

Another example of criminal behaviour of women is their involvement in honour killing, a 16-year-old girl was hacked to death in Bhadoi by her mother, who disapproved of her relationship with a neighbour, Rekha Yadav was hacked to death while she was sleeping outside her house. “On the July 23 night when Geeta found Rekha in a compromising position with Kailash, she lost her temper and in a bid to save the family’s prestige hacked her daughter to death” Geeta, while confessing the crime had no remorse for killing her daughter.

A woman, along with her paramour, has been arrested for allegedly killing her 60 year old mother-in-law Nirmala Devi at the company bagh colony near tibba road Ludhiana. The police have arrested the accused. They have been

87 “Murder accused shows no remorse” The Tribune, 21st July 2012  
88 “Man’s Murder: Wife, in-laws get life imprisonment” The Tribune, 2nd May 2013  
89 “Woman kills 5-yr-old son” The Tribune, 29th September 2012  
90 “Girl hacked to death by mother” The Tribune, 29th June 2012
booked under sec 302 of the IPC for murder. Another case came into picture when Subhash along with his wife Darshna allegedly killed their 24-year-old pregnant daughter in-law Seema and her mother Asha following a heated argument. In another case a 75-yr-old forced to commit suicide due to the harassment he had to face at the hand of his daughter-in-law Shashi. The police has arrested the woman and booked her for abetment to suicide.

Another shocking instance of criminality amongst women came into picture when the decomposed body of a four-yr-old girl was found in a house in Model Town here today. The girl was allegedly killed by her mother due to a matrimonial dispute after which the woman also tried to kill herself on April 21. The body of Jasmira, daughter of Harsimranjeet Kaur and Jaskaran Singh, was found lying in a bedroom at their rented accommodation in Model Town, Ludhiana, where the couple was residing for the past two and half months. According to the police, she also took poison in a bid to commit suicide on April 21, but survived. In another case police has arrested a woman of Pakhowal village and her accomplice who attempted to murder her husband, a soldier. The articles used in the crime have been recovered from the possession of the suspects. The accused have been identified as Harjit Kaur and Jagjit Singh of Pakhowal village. Investigation revealed that the duo tried to murder subedar Harmel Singh on Friday night.

6. Victims of Criminality amongst Women

Victims of criminality amongst women are generally their husbands, children, in-laws or other family members. The victim mostly belongs to the close associates of women criminals.

The consequences of women criminals are more complicated in nature and leads to continuous deterioration of the society. Here under we will discuss the victims of women criminality: A recent case of women criminality came in picture in Rohtak, where a woman was convicted of mass killing of seven

91 “Woman’s murder: Daughter-in-law, her paramour held” The Tribune 26th August 2012
92 “Harassed by daughter-in-law, 75-yr-old commit suicide” The Tribune 13th August 2012
93 “four-yr-old girl’s decomposed body found” The Tribune, 11th May 2013
94 “Wife held for murder bid” The Tribune, The Tribune, 26th June 2013
members of her family in association with her lover has evoked calls for capital punishment for the two from other family members and residents of their Kaboolpur village in Rohtak. The lovers according to the police have confessed that they committed the crime to clear the way for their marriage, to which the girl’s family was opposed as they were from the same sub-caste and village.\(^{95}\)

As we have discussed earlier that victims of women criminality are generally children and family members, a similar case came before Cambridge Crown Court, where an Indian origin women who stabbed her two teenage daughters to death at her house in Cambridge Shire was sentenced to 33 years in prison after she was found guilty of brutal murders.\(^{96}\) Similarly a mysterious death of a man has turned out to be a cold-blooded murder committed by his wife with the help of her paramour. After about 11 months of investigation, the police arrested the main accused Gyaso devi and her paramour Rajesh Kumar, alias Raju with evidence.\(^{97}\)

7. Impact of Criminality amongst Women

The crime done by women draws much attention and is seriously looked into than the male crimes, because of their pivotal role and central figure in the family. Their participation in criminal activities leads to continuous deterioration. When a crime is committed by female it has its repercussions on herself, husband, children, family, relatives, neighbours and on society at large. For the individuals fall of status, social disgrace, stigma and stress; for the family its role and functions; for the relatives and neighbours their interpersonal relationships and for the society, its very organisation. The stigma of having been in the prison has much more adverse consequences for women than men.\(^{98}\)

The impact of criminality amongst women are 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

\(^{95}\) "Kin, villagers demand death for killer lovers", Hindustan Times, 20\(^{\text{th}}\) September 2009.

\(^{96}\) "Indian Origin NRI Women gets 33 years in jail for killing daughters", The Tribune, 22\(^{\text{nd}}\) September 2009.

\(^{97}\) "Man’s death case turns out to be murdered by wife" The Tribune, 23\(^{\text{rd}}\) September 2009.

\(^{98}\) Ibid p.7
society than men. 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.  

During such crisis somebody has to perform role of the mother, householder, cook, caretaker which were being done by the imprisonment of women. To say more specifically on the part of the husband some sexual adjustment is also required. It also results in closing of ranks, shifting of responsibilities and activities of the office to other women containing the necessary family routine, day to day work, and maintain husband-wife relationship by correspondence and visits and utilising the resources of friends, relatives and neighbours.

7.1 On the Individual

The impact of criminal behaviour and its aftermath have considerable deterioration of her self esteem and personality. Due to the criminal behaviour individual’s education, occupation, financial life, personal, psychological, and familial life along with social participation, are effected due to the criminal behaviour. Principles for Women Offenders,” the authors maintain that public policy has ignored the context of women’s lives and those women offenders have disproportionately suffered from the impact of ill-informed public policy. This discussion of the implications of gender within the criminal justice system is based on a simple assumption: responding to the differences between women and men in criminal behaviour and to their antecedents is critical to gender-

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100 Ibid
responsive policy. Building on the pathway theoretical perspective, we find that in addition to the gendered impact of the war on drugs, policy changes in welfare reform, housing, and other social policy arenas combine to create a disparate impact on drug abusing women and women of colour. Key policy areas affecting the lives of women offenders and their children include welfare benefits, drug treatment, housing, education, employment, and reunification with children.101

Women prisoners find it difficult to set back into the folds of the family members after release. Most of them therefore remain in perturbed about the dark future clouds and really don’t know on whom to back upon. The prison adjustment of women criminals reflected in abundance the system of hopelessness, uncertainty and anxiety, almost all of them think their fate is sealed. Women who are associated in criminal activities are generally not adopted by family and society.102

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 programme like case work, community link services, educational programmes, vocational training, recreational services and aftercare 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.103

7.2 On the Family

The consequences of women criminality 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 relationship. 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 is she has to socialize

101 Supra Note 99, p.151
the children in such a way 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.\textsuperscript{104}

An unloved child when she grows up offers all of herself to anyone showing any degree of love and affection. The children of criminals showed a marked tendency to become prostitutes. If the mother is characterless and has to carry her clandestine liaisons, she rarely escapes the eager eyes of her daughter. Often it happens that a man sleeping with mother succeeds easily in seducing the daughter. Here we can see easily the impact of women criminals on their children and family.\textsuperscript{105}

Another great impact of women criminality on children is there imprisonment. The children along with the mothers in the women prison are another area which needs considerable attention. Children of the offenders remain the hidden victims of woman’s criminality, both inside the prison and outside. The facilities and treatment for such children are very low. Children in institutions often, unfortunately, are subject to same kind of regimentation as their mothers are and it show. It is painful to see that happening to infants of two or three who, instead of being folded and played with, are made to sit orderly rows with arms(for the benefit of visitors). There is no justifiable reasons why institutional children’s nurseries should be dreary places whereas those outside are designed to be cheerful and stimulation.\textsuperscript{106} The psychological effect of separation on imprisoned mothers will be greater than for others because it deprived their liberty and their families will suffer greater trauma.\textsuperscript{107} The overriding effect of separation being one of the constant worry exacerbated by lack of communication or knowledge about the status and welfare of their children. Separation of their children is perceived as an additional punishment

\textsuperscript{104} Ibid p.151
\textsuperscript{105} Y.K Sharma, Criminology, (2010), p.139
\textsuperscript{106} N. K Sohoni, Women behind the bars, (1989), p.47
\textsuperscript{107} Ministry of justice, National Service Framework, Improving Services to Women Offenders (2008): http://www.noms.justice.gov.uk, visited on 23\textsuperscript{rd} may 2012
inducing trauma, loneliness and despair.\textsuperscript{108}

7.3 On the Society

The consequences of criminal behaviour are not on the individual, children and the family but also on the society at large. The consequences of women criminals are more complicated in nature and leads to continuous deterioration. Crime done by women are dysfunctional than the male crimes because women are having greater consequences on the society than man. Socially crimes 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 the 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 and their interpersonal relationship.\textsuperscript{109} Females commit fewer crimes than men because female offenders receive a greater stigma from society at large.

8. Conclusion

The woman has recently attracted much attention due to the fact that crime rate among women is on increase. There are various factors found to be responsible for the problem of women and crime and is so serious that the consequences of criminality amongst women on the social structure are greater as the women perform the role of mother, wife, householder and care taker. 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

\textsuperscript{109} \textit{Ibid} p.41
structure of Indian society.

Until recently the study of criminality amongst women has been a neglected field of research though the phenomena of criminality amongst women exist since times immemorial. Low incidence of crime, few numbers of criminals, low arrest rates, lack of interest are contributed much to this negligence, however the incidence of crime rate is increasing. Generally crimes committed by women differ from male criminality. The differences can be seen in the nature of the crime, and its’ consequences, combined with the method, crime weapon, and choice of victim. It is difficult to overlook the fact that crimes committed by women have a more emotional characteristic then those committed by men. All the above cases show no particular trend, reason nor do any of the above theories sufficiently prove the causes for these crimes. The social environment contributes a lot to the making of women criminals. It appears that female offenders have lost faith in social system. Despite constitutional guarantees of equal rights and privileges, women's fate could not be changed. Discrimination prevails from birth till last breath. Even her education, her involvement in every work equally is not enough to give any credit to her. The problem becomes manifold when despite her awareness and ability she is to obey orders of man (in form of father, brother, husband etc.) of lesser ability. Her own opinion is brutally crushed overheard and she is subjected to victimization because she is a woman.

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 was to house works and rearing children. As they couldn’t go outside 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 in the present scenario. And yet despite this apparent dramatic increase in the criminal behavior of 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.

In the mid 1970s several factors converged to convince the public that changes were occurring in the rate and nature of crime among 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 female criminality in Punjab state is drug trafficking, goods trafficking, status offender, hijacking, cheating, theft, prostitutions etc.

Due to the criminal behaviour individual’s education, occupation, financial life, personal, psychological, and familial life along with social participation, are effected due to the criminal behaviour. The consequences of women criminality 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 relationship. 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 is she has to socialize the children in such a way 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.

Perusal of the facts, cases and reasons of criminality amongst women, mentioned in this chapter, indicates that there is dire need of in depth study of the concept of criminality amongst women, so that the criminality amongst women can be eradicated. It is submitted.