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FEMALE CRIMINALITY: A PRACTICAL UNDERSTANDING

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There is a lengthy history of criminal behavior among female offenders. Since 1945, there has been a noticeable growth. In criminology, women's involvement in crime has primarily been linked to a higher level of apathy than men. Women have naturally developed into the foundation of every community. A woman is constrained by numerous traditional standards, particularly in a nation like India, and is expected to play the roles of a mother, a nurturer, and a defender of morality, social custom, and the unity of a family. Women encounter numerous opportunities barriers in both their professional and personal lives as a result of these expectations. The social milieu, particularly in a patriarchal society, has a significant role in the criminalization of women, according to psychologist Anchal Bhagat. A woman's fate cannot be altered, notwithstanding the Indian Constitution's provision of equal rights and privileges. She does not receive the credit and respect she deserves despite her equal commitment and great achievement in both her schooling and her job.

In general, women commit different crimes than males do. The nature of the crime, its repercussions, the approach taken, the criminal weapon used, and the victim of choice can all be considered as examples of where there are variances. It is challenging to ignore the reality that crimes committed by women typically have a stronger emotional component than those committed by men. The number of women detained for cognizable offenses between the ages of 18 and 30 increased from 64,369 (4.13 percent) in 2018 to 1,91,508 (6.15 percent) in 2019 (NCRB, 2019). In this paper, we attempt to comprehend the causes of the rise in female offenders since 1945 as well as the types of crimes in which most female offenders are involved. In an effort to comprehend their mental states during the commission of crime, we have also made an effort to contact the female offenders who are detained in Bangalore. We also want to examine the disparities in treatment between male and female offenders and legislative gaps in this area.

INTRODUCTION:

A criminal is someone who breaks the law, and a crime is an act or omission that the law deems worthy of punishment. The percentage of female criminality is significantly lower than that of male criminality, which accounts for its lengthy history of neglect. However, both in India and other areas of the world, the number of women who have run afoul of the law in recent years has significantly increased.

In today's society, crime and criminals are both the center of attention.

The rate of crime is rapidly rising. In India, crime has traditionally been seen as a male-dominated behavior. But this concept of

masculine behavior is now disproven. Both men and women experience tensions, irritation, jealousy, animosity, and hatred, which drives them to commit crimes. They engage in several crimes. The complexity of life, or the culmination of evolving societal norms and ideals, is largely to blame for this transformation.

CHAPTER-1: HISTORY AND UNDERSTANDING OF FEMALE CRIMINALITY

The woman has always been the cornerstone of a family in particular and society in general, according to human history. Women are viewed as the keepers of morals, family cohesion, traditions, and societal norms, particularly in India. In the modern society, a woman now has the additional responsibility of creating her own

identity and taking care of her family. However, it is disappointing to see that in India's social, cultural, economic, and political context, women's accomplishments are also being applied to criminality. Along with an increase in crimes against women, female crime is on the rise in India. The problem has grown to such a precarious degree that all socially conscious academics are now focusing on what is causing more and more women to engage in criminal activity. According to theory, female criminality is complex, poorly understood, and amenable to simple regulation. Women become criminals in large part due to their social milieu.²⁴²⁵

Scholars have proposed a number of theories regarding female criminality. Principally, these are:

1. STRAIN THEORY:

It claims that stress or pressure leads to criminal behavior. Aspirations to accomplish particular goals are encouraged, but they are also met with difficulties, which is the basis of this tension. This hypothesis was developed by Robert Merton and Albert Cohen, who mostly utilized it to explain male delinquency. Cohen did add, though, that women tend to focus on a small number of relationships with the sex opposite. He claims that because women do not experience the same demands to succeed as men do, they do not conduct the entire gamut of crimes. Later, under the name differential opportunities thesis, Cloward and Ohlin presented a new interpretation of strain theory. They argued that because women are not involved in the pursuit of material achievement, they are not eligible for either legal or illegal awards. Women are not given a destructive outlet for their frustrations or pressured to meet society's key success goals.²⁴²⁶

²⁴²⁵ Mili, P M K; Perumal, R; Cherian, Neethu Susan, Female Criminality in India: Prevalence, Causes and Preventive Measures, International Journal of Cyber Criminology, 65-76, 2015

²⁴²⁶ <https://openoregon.pressbooks.pub/ccj230/chapter/4-10-strain-theories/>, (last visited 2nd May, 2023)

2. DIFFERENTIAL ASSOCIATION THEORY:

Sutherland and Cressey's notion that criminal behavior can be learned, sometimes known as the learning crime hypothesis, was put forth. Due to their gender roles, which limit their influence and experience to the house and identify them as wives and mothers, women do not mix in criminal groups. Girls are raised to be kind and are not given the same freedom as men, so they do not have the opportunity to acquire illegal behavior. According to Ruth Morris, there isn't much of a deviant subculture for female offenders, and there isn't much mainstream support either. Giordano argued that girls who believed their female companions were okay with a crime would be more offended.

3. CONTROL THEORY:

Hirschi thinks that because people are naturally immoral, they will participate in both pro- and antisocial behavior unless someone stops them. According to him, society has created a number of techniques for policing its citizens and thwarting their propensity for deviation. A person will decide not to offend if they are linked to conventional people, committed to and participating in conventional institutions and behaviors, and believe in the rules of conventional society.

4. BIOLOGICAL THEORY:

The positivist theory, also known as the Lombrosian theory or the bio-physical features, genetic factors, and criminal propensity theory, posits this relationship. He claimed that compared to other female criminals, prostitutes exhibit higher physical anomalies. Women offenders do not typically exhibit anomalies, unlike male offenders, but if they do, they make the offender even worse than the man because of her inherent wickedness and her childish envy and brutality.

As we can see, the theories put forth by different scholars attempt to address a variety of issues in order to comprehend female criminality. Every theory has its own benefits and

drawbacks. We can attempt to understand the cause of the rising rate of female criminality by applying these hypotheses.

By the end of 2021, there were 22,918 female convicts in India, but only 6,767 could fit in the 32 women's prisons that are already in operation, according to the National Crime Records Bureau (NCRB). 1,650 of the 22,918 female detainees had their children in custody while they were housed at the prison. Out of 22,918 female inmates, 1,418 were under-trial prisoners and 1601 children, and 216 were convicted inmates and 246 children^{2427,5}

The types of crimes women committed and were imprisoned for in order to comprehend female criminality in India. Here is what we discovered:

- Almost all (3.55 lakh) of the women detained in 2020 were charged (99.5%), but only 8.6%, or 30,871 of them, were found guilty—13,620 under the IPC's cognisable offenses and 17,251 under SLL offenses.
- The IPC divided crimes into six categories: crimes against the human body, crimes against the state, crimes against property, crimes against public tranquilly, crimes against documents and property markings, and other IPC offenses. Of them, 4,280 of the female inmates were found guilty of crimes involving the human body.
- In 2020, 91% of women who committed were found guilty of crimes involving alcohol and drugs²⁴²⁸.

²⁴²⁷ According to the National Crime Record Bureau (NCRB) and the Prison Statistics India (PSI), women's arrests in India have increased by 10% since 2015 while their conviction rates have decreased by 50.5% over the same period. At this point, the number of men arrested fell by 21% between 2015 and 2020. Despite the huge disparity in arrests for crimes that fall under the purview of the Indian Penal Code (IPC) and Special and Local Laws (SLL), 3.55 lakh women were detained in 2020, compared to almost twice as many (6.45 lakh) men. Despite a 19% increase in the number of women charged, the fall in convictions indicates a rise in undertrials (27.2%), from 66.8% to 75.7% of women under trial prisoners in 2015 to 2020. ⁵ National Crime Records Bureau report, 2022

²⁴²⁸ According to Dr. Beulah Shekhar, an emeritus professor in the department of criminology at the Karunya Institute of Technology and Sciences in Tamil Nadu, it is impossible to stop female criminality until women are first recognized as offenders. "In NCRB, you will find sub-headings related to crimes against women but you don't find a single sub-

- According to Shekhar, who co-authored a study on victims becoming offenders, there is a connection between the victimization that offenders suffer and the type of crime they commit. She gave an illustration by saying that if they had endured physical abuse, the offense was one of injury or grave hurt. "Knowing if female detainees have reported and come to terms with their victimization is vital when attempting to comprehend prior victimization of female inmates. Prisoners, in my experience, do not possess any coping mechanisms.

CHAPTER-2 : PATRIARCHAL SOCIETY AND FEMALE CRIMINALISATION

Topic on crimes by women," claimed Shekhar. Therefore, we haven't even given female crime that much weight. They are all we can see as victims.

She is a victim because she is a woman. Despite the fact that we are in the 21st century, it is lengthy. In terms of rights, opportunities, liberty, and freedom, we received a constitutional assurance that women's fate could not be altered. Agnates were preferred to cognates in the past; this tradition is so firmly ingrained in Indian culture that even in today's society, the concepts of "women-empowerment" and "feminism" don't have a significant practical impact. Despite her dedication to her family, association in her work equally in society is insufficient to give her the credit she deserves. Women's docile and submissive attitudes are to blame for the cruelty and badgering directed at her despite her understanding and ability.²⁴²⁹

Patriarchy, a type of social organization in which men rule over women, is how gender dominance is perceived. Under patriarchy, both men and women are taught to accept a societal structure that is based on uneven power relations and separated into male and female domains. The feminist focus on male-female distinctions has had the significant

²⁴²⁹ Shweta Patania, Critical Analysis of Female Criminality in India, Jus Corpus Law Journal, <https://www.juscorpus.com/critical-analysis-of-female-criminality-in-india/>

effect of diverting theory away from topics that seriously complicate such disparities, such as ethnicity, age, and female criminal activity. Given that women are treated differently across society, some researchers believe that gender is a structured action. One idealized collective response to the lived experience of class and racial powerlessness is for some young people to join a teenage gang. Gender is viewed as a situated achievement in which people behave in a way that is perceived by others as either masculine or feminine. The diversity in how gangs establish heterosexual meanings is investigated, the involvement of adolescent gangs in "male" and "female" crimes is discussed, and gender is regarded to be a situated accomplishment.²⁴³⁰

Men's dominance in contemporary culture, paternalistic attitudes towards women brought on by enduring notions of chivalry, and the ongoing socialization of people into traditional sex roles are all paralleled by men's dominance in the criminal justice system. As a result, women have typically been disregarded in studies of offenders and criminal justice systems. Conflict theory sheds light on this situation by emphasizing the connections between groups with various degrees of power.

According to this idea, persons in positions of authority define criminality in order to uphold the current social order and run the criminal justice system accordingly. Conflict theory is beneficial in understanding why women, a dominating group, have been ignored in research and treatment planning. Conflict theory has typically concentrated on the overrepresentation of the poor minority in officially documented crime.²⁴³¹

²⁴³⁰ J W Messerschmidt, From Patriarchy to Gender: Feminist Theory, Criminology and the Challenge of Diversity (From International Feminist Perspectives in Criminology: Engendering a Discipline, P 167-188, 1995, Nicole H Rafter and Frances Heidensohn, eds. -- See NCJ- 158792), <https://www.ojp.gov/ncjrs/virtuallibrary/abstracts/patriarchy-gender-feminist-theory-criminology-and-challenge>

²⁴³¹ I L Moyer, Crime, Conflict Theory, and the Patriarchal Society (From Changing Roles of Women in the Criminal Justice System - Offenders, Victims, and Professionals, P 1-29, 1985, Imogene L Moyer, ed. - See NCJ- 99505), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/crime-conflict-theory-and-patriarchal-society-changing-roleswomen>

As was indicated at the outset, the social context plays a significant role in the criminalization of women in India as well. Here, the patriarchal society is more of a factor. Female offenders no longer have faith in the social system, claims psychologist Anchal Bhagat. The fate of women is predetermined, and they are denied their fundamental rights and advantages. In the majority of India, discrimination is a societal norm from the moment of birth till death. In her writing, Bhagat gave one such well-known instance of a victim turned victimizer, Phoolan Devi. Her tale as a victim begins with the legal system failing to provide her with justice. Phoolan Devi, who had been denied justice, subsequently rose to political prominence after becoming a renowned bandit queen. She had made a lot of enemies during her brief but difficult existence, and she was murdered. Using this as an example, Bhagat comes to the conclusion that women like Phoolan Devi are likely driven to take extreme measures like taking the law into their own hands because of driving forces like the need for economic independence, social acceptance, and to achieve a respectable position in society. She also stresses that when courts decide cases, they must take into account the compelling factors that caused a woman to commit that specific crime.²⁴³²

"The rights are first demanded, then commanded, and finally snatched." Conflicts that result in crime are inevitable in this struggle for rights, whether to achieve or defend them. Despite the high rate of female participation in crime, social scientists and social protection planners have not paid much attention to recognise and uncover diverse trends and quality of the offenses committed by women. Therefore, their work aims to understand the psychology and sociology of the situations in which women commit crimes either intentionally or carelessly. As a result, the relatively low rate of incarceration for Indian

²⁴³² P. M. K. Mili, and Neethu Susan Cheria, Female Criminality in India: Prevalence, Causes and Preventive Measures, International Journal of Criminal Justice Sciences Vol 10 Issue 1 January – June 2015, <https://ijcjs.com/menu/script/index.php/ijcjs/article/view/159/101>

women may be a result of how their reduced social status effectively limits their capacity to initiate or engage in illegal activity.²⁴³³

CHAPTER-3 : REASON BEHIND FEMALE CRIMINALITY AND THEIR PSYCHOLOGICAL STATE

Women tend to conduct more serious, non-traditional crimes than only minor ones, and they frequently participate in violent crimes as well. The number of crimes committed by women has increased with the passage of time, yet the law has not changed from the past. As a result, it's also necessary to make the legislation less protective of women and more gender-neutral.

Early criminologists' hypothesized biological causes are unfounded and do not apply to Indian women. Early scholars linked biological or societal causes to female criminality. As a behavioral or social issue, crime is complex and difficult to comprehend. Whether the causes of women's crimes are biological, psychological, social, or environmental, they are viewed as a distortion of the feminine role.

Women's criminality is influenced by a variety of economic, political, social, biological, and psychological aspects. Several of them are succinctly explained below.

- **Biological Perspective:**

Caesar Lombroso's contribution is regarded as the cornerstone of academic research on female crime from a biological perspective. According to him, "female deviance is a biological trait or characteristic that is inherent to the female species." Because female cruelty was much more "refined" and abominable than male cruelty, he claimed that female criminals were worse than male criminals.

- **Psychological Perspective:**

Women who are not docile and happy playing the roles of spouses and mothers are not

functioning properly. Women with mental health issues either reject or fail to internalise the ideals that go along with their social roles. Female inmates exhibit emotional instability, insecurity, rejection, or irritation. They would have experienced challenging living circumstances, love setbacks, and a great deal of negative situations that typically made it difficult for them to confront life's facts. The conflicting messages about parenthood versus work and restricted opportunities are the main reasons why women experience more stress on average than men. On average, women with lower social position are more stressed than women with greater social standing.

- **Sociological Perspective:**

Over the past few decades, a profusion of writings on sociological viewpoints have been produced. This point of view places emphasis on how social conditions can cause a woman to become a criminal. Inequality for women exists in India despite significant advancement and awareness in this area. As stated in the Indian Constitution, equality for women is not actually practiced. The majority of opportunities in life are missed by women because of inequality, which negatively affects their financial independence and lowers their economic standing. In Indian society, women are constantly required to comprehend and adapt to their surroundings. It is important to address the uneven status of women in society as a result of social oppression and their financial dependence on men and the government. Most of the time, crimes committed by women are seen as the final, visible signs of an underlying medical condition or social instability.

CHAPTER – 4: TALES OF NOTABLE FEMALE CRIMINALS

1. K.D Kempamma aka Cyanide Mallika:

The first documented instance of a woman committing multiple murders in contemporary India, this crime enraged the country. In 1999, she carried out the first of several poisoning murders that would follow. She would deceive trusting women visiting temples by claiming to

²⁴³³ According to Bajpai and Bajpai (2000), data from India and other countries show that as more women integrate into society, their proportion of criminal activity is likewise rising. They quote a very memorable phrase that explains and defines on its own the reference to what they are stating.

know how to perform a specific puja that would end their suffering. She would give them instructions to meet her at a deserted location while wearing all of their pricey jewelry, and then she would offer them cyanide-laced food or drink. She would steal their jewels and flee when the victims died from poisoning. 2008 saw the arrest of Kempamma.

2. **Renuka Shinde, Seema Gavit and Anjanabai Gavit:**

Renuka and Seema Gavit, together with their mother Anjanabai Gavit, resided in a rented room in Gondhale Nagar, Pune. In western Maharashtra, they made a career by robbing people of their jewelry and valuables during processions, fairs, and festivals. They began kidnapping young children after becoming inspired by the thought of using toddlers as a shield to make themselves appear innocent in public. They kidnapped 13 kids between 1990 and 1996, even killing 9 of them and dispersing their bodies over the Kolhapur district. They were promptly detained by the Kolhapur police, and the Bombay High Court recently condemned them to life in jail. They had previously been sentenced to death.¹³

3. **Neha/Neah Verma**

Verma, an Indore-based beautician, was one of the organizers of the notorious 2011 Indore triple murder case. Three women from the targeted Deshpande family had been robbed and murdered by her and two other people, and they had made off with the stolen goods. The three was swiftly shot by the police and given a death sentence by the Indore district court in 2013.²⁴³⁴

SUGGESTION AND OBSERVATION:

Nonetheless, the elaborate specialists ought to urge progressing endeavors to address execution challenges on the grounds that doing so would propel the common goal of bettering circumstances for ladies detainees, their families, and their networks. The reasons and

convincing conditions that lead a lady to perpetrate that particular wrongdoing ought to be thought about by the courts while settling on choices in cases.

In bigger urban communities, wrongdoing possess presently incorporate ladies who carry out violations like dacoity, burglary, robbery, hijacking, kidnapping, pickpocketing, chain or watch grabbing, misrepresentation, phony, and medication dealing.

Ladies who participate in such criminal way of behaving have a penchant to manhandle the legitimate structure planned to shield them. First-time wrongdoers make up most of female arrestees. They don't recidivist as habitually as men do. Individuals much of the time accept that prisons are just for men. In any case, both the number and the level of ladies in the slammer have expanded during the beyond a decade.

It is guaranteed that counteraction is desirable over treatment, however even in a huge and different country like India, wrongdoing anticipation is a great errand. The issue of forestalling wrongdoing among ladies in India is impressively more noteworthy on the grounds that it is hard to distinguish the more vulnerable networks and people, especially ladies. The uninformed ladies ought to be educated about the job that ladies play in the public arena, their privileges, and the regulations that apply to them. Grown-up instruction and social consideration associations ought to teach grownups about the law, unlawful exercises, and how to report them or avoid them. Female hoodlums who are carrying out jail punishments as a result of violations they carried out alone or working together with different mates ought to be offered the chance to change their way of behaving so that when they complete their sentences and are set free from jail, they will be ladies without criminal qualities who are more educated and mindful, empowering them to abstain from perpetrating wrongdoings and partner with different crooks. A lady who has carried out a wrongdoing ought to be offered

²⁴³⁴ Neah VERMA/ <https://murderpedia.org/female.V/v/verma-neah.html>



the chance to release her nurturing obligations as a feature of restoration and help programs. Giving female detainees admittance to great clinical consideration and even recovery ought to be really important.

In order to prevent both men and women from engaging in criminal behavior, the solution ultimately lies in the economic and educational empowerment of women along with a good law and order situation.

