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Female Criminality in India: Prevalence, Causes and Preventive Measures¹

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Abstract

This article deals with Female Criminality in India. The paper reviews some of the theories based on female criminality, both early times and contemporary; and relate to the explained causes and measures of prevention with the conditions prevailing in present times. Data on crime from the National Crime Records Bureau (NCRB) shows that though women criminals are a minority compared to criminals convicted for heinous crimes, the number of females arrested for criminal activities show a drastic increase in recent years. Thus, based on data available, the paper tries to find out the type of crimes which is been attracting more female to its trap. Also, it tries to recognize the social environment that contributes to the making of women criminals. Studying the factors leading to the causes of making of female criminals, re-examining the solutions provided by criminologists over the year and studying the recent trends, this paper tries to bring out certain measures that can be adopted to bring about a significant positive change to the rate of crimes done by women.

Keywords: Female criminality, Crime, Crime causes theory, Social conditions.

Introduction

The history of mankind reveals that the woman has been the foundation stone of a family in particular and society in general. Especially in India, a woman is seen as preserver of social norms, traditions, customs, morality and family cohesiveness. In the present world a woman has taken up added responsibility of making a mark of her own to have an identity along with nurturing her family. However, it is sad to see that women's achievement is also getting extended towards criminality in the social, cultural, economic and political milieu of India. Female Criminality in India is at rise along with the increase in crime against woman. The issue has reached to an alarming level which has compelled

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all the socially responsible scholars to focus on root cause of female turning to criminal activities in larger numbers. Female criminality has been theoretically stated as complicated; less understood and subject to easy control. The social environment contributes a lot to the making of women criminals.

The gravity of the challenge increases manifold when we go through the available data on crime from the National Crime Records Bureau (NCRB). While women criminals are still a minority- they comprise only 6.3% (NCRB Crime report 2009) of the criminals convicted for crimes under IPC (Indian Penal Code). The Crime in India Reports reveal that the number of females arrested for criminals activities in 2003 were 1,51,675, and this shot up to 1,54,635 in 2007. Also, interestingly, the nature of crimes committed by them too, is gradually witnessing a sea change - from softer crimes like drug trafficking and prostitution to heinous crimes as murder. 3439 women were arrested for murder in 2005; 3812 in 2007 and 4007 in 2009 that is an increase from 5.4% in 2005 to 6% in 2007 and 6.4% in 2009 (NCRB figures).

Studying the available data, it is observed that along with the increase in total crime rate, crime committed by women is increasing. The total percentage of female criminals among the total criminals arrested for committing various crimes in 2001 has risen from 5.4% to 6.2% in 2011. Looking at the figures one would think that it is hardly 0.8% increase in a decade. However, going into details, it is observed that the nature and severity of crimes in which women are involved has undergone drastic change. Earlier there were lesser records of women involving in heinous crimes, however as time passed, women arrested for much harder and sophisticated crimes is at rise. There is a need to understand the pattern of female criminality and this article moves in this direction.

This article deals with type of causes of female criminality emerging due to socio-economic changes and provides recommendations to prevent women from becoming offenders. This article is divided in to two parts. The first part examines female criminality in India with statistical representation and the second part discusses on various causes of female criminality and it concludes with recommendations to prevent female criminality in India.

I. Female Criminality in India

As stated in the beginning, in India also the social environment contributes a lot to the making of women criminals. Here, it has more to do with the patriarchal society. According to Psychologist Anchal Bhagat, the female offenders have lost faith in social system. Women's fate is sealed and they face deprivation instead of constitutional rights and privileges. Discrimination within society exists from birth till last breath in most parts in India. Bhagat, in her work, had mentioned one such very famous example about a victim turned victimizer, Phoolan Devi. Her story as a victimizer starts with law failing to give her justice. Phoolan Devi denied of justice had turned into notorious bandit queen who later became politician. However, in her short struggle-full life she had gained lot of enemies and she was murdered. Stating an example like this Bhagat concludes that the compelling factors such as want of economic independence, recognition in society and to earn a respectable position in the society is what probably forces women like Phoolan Devi to resort to extreme steps of taking law in their hands. She also emphasizes that the courts while deciding cases, must consider the causes and persuasive reasons which led a women to commit that particular crime.

Bajpai and Bajpai (2000), states that as women are increasingly joining the mainstream of society, their share in crime as is reflected by the available data in India and elsewhere is also on the rise. They mention a very catchy statement which is, “The rights are first demanded, then commanded and later snatched”. In this fight for rights, either to obtain or defend them, clash is unavoidable which result in incidence of crime. Social scientists and social protection planners have not paid much notice to recognize and unearth diverse trends and quality of the offences committed by women in spite of the rapid rate of the participation of females in crime. Thus their work is an endeavor to recognize the psychology and sociology of the circumstances in which females commit crimes either intentionally or negligently.

As Pattanaik and Mishra (2001) stated that inspecting the framework of development and social change, the perception of female criminality is a current phenomenon both in developed and Third World countries including India. According to them, female criminality is a result of diverse socio-economic-cultural and environmental factors resultant of rapid industrialization, westernization and urbanization. However, the current increasing rate in the crime committed by female has drawn the attention of psychologists, sociologists and criminologists both at the international and national scene. Thus, it has not only given a strong blow to our social and cultural heritage but also affected the social structure of Indian society.

Hartjen (1997) has clearly mentioned that in spite of sharing a legal status equal to that of males, females in India are by no means socially and economically equal, nor do they display official and self-reported crime rates anywhere near those of men and boys. It is commonly found around the world that a distinct gender gap exists in the male and female ratio of criminals arrested for crimes committed. In India, the overall male and female ratio is around 20:1. However, in other third world countries, this ratio is about four times greater than the economically developed countries. This implies that the developed societies have fewer gaps in male and female ratio in crime committed. According to him the self-report data narrows this gender gap considerably. But, the remarkable thing about the criminality of women and girls in India is that there is so little of it and the reason being the lack of basic data, explaining female crime in India remains a task yet to be undertaken. However, there is explanation to believe that theoretical concepts of etiology developed in Western criminology may apply to India also. As such, the relatively infinitesimal offense rates for Indian females may reflect how their suppressed social position, in effect, hinder their ability to initiate or engage in criminal conduct as such. He made suggestions for future research on virtually all dimensions of female crime and justice made.

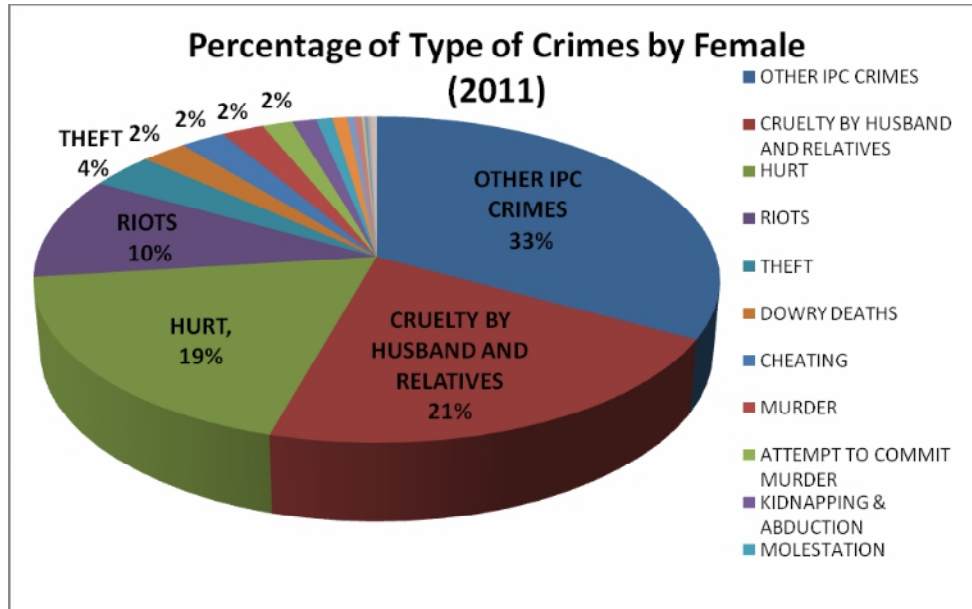
Statistical representation of Female Criminality in India (Government of India, 2011)

In Table 1, the crimes committed in India, are shown head-wise and gender-wise for the years 2001 and 2011. The table shows the change in nature and ratio of crime committed by female in a decade. This table is prepared for the comparative study of the crime rate within a decade in India which shows an increasing trend and female criminality getting extended from minor crimes to heinous crimes. Total crimes committed by female increased from 144608 to 193555 that is the percentage increase of crimes committed by female increased from 5.4% in 2001 to 6.2% in 2011. Female committing heinous crimes like murder is at rise from 4.6% in 2001 to 6.3% in 2011 and attempt to commit murder by female has increased from 2.6% to 4.2% in a decade.

Table 1: Persons Arrested under IPC Crimes in India (2001 & 2011)

Persons Arrested Under IPC Crimes in India 2001 and 2011 (Crime Head-Wise And Gender-Wise)											
		2001				2011					
Sl.No.	Crime Head	Male	Female	Total	Percentage To Total		Male	Female	Total	Percentage To Total	
					Male	Female				Male	Female
1	MURDER	71888	3434	75322	95.4%	4.6%	66150	4443	70593	93.7%	6.3%
2	ATTEMPT TO COMMIT MURDER	75844	1995	77839	97.4%	2.6%	72895	3179	76074	95.8%	4.2%
3	C.H. NOT AMOUNTING MURDER	6472	123	6595	98.1%	1.9%	6928	160	7088	97.7%	2.3%
4	RAPE	19951	495	20446	97.6%	2.4%	28112	766	28878	97.3%	2.7%
5	KIDNAPPING & ABDUCTION	29379	1506	30885	95.1%	4.9%	54956	2527	57483	95.6%	4.4%
6	DACOITY	24396	107	24503	99.6%	0.4%	16758	250	17008	98.5%	1.5%
7	PREPARATION & ASSEMBLY FOR DACOITY	7402	28	7430	99.6%	0.4%	11360	19	11379	99.8%	0.2%
8	ROBBERY	29395	128	29523	99.6%	0.4%	35252	294	35546	99.2%	0.8%
9	BURGLARY	65857	1039	66896	98.4%	1.6%	66819	1549	68368	97.7%	2.3%
10	THEFT	157964	4250	162214	97.4%	2.6%	197401	6806	204207	96.7%	3.3%
11	RIOTS	377540	20826	398366	94.8%	5.2%	334525	19461	353986	94.5%	5.5%
12	CRIMINAL BREACH OF TRUST	15229	422	15651	97.3%	2.7%	23284	760	24044	96.8%	3.2%
13	CHEATING	41303	1484	42787	96.5%	3.5%	88147	4717	92864	94.9%	5.1%
14	COUNTERFEITING	1939	41	1980	97.9%	2.1%	2063	67	2130	96.9%	3.1%
15	ARSON	13465	269	13734	98.0%	2.0%	12077	303	12380	97.6%	2.4%
16	HURT	458080	30506	488586	93.8%	6.2%	479835	36063	515898	93.0%	7.0%
17	DOWRY DEATHS	15908	4473	20381	78.1%	21.9%	19814	4764	24578	80.6%	19.4%
18	MOLESTATION	41733	511	42244	98.8%	1.2%	52069	1698	53767	96.8%	3.2%
19	SEXUAL HARASSMENT	12299	140	12439	98.9%	1.1%	9687	193	9880	98.0%	2.0%
20	CRUELTY BY HUSBAND AND RELATIVES	83546	25921	109467	76.3%	23.7%	139403	41298	180701	77.1%	22.9%
21	IMPORTATION OF GIRLS	206	14	220	93.6%	6.4%	203	18	221	91.9%	8.1%
22	DEATH DUE TO NEGLIGENCE	52280	426	52706	99.2%	0.8%	90046	267	90313	99.7%	0.3%
23	OTHER IPC CRIMES	924856	46470	971326	95.2%	4.8%	1144506	63953	1208459	94.7%	5.3%
24	TOTAL COGNIZABLE CRIMES UNDER IPC	2526932	144608	2671540	94.6%	5.4%	2952290	193555	3145845	93.8%	6.2%

Diagram 1: Percentage of type of crimes by Female (2011)



The diagram 1 shows the percentage of type of crimes committed by female in the year 2011. It is evident that among the reported crimes, the highest percentage of 33 is for the ones which are petty crimes that are put under the heading ‘other IPC crimes’, followed by household crimes at 21%, which are done with collaboration with men and other relatives, third being cases of hurting someone physically at 19%, followed by taking active part in riots at 10% and performing theft at 4%. Remaining crimes like dowry deaths, cheating, murder, and attempt to commit murder are placed at 2%. And finally, crimes like kidnapping, abduction and molestation are lesser than 1%.

Diagram 2: Percentage to total female arrest under IPC crimes (2009-2011)

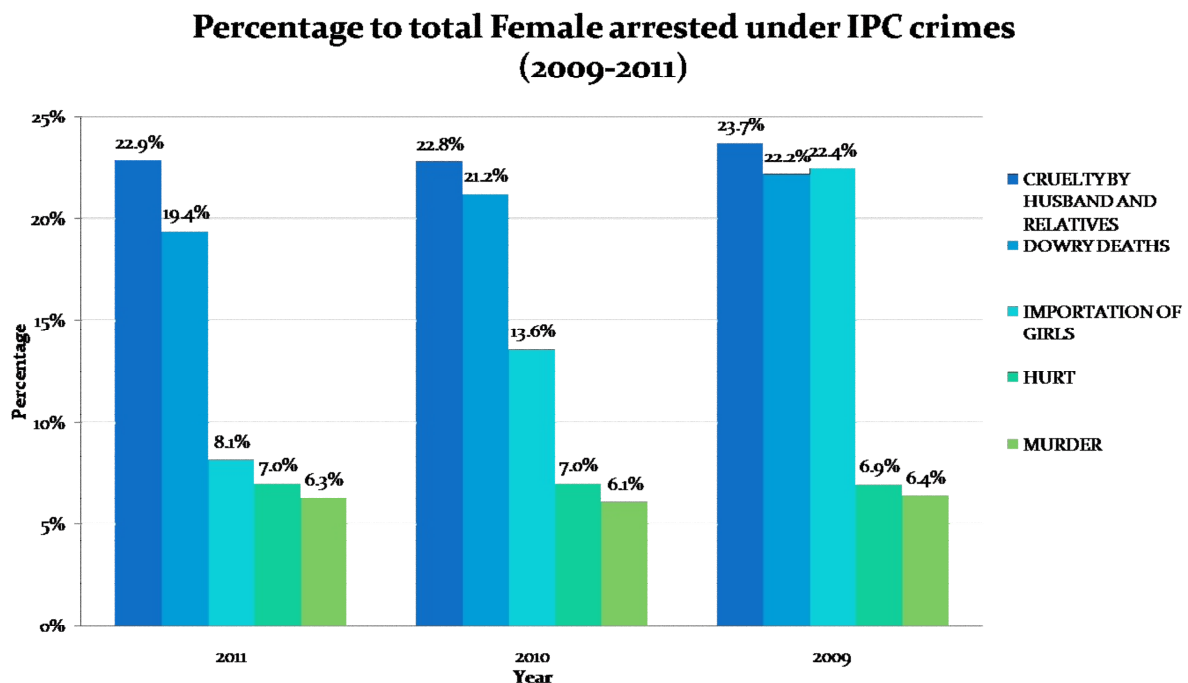


Diagram 2 depicts a multiple bar graph that shows the percentage to total female arrested under IPC crimes of three years from 2009 to 2011. In the above diagram, crimes committed by female like Cruelty by husband and relatives, Dowry deaths, Importation of girls and Hurt are taken into consideration. As from year 2009 to 2011, these crimes have seen a rapid increase. Cruelty by husband and relatives increased from 22.9% in 2009 to 23.7% in 2011. Dowry deaths have seen a rise from 19.4% in 2009 to 22.2% in 2011. In spite of stringent laws against dowry and the crimes related to it, this social stigma continues to haunt our society. Women hurting other women are on the rise. Importation of girls as compared to other crimes have seen drastic rise in 3 years. The percentage of importation of girls has increased from 8.1 to 22.4, which clearly shows the increased flesh trade in India and female contribution or involvement in such crimes. Finally crimes related to hurt and murder has remained on low profile and seen a slight increase in percentage.

Diagram 3: Number of female arrested under IPC crimes (2009-2011)

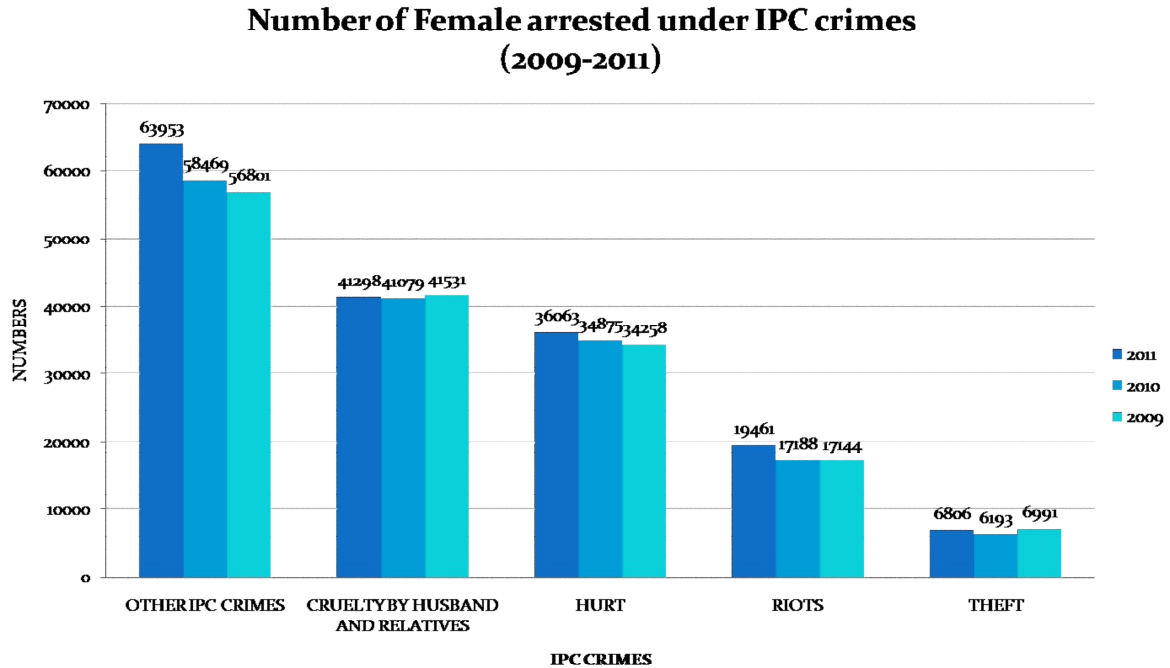


Diagram 3 shows the total number of female arrested under IPC crimes from the year 2009 to 2011. It shows that though in percentages the crime rate looks meager as compared to male contribution to similar crimes. However, when seen in numbers, they give us an idea of the amount of crimes female is involved in. In the above diagram we can see that the top five crimes committed by female have seen an increase in numbers from the year 2009 to 2011. Other IPC crimes increased from 56801 to 63953, depicting the increase in petty crimes committed by women. Cruelty by husband and relatives show a slight decline due to the stringent laws against dowry related crimes. Thus, it has slightly come down from 41531 to 41298. Crimes related to female involved in hurting others have increased in numbers from 34258 in 2009 to 36063 in 2011. Female involved in riots related crimes has increased from 17144 to 19461 from 2009 to 2011. Finally, theft crimes committed by female saw a slight dip in 2010 as it lowered to 6193 from 6991 in 2009 but increased in 2011 to 6806.

Diagram 4: Number of female arrested under IPC harsh crimes (2009-2011)

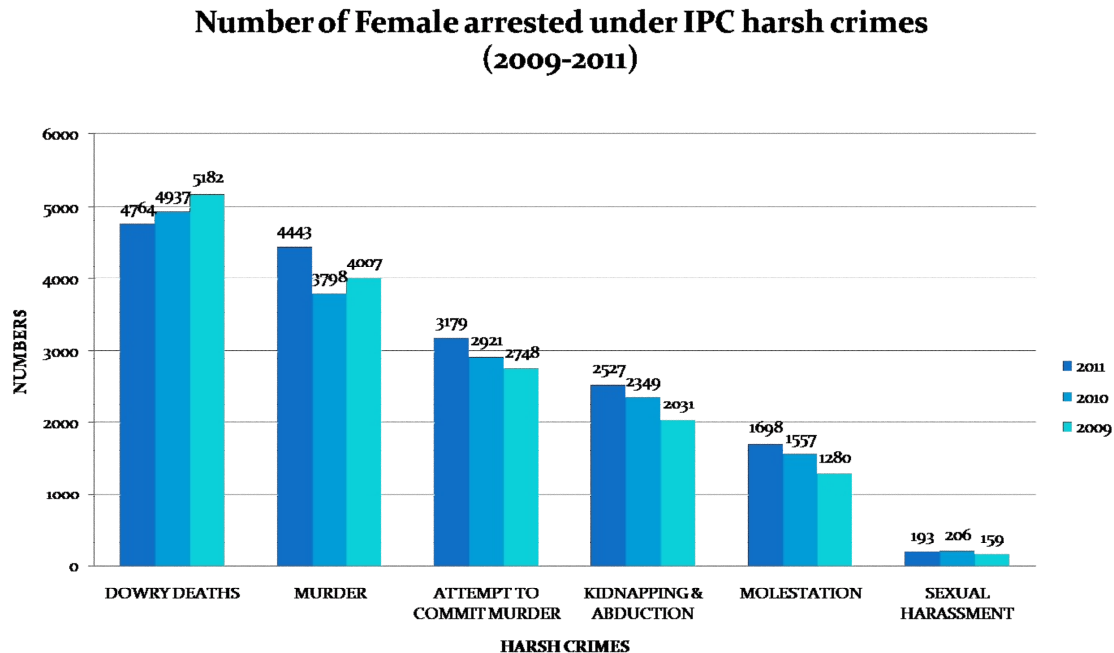
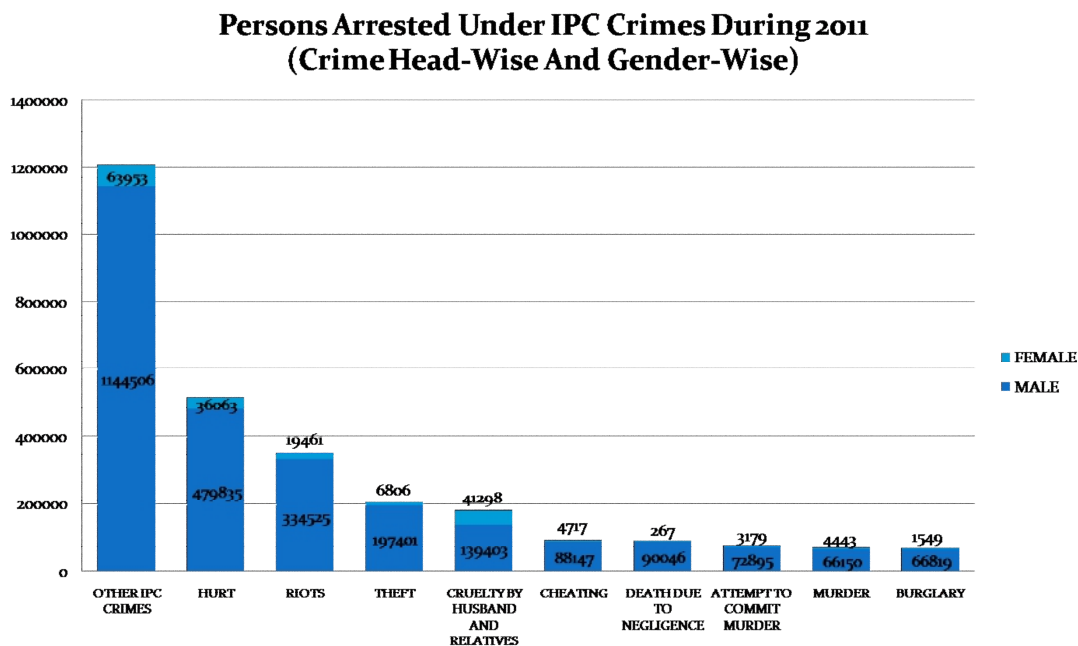


Diagram 4 depicts a multiple bar graph that shows the number of female arrested under IPC harsh crimes in three years from 2009 to 2011. In the above diagram, harsh crimes committed by female like Dowry deaths has reduced in numbers from 5182 to 4764 owing to stringent laws against dowry related crimes. Heinous crime like murder has seen a fluctuating trend wherein the number of murder committed by female was 4007 in 2009 and went down to 3798 in 2010 and shot up to 4443 in 2011. Attempt to commit murder has increased in numbers from 2748 in 2009 to 3179 in 2011. Followed by, kidnapping and abduction, this has seen an increasing trend from 2031 in 2009 to 2517 in 2011. Molestation is another one of the harsh crimes that has increased in numbers from 1280 in 2009 to 1698 in 2011. Finally, sexual harassment cases are very less and the only possible reason is that this kind of crimes not usually reported.

**Diagram 5: Persons Arrested Under IPC Crimes During 2011
(Crime Head-Wise and Gender-Wise)**



II. Causes of Female Criminality in India

Causes based on biological viewpoint postulated by early criminologists were baseless and does not apply to women in India. The early researchers attributed female criminality to biological or sociological antecedents. Crime, as a behavioral or social problem, is complicated and not easily understood. Women are considered as turning crime as a perversion of feminine role whether their causes are biological, psychological, social or environmental.

Biological Viewpoint

Under the Biological Viewpoint, Caesar Lombroso's contribution is considered as the foundation 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 stated that female criminals are more terrible than the male criminals because cruelty by a female was much more 'refined' and diabolic than men. Lombroso thought women shared many qualities with children and they were morally deficient and their lack of intelligence was the reason of their relatively small participation in crime. Lombroso and Ferrero (1895) postulated a theory that was based on 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. However, we feel that, Indian women are inclined to crime more because of social or economic deprivation than being biological throwbacks.

Pollak elucidated the influence of hormonal changes over menstruation, pregnancy and menopausal stage. He stated 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. However, in the present age of information technology and impersonal relations, such basic theories seem to be unreasonable and unscientific and especially for India it is not applicable. All the biological theories depict crime as an inherent human trait which does not adequately describe the phenomenal variations in the nature of crime being committed these days, when crime has risen up to the status of career for many, involving highly advanced professional skills and typical scientific techniques.

Psychological Viewpoint

Women who are not passive and content with their traditional roles as mothers and wives are maladjusted. Maladjusted women refuse or fail to internalize the values associated with the role in the society. Women convict(s) display emotional instability, insecurity, rejection or frustration. They would have encountered harsh living conditions, disappointments in love and a large number of unfortunate experiences which generally made it difficult for them to face realities of life. Stress is higher for women on average than for men, primarily due to blocked opportunities, and the conflicting message of motherhood versus work. Women with lower social status experience higher stress, on average, than women with higher social status. Women are afraid to express anger because it could alienate those around them. So they suppress anger and most women cope by changing anger to guilt, failure, and sadness. Women “bottle up” their feelings until it finally explodes in lethal violence. Women experiencing peaks of stress are more likely than men to explode with episodes of extreme uncontrolled violence. Situations that cause continuous stress and isolation combine with poor coping skills and the over-controlled personality to result in violence. Psychological viewpoint is applicable to Indian scenario as there are several crime committed because of depression and frustration.

Sociological Viewpoint

A plethora of writings on sociological viewpoint emerged during the last few decades. This viewpoint stress upon how social factors lead to a woman turning a criminal. Women in India, in spite of so much development and awareness face inequality in every phase of life. Equality for women is not practiced as it is stated in Constitution of India. Due to inequality, women miss most of the opportunities in life which in turn affect her financial independence and thus her economic status is lowered. Women in Indian society are always expected to understand and adjust according to the world around her. This unequal position of women in society due to social oppression and economic dependency on men and the state needs to be addressed. In most ways, crimes women commit are considered to be final outward manifestations of an inner medical imbalance or social instability.

Based on Klein's (1973) works there are many cases recognized for the causes and increase of Female criminality in the world. However, there are only few reasons that would be true in context of Indian society. According Klein, the shared assumptions running through the works of all the author who have postulated theories on the causes of female criminality include the proposition that female crime is the result of physiological or psychological characteristics of individuals, with little or no recognition being given to the importance of social-structural factors. Poisoning a child or an adult at home, sexual crimes, shoplifting and other thefts, abortions, etc. are easily hidden by them. However, these crimes are committed not only because of the physiological or psychological

characteristics of a woman but is also could be the end result of her socio-economic conditions.

Adler (1975), studied prostitution, drug addiction, and juvenile law-breaking among females and she has credited these crimes to the liberation movement of women and women's assertiveness. According to her educated girls and women are keener to defy traditional restrictions and social roles. The lessening of manacles on women is further likely to increase female crime. However, in Indian context, more restrains are resulting in bigger crimes.

Empirical studies conducted on female crime in India have by and large supported Klein's etiological explanation wherein as discussed earlier. Sharma (1963) summarized in his study that in India among Indian women, strained interpersonal relations with husband and other family members, husband's extra-family relations, deprivation and denial of basic needs of life (like affection, security, etc.) were the main causes of frustrations and ultimate crimes. Writers like Bilmoria (1987) and Kuckreja (1986) have also supported Sharma's theory of 'family maladjustment' and role conflict in family' as reasons for female criminality.

In Indian context, certain cases where the murder victim was the respondent's own child, the murder was committed either because the child was illegitimate or the woman was afraid of social exclusion, or in a moment of extreme danger because of a dispute with the husband. Thus, in most of the cases, husband-wife relationship proved quite an important factor in the causation of murder. The other causes recognized were illicit relations of the offender with some man, illicit relations of the victim with some woman and conflict with husband and/or ill-treatment by husband, which in turn proves the validity of the hypothesis of family maladjustment as the main cause of female criminality.

It is observed that not only in murders but also in other crimes, family plays an important factor. For example, in excise offences, when husband was arrested for illicit distillation, his wife too was arrested for helping the husband in illegal activities. In cases like these, the wife merely helped her husband in his economic pursuits because of her duty as a wife and not because of any desire to violate the social or legal norms. This is very common in Indian context.

Many cases in India show that women were labeled 'criminals' not because they had 'criminalistic tendencies' but because their family male members were so labeled. Thus it is evident that most of the thefts committed by women are not the result of psychological or social aberrations but are due to family and economic compulsions. In most crimes in which women are arrested play secondary/supportive roles. They are, therefore, not to be treated as sole perpetrators of these crimes. Thus, the hypothesis regarding the role of family in female criminality is thus fully justified.

The theory postulated by Simon (1975) and Adler (1977) which explained female crime in terms of the breakdown of prevailing patterns of 'sexual inequality' do not explain crime situation in India in spite of the fact that in our country too there are Women's Liberation Movements. However, in India, Liberation movement is confined to only urban areas whereas large numbers of female criminals in our society come from the rural areas where women never talk of equal rights with men and there is no breakdown of sexual inequality. Also, it is clear in Indian context that it is not the physical and psychological factors which account for female crime but it is the non-harmony and

instability in family relationships or disintegration of family life which mainly explain crime among women.

Recommendations

Preventive Measures

It is said that prevention is better than cure and having said that, in case of crime and prevention, that too in a vast and diverse country like India, is a humongous task. Crime prevention among females in India is even bigger challenge because it is difficult to recognize the vulnerable areas and people especially women, easily. General awareness of the role of woman in a society, her rights and laws for them should be briefed to the uneducated women. Legal awareness and awareness about illegal activities and to report or keep themselves away from illegal activities should be provided by social service/ adult education units. Sex education plays an important role wherein the women indulge in crime following lack of awareness regarding sex-rackets and flesh trade. And also need to be informed about the harsher laws against being a part of such crimes. Constructive social action movement to spread awareness is important. In order to reduce tensions in the family or society it is advisable for couples and families to undergo Pre-marital and post-marital counseling. It is necessary to treat domestic violence cases harshly to avoid future crimes and laws against dowry must be implemented properly.

Corrective measures

Female criminals who are serving their term in the prison due to crime committed by them or in collaboration with other companion / companions, should be given a chance to rectify or correct their ways so that when they finish their term and come out of the prison, they should be a lady with no criminal attributes, well informed and more aware, which would enable her to stay away from the crimes and other criminals. Most women are deprived of their liberty and do crimes to break off the chains of cruel traditions. Such women should be given enough support and help to be independent and do something worthwhile for herself, her family and her kids. In prisons, women are engaged in various activities like cooking, tailoring, gardening, painting, handicrafts etc. which is a positive initiative and helps a lot to improve their self respect and confidence. Proper public awareness is also a need as a criminal returning to her society is not accepted and is taunted by everyone. This might result in her ending up committing other harsher crimes. People need to be made aware of the rights of a reformed criminal as they too have the right to continue with their life as before.

Rehabilitative and Supportive measures

Under rehabilitative and supportive measures, a female criminal should be given chance to fulfill her parental responsibilities. Attention should be paid on providing female prisoner with proper medical aid and even on rehabilitation. In case a female offender suffers from a mental condition and she comes out of prison after serving her term, she would probably continue to commit crimes because the problem still subsists in her, and who knows it would have probably even become from bad to worse. Caretaking of children of imprisoned mothers should be done or they should be allowed to be in touch with their kids and relatives. Access to legal advice should be provided as most of the women come to prison for no mistake of their own.

Conclusion

As with the UN Standard Minimum Rules for treatment of prisoners (1955), in great variety of legal, social, economic and geographical conditions worldwide, it is evident that not all of the above mentioned measures can be equally applied in all places and at all times. The concerned authorities should, however, serve to motivate a constant effort to overcome practical difficulties in how the rules and measures are implemented, as it would lead to the common goal of improving outcomes for women prisoners, their children and their communities. The courts while deciding cases should look at the reasons and compelling factors which led a woman to commit that particular crime. As observed in most of the case studies done by other writers, our unbiased social system is one of the main reasons why women resort to crime as retribution to her suppression. Thus, there is no such particular theory to explain female criminality. And also to find a fool proof formula to tackle the increasing crime among women, a detailed study by criminologists could probably provide an answer to all unanswered questions.

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