

Author:  
Dilpriya Juneja  
Law Graduate from Amity Law School, Noida.

## **FEMINIST CRIMINOLOGY: THE RISING OF THE BRANCH**

### **Introduction**

Crime is the infringement of the principles and directions upheld by the general public every once in a while for which discipline is recommended by law. Individuals rely upon to act as per the set up standards and laws. In any case, when an individual thinks that it's hard to fulfill his needs and wants in socially acknowledged way, he tries to locate a contrasting option to meet out his wants and needs.

In India, the Code of Criminal Procedure (CrPc) divides crimes into two heads: cognizable and non-cognizable. Under cognizable crimes, the police has the duty to make an ignite move on receipt of an objection or according to the data identifying with crime. The activity of police constitutes enrolling the case, going by the scene of crime, exploring the realities, securing the offender and creating the offending individual under the steady gaze of the proper law court. Cognizable crimes are again sub-partitioned which are falling under either the Indian Penal Code (IPC), or under the Special and Local Laws (SLL). Under cognizable crimes the police can arrest a person without a warrant, under the first schedule under the Criminal procedure code. Under the non-cognizable cases the police cannot arrest any person without a warrant.

### **CRIMINALITY AMONST WOMEN**

Female Criminality stimulates major issues and is often viewed as critical dangers to the general public.

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

Criminality amongst women is indeed a serious social problem it may be considered a crucial problem because of its impact on family, upbringing of children and the overall fabric of the society. The topic of women and crime has recently developed into broad field of research in the field of social work, sociology, criminology and law.

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

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

Most arrested females are usually first time offenders. They do not recidivist as often as do males. It is a common perception that prisons are for men. The last decade has, however, seen a surge in both the number and the proportion of incarcerated women. Although they still make up a small percentage of the total prison population, yet they are fastest growing population. Further, their involvement in more violent crimes has

awakened the researchers from their slumbers to take a serious look at the female criminal justice system.<sup>1</sup>

## **HISTORY OF CRIMINALITY AMONGST WOMEN**

Criminality amongst women is not new but still it could attract the attention of sociologist only during late 1950s. Even today, the name of Putna, a character of Mahabharata, who used to kill the infants by feeding them through her poisonous nipples and that of Swarpanakha of Ramayana who brought the nation at the brink of war because her lust was not fulfilled by Ram and Laxman, are not out of tongue.<sup>2</sup> The criminality amongst women has been gaining much attention only in recent past since their participation in the criminal activities has increased much higher rate. To have an understanding the historical perspective of the issue is of crucial importance.

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

In the recent times women have been participating in various aspect of social life including academic, scientific, culture and other productive and non-productive activities. The growing participation of female in these specified fields might be one of the contributing factors for the increase in the crime rates among women.

## **FEMALE CRIMINALITY IN INDIA**

---

<sup>1</sup> Female criminality, retrieved from

[https://shodhganga.inflibnet.ac.in/bitstream/10603/54471/6/06\\_chapter%201.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/54471/6/06_chapter%201.pdf) , accessed on 5<sup>th</sup> Oct 2020.

<sup>2</sup> [https://shodhganga.inflibnet.ac.in/bitstream/10603/54471/6/06\\_chapter%201.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/54471/6/06_chapter%201.pdf) , accessed on 5<sup>th</sup> Oct 2020.

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.<sup>3</sup>

Bajpai stated 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"

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.

Women are considered as turning crime as a perversion of feminine role whether their causes are biological, psychological.

---

<sup>3</sup> Female Criminality in India: Prevalence, Causes and Preventive Measures, retrieved from <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf> , accessed on 5th Oct 2020.

Under the Biological Viewpoint, Caesar Lombroso's contribution is considered as the foundation of scientific study on female crime. 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.<sup>4</sup>

Under the 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

---

<sup>4</sup> Female Criminality in India: Prevalence, Causes and Preventive Measures, retrieved from <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf> , accessed on 5th Oct 2020.

Indian scenario as there are several crime committed because of depression and frustration.<sup>5</sup>

### **Conclusion**

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.

Traditions of purdah, sati, youngster marriage and limitations on dowager marriage have been the components in charge of the injustice done towards women. Lady was not qualified for the investigation of Vedas, or for the utilization of mantras in performing holy observances with the exception of marriage. Expansion in the capture of ladies may mirror the governmental issues of law implementation, the changing impression of female offenders by the criminal equity framework and the changing substances of ladies' financial position. It is the financial and ecological elements that are given significance for clarifying female criminality. Insights on female criminality uncovers that female criminals contribute a numerically littler extent than that of male offenders. Be that as it may, at show, there is upward pattern in the quantity of crimes carried out by ladies.

---

<sup>5</sup> *Ibid.*