

# THE CRIMINALITY OF WOMEN IN INDIA\*

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The present paper is an attempt to analyse the nature and pattern of women's criminality in a changing world. In view of the studies on criminality of women we examine the extent and forms of the women's deviance analysing the old and new perspectives of the female offender. The paper is divided into three sections, namely, (I) Historicity of women's criminality; (II) the traditional theory of women's criminality; and (III) the present perspective of women's criminality. We have tried to explore the rising criminality of women not only in the official criminal statistics and impressionistic media but also with an understanding of the social roles of women in the changing milieu of the modern world. Depending on the changing role of women vis-a-vis the environment and work, the pattern of crime among them has also undergone some form of change.

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The criminality of women has long been a neglected subject area of criminology. It has been the traditional opinion of criminologists that women commit relatively few crimes and that when they do so they somehow betray their womanhood by venturing out into a reserve of man. In the last decade the proportion of female arrests among the total number of persons arrested has increased rapidly. This seems to be an indicator of the increasing deviance among the women. The present paper will try to provide an alternative explanation for the rising criminality among women. In order to do this it is necessary to understand the assumptions made by traditional writers on the subject. Any sociological research assumes that the character of the female offender is moulded by social conditioning. Sociologists discarded the old view of the born criminal and began to investigate the difference of structural variants and environment of criminals (Nagla, 1981). In this paper an attempt will be made to know which of these two views or both determine the criminal behaviour of women. For this, it is necessary to understand the social roles of women in the changing milieu of the modern world.

In the recent decades women have been

participating in various aspects of social life including academic, scientific, technical and other productive and non-productive activities. The growing participation of women in these fields may be one contributing factor for the increase of crime among them. Of course, the rate of crime among the females is less than that of males. This unequal rate of crime may be due to a few reasons, namely, increase of male crime and the dampening impact of the traditional role of women on the crime. Nevertheless, the rate of crime among women is increasing steadily (Studies of Female offenders, Home Office Research Unit, 1967). It has been argued that the socio-economic vulnerability of women is the dominating factor which explains the rising trend and crime among women (Adler and Simon, 1975).

Most studies on criminality of women in criminology and allied fields have emphasized two aspects of criminality. One group has given more emphasis on the nature and pattern of deviance in general. The other group focussed on individuals including case studies. A few scholars have also discussed the legal aspects of this subject. In this study, we examine the extent and forms of the deviance with special reference to the old and new perspectives of female offen-

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ders. In the first section of this paper, existing studies on criminality in their historical perspective have been analysed. The second section discusses the traditional theories in detail. In the light of the first and second sections, we have analysed the criminality of women in a new perspective highlighting the social conditioning including the changing aspects of social roles.

## I

### *Historicity of Women's Criminality*

Until recently, the issue of female deviance was neglected by the mass media and serious academic studies. The system of criminal justice, which was predominantly a male one gave overwhelming emphasis to male deviance. But the increasing crime rate among females in recent years has drawn the attention of criminologists and others. In the following pages, a historical analysis of this issue is discussed.

The first scientist of the nineteenth century to inquire into female criminality was the French mathematician and astronomer Quetelet. He posited that the physical strength of women was half that of men and attempted to demonstrate that female violent criminality approximated male violent criminality also by half. His work stimulated debate about freewill and determinism that had influence on criminal legislation (Quetelet, 1835). In the last decade of the 19th century, Lombroso in Italy found that criminal women had certain physical abnormalities. He supported this contention on the basis of measurement of bones of human skeletons of criminal women in Turin prisons. He tried to differentiate between casual and habitual offenders on the one hand, and hereditary and pathological offenders on the other.

In the beginning of the 20th century there

was a marked shift in the orientation of measuring characteristics of offenders. Bonger (1916), a Dutchman, and a disciple of Marx argued that social and economic factors should be taken into consideration while analysing female crime. Many scholars including Keller, Thomas, Weidensall, Fernald etc., were influenced by the Freudian thinking which suggested that women may commit crime out of a sense of deficiency. In a pioneering criminological study, Gluecks in U.S.A. examined the female offenders by studying the biological and environmental conditions to which these offenders were exposed. Even though they examined the biological and environmental variables, their conclusion was interesting sociologically. Picking a thread from Gluecks' conclusion, Pollak (1950) tried to analyse the female offenders. He viewed the female offenders in the light of their total integration in society and maintained that crimes were limited by the psychological and physiological characteristics in female anatomy. Obviously Pollak was also influenced by Freud propounding this view.

In the early sixties, studies of criminality took an interesting turn. Mannheim (1973) tried to examine female deviance in relation to penal legislations in their historical and comparative perspective and focussed on the discriminatory nature of the bulk of the penal legislations prevalent in U.S.A. and many parts of Europe. On the basis of these evidences he has tried to assess the impact of these discriminatory legislations on female offenders. Klein and Kress (1976) maintain that increase in arrest rates of women may reflect the politics of law enforcement, changing perceptions of female offenders by the criminal justice system and changing realities of women's economic position. Klein (1973) has criticised the criminologists for their class, sex, and race bias and suggested that any new research should not be influenced by

the old assumptions. Thus, in the recent years it is the socio-economic and environmental factors which have been given importance in explaining women's criminality. The physiological and biological variables have been given less importance as explanatory factors,

## II

### *The Traditional Theory of Women's Criminality*

Most persons arrested are males. Men are arrested eight times more often than women. The arrest rate for men is higher than that for women for every offense except prostitution: Because the preponderance of criminal activity has been attributed to men, theoretical explanations have been focussed on male criminality. Is female criminality that much lower than male criminality, and if so, why the differences? Some reasons advanced by Haskell and Yablonsky (1978: 255-259) for the lower female arrest rate and for the apparently lower female participation in crime are: <1) Female roles are more clearly defined (2) Females are more closely supervised (3) Females receive greater protection (4) Females have opportunity for household employment (5) Male roles are more active (6) Men are likely to be chivalrous. (7) The public perceives men and women differently (8) The police react differently to men and women. Pollak (1950), in his analysis of female criminality, comes to the conclusion that the number of crimes committed by women is greatly underestimated. He feels that the following female crimes are being underreported. (1) Thefts by female servants (2) Thefts by prostitutes (3) Blackmail (4) Sex offenses (5) Abortion (6) Homicides (7) Infanticides. It seems that the number of arrest of females will go up significantly if all the cases are reported.

Men commit more crimes than women (Sutherland and Cressey, 1970). It has also been pointed out by Heidensohn (1968) that the deviance of women is one of the areas of human behaviour most notably ignored in sociological literature (Fox, 1979). This could be interpreted in the traditional explanation of Masculinity, and Opportunity and Control theory of criminality. Traditional feminine behaviour is viewed as the antithesis of criminality. Criminality and masculinity are linked, because the sort of acts associated with each have much in common. The demonstration of physical strength, a certain kind of aggressiveness, visible and external "proof" of achievement, whether legal or illegal, these are facets of the ideal male personality and also much of criminal behaviour. Both male and female criminals are valued by their peers for these qualities. Thus, the dividing line between masculine and what is criminal may at times be a thin one (Oakley, 1972: 72). Haskell and Yablonsky put the matter more boldly when they assert that "since men are expected to be aggressive, males are more likely to be delinquent than females, who are expected to adopt a more passive role" (1974: 67). They argue that, historically, the masculine gender role has afforded males greater opportunity to engage in crime and, simultaneously, has imposed fewer social controls on them. Some have argued that girls commit less delinquency acts than boys because the traditional feminine role ensures that they are more closely controlled by their parents and others (Turk, 1969: 105; Hoffman, 1973: 18; Hirschi, 1969: 53; Moss, 1972: 28; Chafetz, 1974; Bardwick and Douvan, 1972; Fagot and Patterson, 1969; Lynn, 1969; 40). Consequently, Shover *et al* (1980) hypothesize a positive relationship between traditional feminine role and belief in the validity of rules and law and a negative relationship between traditional masculine role expecta-

tions and the latter variable. Belief in the legitimacy of rules and law is then assumed to be negatively related to delinquency involvement (Shover *et al* 1980: 164-165). Why do girls commit fewer acts of delinquency than boys? The most common explanation stresses the traditional differences in male and female roles, the former being more conducive to criminal involvement.

Mawby (1980) has given five explanations which relate female offending to the social roles of females in society: (I) Expectation of Appropriate Behaviour (II) Social Control (III) Opportunity (IV) Career Models (V) Attitudes. The five issues are, however, somewhat speculative. Many theories concerning the etiology of female crime, however, focus on the home situation. This argument has been challenged recently on a number of grounds (Smart, 1976; Datesman and Scarpitti, 1975; Baldwin and Bottoms, 1976; Edward, 1973).

### III

#### *The Present Perspective of Women's Criminality*

In the previous sections we have seen the trend of theories dealing with women's criminality in their historical perspective in general and the traditional theory in particular. In the present section we have analysed the issue by emphasizing the roles of women and the changing form of criminality. To support our contention various official statistics have been analysed and cited. A few studies have been done in India particularly on the criminality of women in Sociology, Psychology, Criminology and Criminal Justice. They are mainly: Ahuja (1969, 1970), Bhanot and Misra (1978), Rani (1980, 1981), Sharma (1963), Shastri (1975), Sivanandam (1974), Sohoni (1975) etc. In view of the studies on crimi-

nality of women, we examine the nature and pattern of women's criminality.

In contrast to popular and scientific claims we question whether female crime is rising or whether women are catching up with males in the commission of masculine, violent serious male-dominated and white-collar type crime. The women's movement has raised our collective consciousness in relation to women's sense of isolation and powerlessness in our society. A number of events in recent years may be shaping an end to the heavy sexist orientation of the criminal justice system. Probably, the most important among them is the sharp increase in female crime. Arrests of women have increased by two-third in less than a decade. Between 1968 and 1973, arrests of women for "serious crimes" ranging from auto-thefts to murder went up by 52 per cent; the increase for men in this period was 8 per cent only. Not only are more women being arrested for serious crimes, but more are being convicted and going to prison (Price, 1977). The increase of arrest of female criminals as compared to males is also supported by Sutherland and Cressey. These authors have found that in the United States the male arrest rate for serious crime increased by 18 per cent while the rate among females went up by 62 per cent between 1960-65. All these suggest that the rate of criminality is growing at an increasing rate. This can be seen from the table I and II. It is seen that the arrest of female offenders per lakh of population increased from 6.18 in 1971 to 11.13 in 1973 an increase of 83 per cent within two years. Of course, this percentage has slightly gone down to 8.32 in 1975. Similarly in U.S.A. the arrest of female offenders per lakh of population has gone up from 987 in 1971 to 1154.5 in 1975. The increase of arrest is true for all the countries except Thailand in this period.

When we look at Table 2 we find that

more women were arrested by the police in India under IPC crimes during 1975 when compared with the figures of arrests made in 1971. It is interesting to note that for every 59 males arrested by the Police in 1975, there was only one female, (Bhanot and Misra, 1976). It requires a deeper analysis to study this behaviour in India. We have found that the compound annual rate of growth among female offenders is increasing by 10 per cent as compared to 9 per cent among male offenders.

these propositions, however, first, the comparison between two sets of percentage increases can be entirely misleading and, secondly, the assumption that the juvenile delinquency of today sets the pattern of adult crime for tomorrow is quite unwarranted. It is well known that juvenile delinquency and adult crime are quite different phenomena, involving largely different personnel, different motivations and different purposes. Yet on the basis of these two propositions Adler (1975) predicts

TABLE 1

FEMALE ARRESTS PER LAKH OF POPULATION IN SOME SELECTED COUNTRIES

Countries	1971	1972	1973	1974	1975
1. India	6.18	10.35	11.13	9.15	8.32
2. U.S.A.	987.0	990.1	927.3	916.9	1154.5
3. West Germany	546.5	563.8	558.0	573.1	604.0
4. France	N.A.	558.0	561.0	446.0	N.A.
5. Japan	115.3	110.8	118.2	113.2	138.6
6. Ireland	65.0	57.0	59.0	67.0	73.0
7. Thailand	400.43	385.40	321.28	321.44	316.65
8. Scotland	0.40	0.40	0.44	0.45	4.47

*Source:* Bureau of Police Research and Development (BPRD), Govt. of India, New Delhi.

In other words, taking IPC arrests as the index of criminality, the rate of rise of criminality amongst women is faster as compared to the men though it has shown an erratic trend in the period from 1971 to 1975. Similarly, we outline the statistical evidence relating to juvenile offenders and female offenders which reveals that the annual rate of growth among female offenders is accelerating 12.14 per cent as compared to the juveniles 7.91 per cent. Thus, the total rise of criminality indicates a rate of 46.96 per cent from 1971 to 1975 amongst female arrests including juvenile arrests too. Table 3 shows the changes in juvenile delinquency and women's criminality between 1971 and 1975. There are two elementary fallacies in

dramatic increase in crime, particularly violent crime, by women. Furthermore, Adler extends her analysis and prediction beyond the United States to Western Europe, New Zealand and even to India. Ignoring cultural variations, different criminal codes and legal systems, different methods of collecting statistics and different degrees of "emanipants" for women, she posits a universality to the thesis of the causal relationship between liberation and crime. Not only the rate of crime among females is increasing, what is interesting to note is that the rate of violent crime among females is going up rapidly. The total rise in female crime is 46.84 per cent from 1971 to 1975 and the greatest proportionate increase has

TABLE 2  
POPULATION AND ARRESTS

Year	Population (000)		No. of Arrests Under I.P.C. Crimes		Arrests per lakh of population	
	Male	Female	Male	Female	Male	Female
1971	2,83,503	263634	9,58,950	16,303	338.25	6.18
1972	2,89,830	269587	11,70,154	27,891	403.74	10.35
1973	2,96,188	275568	12,11,825	30,677	409.14	11.13
1974	3,02,574	281576	14,48,451	25,766	478.71	9.15
1975	3,08,988	287609	14,12,692	23,939	457.20	8.32

Source : BPRD Govt. of India, New Delhi.

been in violent offences against the person.

The number of women arrested has shown an erratic trend in the period from 1971 to 1975. It is also quite misleading to present increases in crimes for one year only. But we do not subscribe to the view that the practice by omission, implies that previous increases are less significant. For instance, as regards cases of rioting, 19.34 were arrested for the offence in India. This figure was higher in 1973 (23.65) and in 1974 (27.42). This seems to be due to a spate of agitation and demonstrations in the country due to political turmoil dur-

ing 1973 and 1974. It must be stated, however, that official criminal statistics of indictable offences guides to criminal behaviour is not actual which reflects social reality till further evidence on the question of changes and increases in female criminality can be gleaned from the growing number of self-report studies on women's criminality. So in order to have a clear picture of the criminality of women it should be analysed with a historical perspective which should be as a contemporary problem rather than viewing it as a recurring or even constant feature of social life.

TABLE 3  
NUMBER OF FEMALE AND JUVENILE ARRESTS

Year	Women	Juveniles		Percentage of female below 21 years to total	Percentage of female above 21 years to total	Percentage change over as compared to previous years		
		upto 21 years	21 years and above			Below 21 years	Above 21 years	Total
1971	16303	1329	14,947	8.15	91.68	100.00	100.00	100.00
1972	27891	2473	25,418	8.86	91.14	(+) 86.07	(+) 70.05	(+) 71.08
1973	30677	1508	29,169	4.91	95.09	(-) 39.02	(+) 14.76	(+) 09.99
1974	25766	2309	23,457	8.96	91.04	(+) 53.12	(-) 19.58	(-) 16.00
1975	23959	1750	22,209	7.30	92.70	(-) 24.20	(-) 5.32	(-) 7.01

Source: BPRD, Govt. of India, New Delhi.

(-) indicates a percentage decrease.

(+) figures represent a percentage increase.

The studies of Harris, Lynn, Payak, Reckless, Weitz, Wisdom etc., analyze the criminality of women with an understanding of the social role of women in society. Some of the disparity may be attributed to the underreporting of female crime, some to differences in social roles ascribed to women and men by most cultures. The role of wife, lover or girl friend is an important one to a woman. Many female offenders engage in prostitution and property offenses to earn money to support the drug habit or to get rid of debts of husbands and lovers. When couples are involved in robberies, the woman is usually the girl friend or wife of the male robber. To a considerable extent, the criminal activity of women is influenced by the requirements of the men to whom they are emotionally attached. The difference between roles ascribed to women and those ascribed to men account in part for the differences in types of crime in which they engage. Most activities requiring heavy physical labour, physical danger, or violence are performed by men rather than women.

Because of this role differentiation, women are less likely to commit crimes of violence involving physical force such as aggravated assaults and robberies (Haskell and Yablonski, 1978: 255). But now the pattern of role behaviour is changing so also the pattern of crime among women. It is seen from the table 4 that the greatest proportionate increase has been in violent offences against the person. Similar view has been given by Smart in his study of the New Female Criminal (1979:53).

Lastly, let us see to what extent female criminality is changing substantially in the emergence of women as a socially rising group. In periods of pronounced social stress, such as war, in which women assume many roles which are otherwise open to men only, the experience in various countries seems to indicate that crimes of women against property increase. During the 1970's, the various movements directed at "Women's liberation" have increased in strength. But if this were a true expression of social equalization, we should have to

TABLE 4  
INVOLVEMENT OF WOMEN IN I.P.C. CRIMES (1971-75)

	1	2	3	4	5	6
Offence	1971	1972	1973	1974	1975	col. 5 over col. 1
Class I offences against the person	1264	1558	1326	1529	1622	28.32
Class II offences against property with violence	1158	1068	2135	1737	1676	•44.73
Class III offences	4349	4366	5284	5365	5554	27.70
Class IV Misc. IPC	9532	20899	21932	17135	15087	58.28
Total	16,303	27,891	30,677	25,766	33,939	46.84

Source : BPRD, Govt. of India, New Delhi.

Class I divided into two groups, violence against the person and sexual offences, class II is burglary; and robbery; dacoity, kidnapping and abduction and class III is theft, criminal breach of trust, cheating and counterfeiting, and class IV is Misci. I.P.C.

assume that simultaneously the amount of undiscovered female crime would increase. Cultural analysis, however, contradicts the validity of this assumption, because their new roles have not freed women from their traditional ones (Pollak, 1950).

Substantial amount of evidence accumulated over the years suggest that sex roles and the position of women have not undergone much change in recent years, especially in the direction that would lead to changes in the female crime. This argument is crucial because it stresses that sex differences in crime are due to socialization and opportunity contingencies stemming from alleged sex role differences. As women's roles

change and become more open to opportunities and tension associated with the male role, their criminal activities will be transformed in kind and degrees (Steffensmeier, 1980: 1099). Simon (1975) has considered the relationship between changing sex roles and female crime. She concluded that they were congruent with the hypothesis that women's participation in selected crimes will increase as their employment opportunities expand and as their interests, desires, and definitions of self, shift from a more traditional to a more liberal view. All these suggest that the role of women in its different facets and environments has to be taken into consideration properly in understanding criminality among the women.

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Women's mental health has received inadequate attention from the law makers, implementers and interpreters in India, more so in the arena of criminal law. Law is an important tool to address gender... Female Criminality, Mental Health & the Law. Authors. Authors and affiliations. Violence against women is not a new phenomenon. Women have to bear the burns of domestic, public, physical as well as emotional and mental violence against them, which affects her status in the society at the larger extent. The statistics of increasing crimes against women is shocking, where women are subjected to violence attacks i.e. foeticide, infanticide, medical neglect, child marriages, bride burning, sexual abuse of girl child, forced marriages, rapes, prostitution, sexual harassment at home as well as work places etc. The Government of India should come out with some more stringent laws to protect the rights of women who are victims of violence of any kind occurring within the family, so that it will work as the preventive measure to eradicate the crime. The Indian constitution prohibits discrimination on the basis of sex, but the position of women remains unequal, according to a United Nations report. Women in India have long been subject to entrenched cultural biases that perpetuate the valuing of sons over daughters, who are often seen as an economic burden to families that fear high dowries and wedding costs, experts say. Daily News Brief. A summary of global news developments with CFR analysis delivered to your inbox each morning. Sex-selective abortions have occurred at staggering rates in India despite a 1996 ban on screening for such purposes: researchers say up to six hundred thousand female fetuses are aborted in India every year, or 2.2 percent of the annual birth rate. This has The marital offenses against women include bigamy, adultery, criminal elopement among others. The one that is probably most common offense is cruelty. Over time, courts have expanded the ambit of the definition to include within it different instances. In the last 20 years of criminal law reform a common argument made against laws relating to violence against women in India has been that women misuse these laws. The police, civil society, politicians and even judges of the High Courts and Supreme Court have offered these arguments of the misuse of laws vehemently. Today Indian women enjoys liberty and equality then before, but this status is not achieved overnight, it had been subjected to many great changes over the past few millennia. Women occupied a dignified and high place of respect in ancient India, relegated to backgrounds in colonial period and struggling to secure their reverent position till now. Because of centuries of backwardness and exploitation women lag behind in terms of education and awareness which is the major causes of female criminality. Once being stigmatized they lost their social status and sometimes even their own families ref... The paper has attempted to unveil the reality behind female criminality in India. Discover the world's research. 20+ million members.