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Gender and Crime: A Feminist Perspective

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ABSTRACT

Crime amongst females in India is the most overlooked area of the criminal sciences. Women are perceived as somebody who preserves the traditions and laydowns the foundation for a happy and prosperous life for her family. But the present decade witnessed a drastic change in women. As women has stepped out, their role as criminals have also increased. It is true that in the past women were less likely to commit crimes as compared to me. But the same cannot be applied today's generation. The lack of scientific attention to the problems presented by women offenders is probably due to the presumption of small number of women committing crimes. Women, however, represent about half of our population and live under conditions that may often protect them against the detection or prosecution of crime. Moreover, it is found that the role of the opposite sex in a women's life is an important factor as to the development of criminal tendencies among women. These conditions suggest that criminality among female deserves more research interest than it has received, no matter how small its numerical importance may appear based on criminal statistics taken at their face value.

Keywords: Female, criminality, crime, gender, feminists, crime among women

I. INTRODUCTION

Women in India after years of struggle are now breaking free from social norms. Once perceived as a homemaker is now also a home earner. Women have progressed in almost every field including defense, politics, etc. The earlier image of a dependent woman is now changed to an independent woman who preserves custom and tradition as well as provides for their family. As women have progressed in various fields, sadly they have progressed in the field of crime as well.

The rise in crime among women has reached an alarming level globally and nationally. Which has made many criminologists wonder why women commit a crime. Criminality among women is also known as female criminality. Not many criminologists have focused on this area, as women were considered weak and too emotional to commit heinous crimes.

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Criminality among women is a very overlooked area of criminology. Cesare Lombroso cultivated the theory of “Altruism” which focused on criminalistics features predisposition towards crime². Lombroso and William Ferrero³ ascribed women's lower crime rate to their "piety, maternity, wants of passion, sexual coldness, weakness, and undeveloped intelligence"⁴. Society believed that women are capable of only low level or petty crimes as they lack a “combination of intellectual functions⁵” to commit crimes such as murder, assault, etc. William Bonger, a prominent criminologist supported this view by reasoning that women lack strength and courage when compared to men⁶. According to him, women are physically weak which puts them at disadvantage to commit such heinous crimes.

In India, a rapid increase in female criminality is observed in the last few decades. When we analyze the data available at the National Crime Records Bureau, it is observed that more females are prone to commit crimes in today's age than earlier.⁷ Interestingly, the nature of the crime committed by them too is gradually changing from petty crimes like theft and robbery to heinous crimes like murder, culpable homicide not amounting to murder, etc.⁸

This article analyses the rise in crime among females by conducting analytical and descriptive research. Further, it analyzes the gap between male and female criminals in India and the possible reasons behind it. The research paper is divided into 3 parts. The first part examines female criminality in India with statistical representation, the second part discusses the various cause of female criminality and the third part analyzes gender difference in crime with statistical data and concludes whether such difference can be reduced or not.

II. FEMALE CRIMINALITY IN INDIA

Women in India have always been suppressed throughout history. From an early age, they are taught to behave in a certain manner and act according to the norms of society. The norms that a good Indian girl or wife should follow. For example, not to question your elder's decisions or to only act in the welfare of her family regardless of one's wishes, etc. These

² CESARE LOMBROSO, *CRIMINAL MAN* (1911)

³ **CESARE LOMBROSO & WILLIAM FERRERO, THE FEMALE OFFENDER** (1895)^[1]_[SEP] “the born female criminal is, so to speak, doubly exceptional, as a woman and as a criminal. For criminals are an exception among civilised people, and women are an exception among criminals....”

⁴ *ibid.*

⁵ CESARE LOMBROSO, *CRIM: ITS CAUSES AND REMEDIES* (1911) ("To conceive an assassination, to make ready for it, to put it into execution demands, in a great number of cases at least, not only physical force, but a certain energy and, a certain combination of intellectual functions. In this sort of development women almost always fall short of men.")

⁶ WILLEM BONCER, *CRIMINALITY AND ECONOMIC CONDITIONS* (1916)

⁷ Crimes in India 2019, NCRB, MoHA, <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%203.pdf>

⁸ P. M. K. Mili, and Neethu Susan Cherian, Female Criminality in India: Prevalence, Causes and Preventive Measures, Vol. 10(1) *International Journal of Criminal Justice Sciences*, 65, 65-76 <http://ijcjs.com/pdfs/milietalijcjs2015vol10issue1.pdf>

gender norms have been defined and taught to girls from an early age. Hence the freedom to express their views and desires has never been cultivated in Indian patriarchal society.

Over the years, women have lost faith in this social system due to unreasonable oppression that extends to the inability to express one's desires in society. An idea of women is still limited to her household even if she is given an education. It is still believed that her foremost duty is her household and everything else is secondary. Although, legally men and women are given equal status the ground reality isn't the same. In *Indian Young Lawyers Association and othr. v. State of Kerala and other*⁹, a temple in Kerala had an age-old tradition of not allowing women of menstruating age to enter the premises. The practice was questioned in the court through a petition and in September 2018. The Apex court held that that women of all age groups can enter Sabarimala Temple. The court initially lifted the ban and termed it as a violation of women's right to practice religion.

Females have been repressed for so long that they no longer have faith in the justice provided by the state itself. When their fate is sealed and suffers discrimination in all aspects of life, women have learned to take justice into their hands and have developed criminal tendencies.

For example, Phoolan Devi who was wrongly accused, manhandled, humiliated, and raped multiple times in her life was a victim of societal oppression. She was denounced by society and left alone to bear the scars of social evils. Later on, she took the path of crime to correct these social evils and bring justice to helpless women, which made her the bandit queen. She took vengeance on everybody who had wronged her and got killed by one of her enemies. Another example would be K.D Kempanna aka Cyanide Mallika who was abandoned by her husband and incurred huge losses. Convinced that money is the only way out of her miserable life, she turned into a murderer and a thief. She preyed on women in distress near temples and lures them to the outskirts of the city in the name of "special puja". She would direct them to wear all of their jewelry and then make them drink water-laced cyanide.

These women, although belonging to different time zones have few things in common. First, they were abandoned by society, second, they were economically weak and lastly, to earn a respectable position in society is what probably forced these women to take such drastic measures.

Women are taught to stay within the "Gender norms" as prescribed by society. They sacrifice for their family and follow these societal norms. But when society fails to give them that

⁹ In *Indian Young Lawyers Association and othr. v. State of Kerala and other* (2018), LNIND 2018 SC 492

respect or equal rights then they take justice into their own hands. It is said, “The rights are first demanded, then commanded and later snatched”¹⁰. In this struggle to obtain minimal rights within a patriarch, clashes are unavoidable. Thus, Sociological, economical, and psychological factors are essential to understand to recognize the circumstances in which women commit crimes intentionally or negligently. Hence, socio-economic status of women in Indian society has a great impact on a women’s criminal mindset.

Statistics Representation of Female Criminality in India (Government of India – 2019)

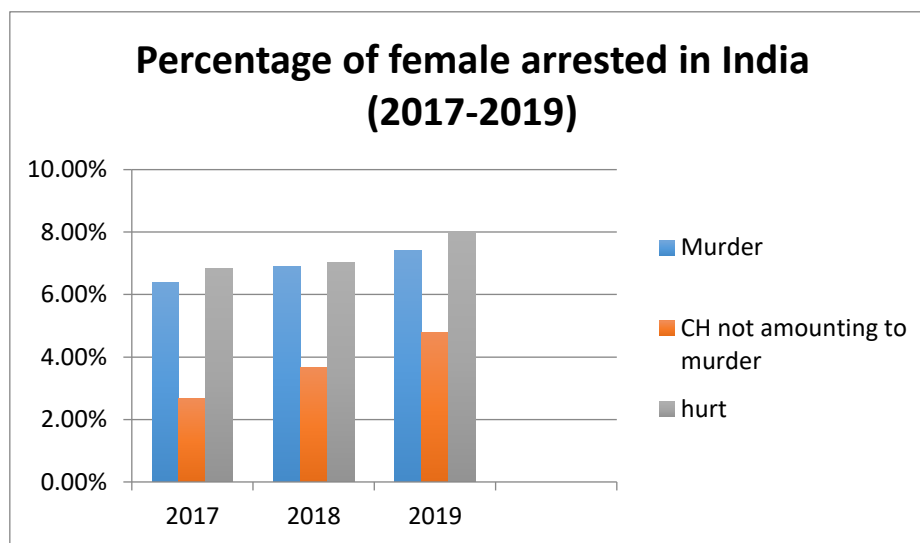
Person arrester under IPC Crimes in India (2009-2019)							
S.no	Crime Head	2009			2019		
		Female	Percentage to Total		Female	Percentage to Total	
			Male	Female		Male	Female
1	Murder	4007	93.6%	6.4%	4077	92.6%	7.4%
2	Attempt to Murder	2748	95.7%	4.3%	5051	94.8%	5.2%
3	Culpable Homicide Not amounting to murder	113	98.3%	1.7%	294	95.2%	4.8%
4	Rape	749	97.1%	2.9%	914	97.5%	2.5%
5	Kidnapping and Abduction	2031	95.1%	4.9%	2528	96.6%	3.4%

¹⁰ P. M. K. Mili, and Neethu Susan Cherian, Female Criminality in India: Prevalence, Causes and Preventive Measures, Vol. 10(1) International Journal of Criminal Justice Sciences; See generally, Anju Bajpai and P. Bajpai, Female Criminality in India (2000)

6	Dacoity	289	98.3%	1.7%	243	98.3%	1.7%
7	Robbery	251	99.2%	0.8%	430	99.1%	0.9%
8	Theft	6991	96.4%	3.6%	4843	98.2%	1.8%
9	Riots	17144	94.4%	5.6%	12951	93.1%	6.9%
10	Criminal Breach of Trust	623	96.8%	3.2%	635	97.2%	2.8%
11	Counterfeiting	59	98.0%	2.0%	45	97.4%	2.6%
12	Arson	329	97.1%	2.9%	269	97.0%	3.0%
13	Hurt	34258	93.1%	6.9%	48919	92.0%	8.0%
14	Dowry Deaths	5182	77.8%	22.2%	3348	79.1%	20.9%
15	Cruelty by Husband and other relatives	41351	76.3%	23.7%	26307	81.6%	18.4%
16	Other IPC Crimes	56801	94.8%	5.2%	14532	94.5%	5.5%
17	Total Cognizable Crimes Under IPC	179294	93.7%	1589.0%	191508	93.8%	6.2%

Table No.1¹¹

The data presented in Table 1 is derived from the records of the National Crime Records Bureau. Table 1 shows crime committed in India head wise and the number of females involved in such crime for the year 2009 and 2019. The Table 1 further shows the change in nature and the ratio of crime committed by females in a decade. By observing and comparing the data given below we can deduce that there is a gradual increase in the number of women who committed heinous crimes such as murder attempts to murder, etc. In 2009, 179294 women committed the cognizable crime that has increased to 191508 in a decade.¹² Another factor we observe is the shift from petty crime towards heinous crimes. The number of women involved in the murder is increased from 4007 to 4077 and females involved in an attempt to murder from 2748 to 5051.¹³ Females involved in kidnapping and abduction is also increased from 2031 to 2528.¹⁴ The number of women committing theft is decreased from 6991 to 4843 in a decade. There is a drop in crimes such as dowry, cruelty, riots, and other IPC crimes as well.

**Figure 1¹⁵**

In the above figure, we can observe a gradual increase in crime committed by women in the

¹¹ Age Group and Gender-wise Persons Arrested under IPC Crimes (Crime Head-wise) 2009, NCRB, MoHA, https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2012.2_2009.pdf

Age Group and Gender-wise Persons Arrested under IPC Crimes (Crime Head-wise) 2019, NCRB, MoHA, https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2019A.1_1.pdf

¹² Ibid.

¹³ ibid

¹⁴ ibid

¹⁵ Age Group and Gender-wise Persons Arrested under IPC Crimes (Crime Head-wise) 2017, NCRB, MoHA, https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2019A.1_2.pdf

last three years. In 2017, 6.04% of women committed murder, which is now increased to 7.4%.¹⁶ Similarly, the percentage of hurt and culpable homicide not amounting to murder is also increased from 6.84 % to 8% and 2.6% to 4.8% respectively.¹⁷ The data indicates that more women are now more likely to commit heinous crimes than in previous years.

III. CAUSES OF FEMALE CRIMINALITY IN INDIA

The reasons women in India are committing more heinous crimes can vary from psychological to socio-economic factors. It is hard to determine a particular reason for the commission of a crime, especially among women. Some authors believed that excessive freedom has directed women towards crime. The new age and liberation of women have led to an increase in crime among women. Adler¹⁸, deduced that reason for the rise in female criminality is women's liberation movement and assertiveness. Educated women are keener to commit crime as a form of rebellion against traditional restrictions and gender norms. However, the same cannot be applied in the Indian context, as more restraints are resulting in bigger crimes¹⁹.

In India, social-status of a women is defined by her interpersonal relations with her husband or other family members. Women are taught that family and marriage is the only way to happiness. But when they are unhappy and maladjusted in their family or marriage it leads to frustration. Deprivation or denial of basic needs of life such as affection, security, etc. is the main cause of frustration and ultimately crimes.²⁰

Moreover, women who are not content with their traditional roles as mothers and wives are maladjusted. They fail to fully adapt their gender-defined role in society. They experience emotional instability, rejection, insecurity, and frustration. Lack of proper support from people around her and harsh suppressive societal pressure produces stress. Women with lower social status experience higher stress, on average than women with higher social status²¹. Women are scared to showcase their emotions in the fear of alienation or disapproval. In the current age of social media where it is imperative to showcase a happy life, it becomes difficult to keep track of reality. To cope up with their feelings and relationships, women suppress their emotions and bottle up their feelings till they explode in

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Adler, F., The interaction between women's emancipation and female criminality: A cross-cultural perspective. *International Journal of Criminology and Penology* (1975)

¹⁹ Supra note 7

²⁰ Bilmoria, R. M. *Female Criminality: An Empirical study in Andhra Pradesh*. (Lucknow: Eastern Book Company, 1987).

²¹ Supra note 7

the form of uncontrolled violence. Situations that cause continuous stress and isolation combine with poor coping skills and an over-controlled personality to result in violence. Thus, husband-wife relation is proven to be quite an important factor in the causation of crime in the Indian context.

Sometimes, these females are so engrossed in their gender-defined duty that they fail to differentiate between right and wrong. Wives go to great lengths to maintain their social status even if it leads to the commission of crimes. They perceive it as their duty to support their husbands and not any desire to violate social or legal norms. For example, Richa Dubey supported her husband Vikas Dubey, a notorious gangster, in pursuit of criminal activities.²²

But, what of the girls who develop criminal tendencies at a young age? Merton strains theory²³ explains that people engage in deviant behavior when they are unable to achieve socially approved goals through legitimate means. Deviance is the result of strain when an individual is unable to achieve their goals either because of structural factors and cultural factor. Females due to societal oppression are often sidelined and hence are unable to achieve their goals. When this happens they deviate at uses illegitimate means to reach their goals. For example, a girl who wishes to be a singer but due to lack of proper parental support may run away and get into illegal activities to fulfill her dreams.

IV. FEMALE CRIMINALITY AND MEN (WITH STATISTICAL REPRESENTATION)

Considering the data present in Table 2, the number of women committing a cognizable offense in 2009 is 179294, and in 2019 are 191508 but the percentage of women committing crimes in 2009 is 6.3% and in 2019 is 6.2%.²⁴ It is interesting that although more women are committing crimes in India there is no significant increase in the overall percentage in the last decade. So, what could be the reason behind it?

Person arrester under IPC Crimes in India (2009-2019)									
		2009				2019			
S.no	Crime Head	Male	Fem ale	Total	Percentage to Total	Male	Fem ale	Total	Percentage to Total

²² Vikas Dubey Was An Anxiety Patient": Wife Richa Dubey On Policemen's Murder, NDTV, July 24, (2020 8:38 pm) ".....there have been instances of firing in the village or a fight, so I thought it was something normal...."

²³ Karl Thompson, Merton's Strain Theory of Deviance, (April 16, 2016) <https://revisesociology.com/2016/04/16/mertons-strain-theory-deviance/>

²⁴ Supra note 10

					Male	Female				Male	Female
1	Murder	58658	4007	62665.00	93.6%	6.4%	50694	4077	54771	92.6%	7.4%
2	Attempt to Murder	61437	2748	64185	95.7%	4.3%	91181	5051	96232	94.8%	5.2%
3	Culpable Homicide Not amounting to murder	6366	113	6479	98.3%	1.7%	5854	294	6148	95.2%	4.8%
4	Rape	25096	749	25845	97.1%	2.9%	35194	914	36108	97.5%	2.5%
5	Kidnaping and Abduction	39722	2031	41753	95.1%	4.9%	70817	2528	73345	96.6%	3.4%
6	Dacoity	17217	289	17506	98.3%	1.7%	13930	243	14173	98.3%	1.7%
7	Robbery	33008	251	33259	99.2%	0.8%	47267	430	47697	99.1%	0.9%
8	Theft	187357	6991	194348	96.4%	3.6%	266282	48435	271125	98.2%	1.8%
9	Riots	28645	1714	30360	94.4%	5.6%	17440	1295	18735	93.1%	6.9%

		8	4	2	%		6	1	7		
10	Criminal Breach of Trust	18972	623	19595	96.8%	3.2%	22296	635	22931	97.2%	2.8%
11	Counterfeiting	2948	59	3007	98.0%	2.0%	1687	45	1732	97.4%	2.6%
12	Arson	11157	329	11486	97.1%	2.9%	8692	269	8961	97.0%	3.0%
13	Hurt	459107	34258	493365	93.1%	6.9%	562037	48919	610956	92.0%	8.0%
14	Dowry Deaths	18192	5182	23374	77.8%	22.2%	12704	3348	16052	79.1%	20.9%
15	Cruelty by Husband and other relatives	133044	41351	174395	76.3%	23.7%	116501	26307	142808	81.6%	18.4%
16	Other IPC Crimes	1025501	56801	1082302	94.8%	5.2%	248606	14532	263138	94.5%	5.5%
17	Total Cognizable Crimes Under IPC	2669731	179294	2849025	93.7%	6.3%	2921131	191508	3112639	93.8%	6.2%

Table 2²⁵

Well, it is prima facie that more men are also committing crime hence there is no significant change in the ratio. Which is true when we observe Table 2. But it is a general belief that men will always commit more crimes when compared to women. So, why is that?

Lombroso considered that men are stronger and possess a combination of intellectual functions that women are almost incapable of achieving.²⁶ But in today's society, women are bold and capable enough to take up any role. They are capable enough to fill in a man's shoes. So, Lombroso's idea cannot be applied to today's society.

Whereas, Otto Pollak, in his book "The criminality of women"²⁷ argued that females are inherently manipulative and deceitful, characteristics derived from a number of their physiological and social attributes."²⁸ These attributes help females to cover their crimes. They have always had criminal tendencies but due to their discrete and manipulative nature, they are better at hiding it. Hence, we can conclude that it is not a matter of men committing more crime but rather females are better at hiding their criminal activity.

Another argument is that since women are not in a position of power they are unable to commit crimes²⁹. So, only if, women can stand next to men on the social and economic ladder then the ratio wouldn't be so vast. This seems very hypothetical as men have tendencies to overpower women. They have a very dominating and competitive nature to the extent that they commit illegal activities to stay in the power position. It is observed at professional as well as personal level. This behavior is very common in a patriarchal society such as India. It is very difficult for men to accept that women can be better than them. When their position is threatened, they develop criminal tendencies. In the case of It suffices to say that men will always commit more crimes in order to stay in that power position.

V. CONCLUSION

Indian society is a patriarchal society where the freedom of women is limited. We observed that there is an increase in crimes committed by women and men. The biggest drawback of patriarchal society is the lack of respect towards women and their wishes. It is interesting and saddening to observe that women commit crimes in retaliation to a suppressive environment

²⁵ *ibid.*

²⁶ CESARE LOMBROSO, CRIME: ITS CAUSES AND REMEDIES (1911)

²⁷ OTTO POLLAK, THE CRIMINALITY OF WOMEN(1950)¹³

²⁸ *ibid.*, at 8-10

²⁹ Kevin Murphy, Why are men more likely than women to engage in misbehavior? University of Limerick, (April 17, 2018, 12:48) <https://www.rte.ie/brainstorm/2018/0417/955081-why-are-men-more-likely-than-women-to-engage-in-misbehaviour/>

or to maintain a respectable socio-economic status. Whereas, Men commit crimes in order to maintain their position in a patriarchal society. Women in today's era are breaking free from their gender norm, which threatens the domineering nature of men. To keep their power position men have resorted to committing crimes. In fact, the crime rate against women has increased to 62.4³⁰ in India. This is highly concerning since the scenario in India has turned into a never-ending cycle. The only way to break free if men in India learn to respect women's wishes and let go of that idea of the power position. Having equal respect towards each other can decrease crime in India whether it is against women or among women.

³⁰Crime against Women 2019, NCRB, MINISTRY OF HOME AFFAIRS, https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%203A.1_2.pdf