
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**WOMEN AS OFFENDERS: A CRIMINOLOGICAL ANALYSIS OF
GENDER STEREOTYPES AND THE MYTH OF FEMALE PASSIVITY
IN CRIME**- Nandini Sharma¹**ABSTRACT**

This paper addresses this trend of female offenders in contrast to a criminological background and dispels the old stereotype of women being passive in the committance of crime. Traditionally, crime has been perceived as male domain where women are normally viewed as less assertive or morally superior or only commit crime when the situation or need pushes them to do so. These gendered assumptions are highly scrutinized in this study through an exploration of the social, economic and psychological determinants of female criminality. It talks about the fact that the participation of women into crime and the reaction to their participation on the part of the society is stipulated by the patriarchal norms, structural inequalities and gender roles. The paper also evaluates how the female offenders are portrayed within the law discourse as well as within the media discourse and how prejudices still tend to demonize or victimize them. The research intends to break down the myth of female non-violence and the concept of non-criminal agency of women, where recent criminological theories and case studies are used to clarify the reasoning behind female crime committed by women. Lastly, the study needs to be used in order to render criminal justice policies gender sensitive and develop a balanced criminological theory.

KEYWORDS: Female Criminality, Gender Stereotypes, Women Offenders, Criminological Analysis, Patriarchal Bias in Justice.

INTRODUCTION

The history of humanity has always recognized the woman as the prop of a family and society in general. A woman is considered as the protector of social norms, traditions, customs,

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morals and family unity especially in India. The contemporary society has expanded the role of a woman to the formation of self-identity in addition to taking care of her family. It is a pity that in the current social, cultural, economic and political environment in India, the activities of women in the criminal sphere are on the rise. As more women engage in committing crimes against women, the inclination of women towards committing crimes is also on the rise. It has even gone to an alarming extent where all professionals, who have the social responsibility to assist in minimizing the illegal activity, have had to focus on the key issues that have seen women engaging themselves in the illegal activity in larger proportions. “Theoretically this is how Female criminality is complex; less understandable and easier to control. The social environment plays an important role in the formation of female offenders².

The demands of the individual are now free at this stage of economic liberalisation and modernity; he wants to obtain everything comforts as soon as possible. Since this change of mentality of the people, the number and seriousness of crimes are bursting without stopping all over the world today. The number of crimes being perpetrated by women as well as men is on the rise. Women are considered the backbone of family and thus their participation in crime is certainly an issue of concern³.

Deviation is the basis of crime. Every society consists of some people and communities which do not subscribe to social ideals. Besides Murder, Kidnapping, Robbery, Theft, Dacoity, Drug Addiction, Gambling, Rape among others are other forms of crimes seen under social perspective. Such behaviors that do not conform to the current ideals of society in the name of fashion or new lifestyle are rampant.

The name of crime is not given to them directly by society with an indirect approval the crimes are promoted, and such crimes are slowly manifested in heinous forms. Therefore, the responses that society will take towards deviance are not consistent. The concept of deviation is as old as humankind. Deviation never ceased to exist in all ages, and society has been making arrangements towards avoiding it. In common sense deviation is to wander off the mainstream of society. Thus, ‘deviation’ includes those activities which are other than the norms and expectations of a particular social group. Even failing to call out-of-the-box behaviour as such that can be called deviation would not be a mistake. In the case of this behaviour, the individual can be punished and found guilty. Deviations would also entail

²P.M.K. Mili and Neethu Susan Cherian, “Female Criminality in India: Prevalence, Causes and Preventive Measures” 10(1) *International Journal of Criminal Justice Sciences* 89 (January–June

³Marshall B. Clinard, “Contributions of Sociology to Understanding Deviant Behaviour” 3(2) *The British Journal of Criminology* 110-129 (October, 1962).

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those acts that are outside the norms and expectations of the given society but are usually tolerable and acceptable. It is an American sociologist, Marshall Barron Clinard, who has proposed a definition of the term deviation be relevant to cases where behaviour goes beyond the social norms towards the opposite extreme of un-acceptability⁴.

Clinard has incorporated the use of drugs that are prohibited, prostitution, madness, suicide, alcoholism and homosexuality etc in his definition. In this respect too, it is vital to realize that they are deviated relatives and assessed against some parameters⁵. It varies according to the time and place. What can be considered as a deviation in a society may be considered as a normalcy in another society in the future. This is because of divergence which is based on the culture and the culture varies as time goes by and any society is defined by a given culture⁶.

LITERATURE REVIEW

Both primary and secondary sources have been used to collect materials that will be used in the study. Various books, articles, journals, reports and legislations, judicial decisions etc. have been consulted. Large-scale usage of materials on the site is also a part of the study.

Review of literature provides an overview of crime scenario. Review of literatures establishes that women are engaged into a variety of crimes. They are not only involved in such a traditional crime that does not assume any masculine power but also the one that is executed by men. They are provoked to a number of kind of crimes such as murder, adultery, theft, smuggling, illicit relationship, prostitution etc. Several works have been done on participation of, male and female, in crimes shedding light on many aspects such as sociological, psychological and economic which are usually the contributive factors that make a person a criminal⁷. The issue of women and crime is so severe that the impact of women to the social structure is more serious since women fulfill the role of mother, wife, household and caretaker. Nonetheless, the researchers have transformed quite a lot in their opinion regarding the indulgence of women in crime. In 1960s and 1970s, there was less focus on incidence of female crime in India it was virtually unfamiliar field of research back then. A large volume of the writing has been by a criminologist or another in the area of

⁴Macionis and John Linda Gerber, '*Sociology*' 200 (Ontario: Pearson Canada Inc. 7th Ed., 2010)

⁵A.S. Hornby, *Oxford Advanced Learner's Dictionary* 1794-95 (Oxford University Press, 9th Ed. 2015).

⁶R. Paternoster and P. Mazerolle, "General Strain Theory and Delinquency: A Replication and Extension", *Journal of Research in Crime and Delinquency* (1994).

⁷F. Alder, *Sisters in Crime: The rise of the New Female Criminal* 132 (New York, NY: McGraw- Hill Book Company, 3rd Ed., 1975).

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criminological theory, criminal law and the Indian prison system. Some of the criminologists have analysed the women criminality and have presented various reasons and alternative solution to this evil. An effort to analyze female criminality using a sociological perspective was made by Mr. V. Rao and Mr. M.J. Sethna. As part of his study, Rao found out that women in rural communities can be impacted by superstition and thus become criminals. They are not literate and they lack knowledge and therefore engage in various crimes. To please the God, according to his opinion, some part of the women offers sacrifice of human life of their families, their own son or daughter or anybody to some faith that the human sacrifice will open some hidden gifts. Sethna believes women spend most of their time in the four corners of the house and that is why most of the crimes the Indian women commit will be done at home. It can be attributed to the fact that women residing in India especially in their rural set-ups spend a lot of time in their homes⁸.

Several works had been done related to Women and Crime in India. These were done in various layers. In this work, the researcher has made a survey of selective literatures.

BOOKS

Female Crime in India⁹

This book has a total of 14 chapters including introduction. In this book the author has developed causes of female criminality in India citing to various dimensions. The social, cultural and economics implications are also associated with it.

Women and Criminal Law¹⁰

This book the author has talked about the rights of women as provided in some of the Indian legislations. The women in this book have also been mentioned by the author on how they can acquire their rights. Various chapters of this book are useful in case of rights granted to women in the Indian law.

The Criminality of Women¹¹

In this book, the author has discussed about the criminalization of women. He has detailed on what types of crimes are committed by women in the society and even against whom they

⁸National Crime Records Bureau (Ministry of Home Affairs), Crime in India 2020 Statistics Volume III, TABLE 19A.6, P.1225 (2020), Available at: <https://ncrb.gov.in/sites/default/files/CII2020%20Volume%203.pdf> (Visited on September 02, 2024).

⁹A. Smriti Bhosle, *Female Crime in India* (Kalpaz Publications, Delhi, 1st ed., 2009).

¹⁰Dr. S.C. Tripathi, *Women and Criminal Law* (CLP, 2nd Ed. Allahabad, 2014).

¹¹Otto Pollak, *The Criminality of Women* 180 (University of Pennsylvania Press, Baltimore, MD, US, 1950).

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commit the most crimes. To preserve the credibility of the crime that the female criminal is deficient in, the author has provided three criteria; (1) highly harmful to the society, (2) a crime of a public quality, and (3) co-operates with the law of the victim. The author indicated that women crimes are specific as compared to men crimes. Her child, husband, lover or family member is generally her victims. His criminality begins later, has its utmost later and lasts longer than that of men. My studies on women and crime which played an important role in my research can be relevant to this book.

Women and Crime¹²

Overall, the number of chapters in this book is 15 which comprises of Concept and Perception of Crime. Through this book, the author has been able to observe the plight of Female prisoners in Indian jails. The impact of the social, cultural and economic circumstances in women on women criminality is also observed by the author in this book.

Imprisonment of Women¹³

This book has explicated the state of women prisoners in Great Britain both in the 18 th century and to the present. The book unveils reform policy in the context of averting women involvement in crime as well as patriarchal attitudes relating to the type of women offenders. Throughout the book, the authors outline how the attitudes and programmes toward women prisoners have been identified by the ideologies of doctors and psychologist of the late 19 th and early 20 th centuries. Female convicts have never been seen as equals to males but were viewed as more morally corrupt and perverted and required more special and closer means of control and restraint. It is a book that greatly contributed to second chapter of our research work that we have titled as History and Development of Women Criminality.

Some important books, journals, reports etc. relating this topic have also been reviewed.

These are given as follow-

The **A.S. Arora** recent book the Law on Cruelty against Husband, Kamal Publishers, New Delhi, 2009 is pertinent to the new and modern facet of matrimonial cruelty wherein a wife goes after her husband. Apart from historical perspective, different case laws have been mentioned.

Rinki Bhattacharya 2, -Behind Closed Doors: Domestic Violence in India, SAGE

¹²M.U. Qureshi, *Women and Crime* (SBS Publication, New Delhi, 2007).

¹³R.P. Dobash and R.E. Dobash, *Imprisonment of Women* (U.S. Department of Justice, United States of America, 1896)

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Publications, New Delhi, 2004 -Addresses a complex problem of domestic violence in India. Based on the narrative of 17 women from diverse socio economic and caste backgrounds, the author locates the problem in the larger societal context and analysis range of physical, psychological, nonphysical, social and cultural aspects of the abuse of women.

The article titled as Family Law: Family Courts and Women access to Justice (2012) by Flavia Agnes (2012), is a critical writing on how the Indian legal system has dealt with the rights of women. Agnes alleges that laws that are women-oriented are developed to protect women but it is rather violated and exploited by women, perpetuating the spirit of patriarchy and gender biases. Agnes uses her enormous experience as a lawyer and activist to give a delicate examination of the family law and access to justice among women. She argues that the distortion of laws that favor women makes their objective futile and incites more challenges among women. The book may be a valuable addition to the academic community, private activists, and legal professionals working on gender and family law. The experiences of Agnes help to see the new perspective on the significance of creating a more multifaceted approach to the issue of gender-based violence and discrimination."

“ Pratiksha Baxi's book “Public Secrets of Law: Rape Trials in India” (2014) is a groundbreaking study of rape trials in India, shedding light on the dark underbelly of the legal system. Baxi argues that the misuse of women-centric laws, particularly in rape cases, perpetuates gender biases and reinforces patriarchal attitudes. Through a critical analysis of court transcripts and interviews with lawyers, judges, and survivors, Baxi exposes the public secrets of law, revealing how the legal system fails to deliver justice to survivors of rape. The book is a powerful critique of the Indian legal system's response to sexual violence and a testament to the resilience of survivors. Baxi's work is a significant contribution to the field of gender and law, offering insights into the complexities of rape trials and the need for reform."

"Ranjana Kumari's book “Gender, Law and Justice in India” (2016) is a comprehensive analysis of the intersection of gender, law, and justice in India. Kumari argues that the misuse of women-centric laws is a result of a deeper malaise in the legal system, perpetuating gender biases and discrimination. Through a critical examination of Indian laws, court judgments, and empirical data, Kumari exposes the fault lines in the legal system's response to gender-based violence. She contends that the misuse of women-centric laws undermines the very purpose of these laws, creating new problems for women. The book is a

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significant contribution to the field of gender and law, offering insights into the complexities of gender justice in India. Kumari's work is a call to action, urging policymakers, legal professionals, and civil society to address the systemic flaws perpetuating gender inequality."

Gender Justice and the Law: The Indian Experience by Indira Jaising (2017) is a masterpiece concerning the issue of gender and law in India. As a renowned lawyer and activist, Jaising gives a subtle debate on the shortcomings and strengths of the Indian legal system regarding its fight against gender-based violence. Talking about the implementation of the laws with the emphasis on women, Jaising brings the issue of the abuse to the fore and underlines the need to interpret gender justice in a more sophisticated way. She claims that the reaction of the legal system to the issue of gender-based violence should be explained in the context of the socio-economic and cultural environment. The book can be a contribution to scholars, gender and law activists and lawyers. These insights by Jaising contend to offer a fresh perspective of the problem of gender justice in India."

The article written by Madhu Kishwar (2017) is a critical analysis of the Indian legal system in its reaction to the problem of gender-based violence: *The Misuse of Gender Laws in India*. Laws that are female oriented have become a key subject of abuse with much worsening effects by Kishwar and this tendency still promotes gender prejudices and as well, uphold the patriarchal spirit. According to Kishwar, even the laws which are supposed to protect women, are sometimes misused by the women themselves, which results in a perpetration of violence and abuse. She recommends a more subtle gender justice which takes into account the intricacies of Indian society. The article has been a valuable contribution to the debate on gender and law in India as it attempts to provide insights into the unintended effects of good intentions in laws."

JOURNALS

Feminist Versions and Law¹⁴

Throughout this Article, the author has addressed different feminist theories that pertain to women jurisprudence such as Liberal Feminism, Socialist Feminism, Radical Feminism and Post-modern Feminism. Meaning of Feminism had been discussed as well. This article can be of much help to my researches.

Assessing on Female Criminality: A case Study of Varanasi District Jail

¹⁴K. Neera Sohoni, *Women Behind Bars* (Vikas Publishing House Pvt Ltd, Maharashtra, 1989).

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The author has presented a number of women criminality theories in this paper and it should be endeavoured to conduct empirical research on the de facto and de jure conditions of women prisoners in Varanasi district of Uttar Pradesh. Thus, it is a very important article which will be very useful in my research work.

A Study: Involvement of Women in Violent Crimes

In this paper the author has dwelled on the current trends of women who commit crimes with special consideration on the heinous crimes. It turns out that such a crime pattern of the women and their committing crime so heinous, day after day, made them equal to crime as a man. The researcher found that this work is rather relevant in the present research work since the crimes committed by the women in India.

The Criminality of Women in India

In this Article, author has explained the kind and trend of criminality among women in the shifting world analysing the ancient and modern views of the female offender. He has also tried to explore the rising criminality of women not only in the official criminal statistics and impressionistic media but also with an understanding changing role of women in the changing milieu of the world. The researcher discovered that the study would be highly applicable in the present research study basing on the crime that the women committed in India.

MEANING OF THE WORD WOMAN

The term woman is an old English term wif or wifmann. The word “wif” latter became the word wife and the word **wifmann** became the modern English word woman. According to Oxford Advanced Learner’s Dictionary woman means ‘an adult female human’. The Indian Penal Code defines a woman as explained in Section 10 of the Act which qualifies a woman as any female human being irrespective of her age.’

DEFINITION OF CRIME

The presence of women as a criminal is a product of different socio-economic and environmental problems of different aspects like industrialization or modernization. Her involvement into crime is related to the behavior of the women. Crimes are illegal activities in the world irrespective of gender. Crime is a term used to refer to the acts that include the

violation of a law or an action or omission, which is an offence and punishable by law¹⁵.

When women crime is considered in the context of growth and social change, it is a new concept, which is emerging throughout the world. This feminine crime is the outcome of the rapid industrialization, westernization, and urbanization of a number of socio-economic and environmental variables. Today due to its increased velocity it has drawn the attention of Psychologists, sociologists and criminologists all over the world and in the country. It has not just mangled our social and cultural history but also had an impact on the social system of the Indian society.

Criminal intent is explicitly mentioned as a part of the definition of crime. Besides, any criminal acts and/or omissions which commit a crime do not discriminate between man and woman in terms of crime committed¹⁶.

The phrase 'Cherchez la femme' in French means 'search the woman' which implies that in every crime which has been committed there is possibility of involvement of a woman.

In the consequences of industrialization, westernisation and urbanisation, the Indian community experienced profound and transformative shifts in the structural, socio-economic and cultural realms, which not only created the transformed physical climate, but also influenced social order, unity, human behaviour and reflection in a modern model of economic organisation. With our country rapidly becoming industrialized, employment opportunities are created both in the formal and informal sector especially to the youth. Traditionally women, whose role was mainly confined to the domestic arena has now switched over to productive job sector participating in every sphere of professional life along with the male counterpart¹⁷.

However, with such a long list of causes like discord within the marriages, disorganizations in the family, frustrations, high aspiration, failure and coping process with stress, women began to venture into crimes and the numbers continue to mount in the society these days.

Other criminologists claim that ladies rarely get the chance to engage in organised and corporate crime that many men get caught up in but end up not convicted. In terms of the

¹⁵C. Smart, *Women, Crime, and Criminology: A Feminist Critique* 215 (London, Boston: Routledge & Kegan Paul, 1977)

¹⁶A. Worrall, *Offending Women: Female Lawbreakers and the Criminal Justice System* 167 (London; New York: Routledge, 1990).

¹⁷C. Lombroso, & G. Ferrero, *Criminal Woman, the Prostitute and the Normal Woman* 207-10 (N.H. Rafter & M. Gibson, Ur., N. Rafter & M. Gibson, Prev., Durham: Duke University Press, 2004).

ratio of conviction between females and males, where women have similar opportunities for criminal behaviour in relation to males, their respective patterns of crimes appear to be broadly similar.¹⁴ However, while, in theory, women have similar opportunities as men to commit crime these may be limited by other factors such as employment, as fewer women than men work, less opportunity exists. Women are also the main ones to be held largely accountable in regards to child-care compared to men and this curbs criminal behaviour of various forms.

Traditionally it has been assumed that any crime which has been committed will only involve men. And it was mostly true as then women were entirely subjected to men and they were hardly free to make any decisions by themselves. But today women are participating in every activity at par with men and they are enjoying freedom like their male counterparts so there is equal possibility that the crime may involve a woman as well. Also, the crime enforcement machinery was hesitant to appreciate crime committed by women leading to fewer arrest and conviction of accused women. This has been the case in almost all countries and hence no systematic studies have been conducted on women crimes related cases and cause of committing such crimes. Such information gap and under-research is more prevalent in India since the status of women in India is more insecure than in other countries. All studies related to crimes have only focused on male and detailed study into the crimes committed by women is yet to take place.

RELEVANCE OF STUDY

Women are in a big way viewed as homemakers in India due to the social, cultural and traditional influences and when they involve themselves in violent crime this has been seen as a state of shock and concern. The women criminality area remains hardly a zone of priority issue, likely since they are very few. But to have deeper and greater insight into the problem of female criminality, intensive study in the field is the need of the hour. All the aspects concerning women including their criminality require a thorough review, so that the overall development becomes a reality¹⁸.

According to Durkheim, crimes are normal in a society since no society can ever be ideal in real life situation. He also mentions that the crime can be committed by any human being (men, women or children). In present century social and economic statuses of women have undergone a drastic change. In a world which is industrialized and urbanized, women are

¹⁸Emile Durkheim, *An Introduction to Four Major Works* 60-81 (CA: Sage Publications, Inc. Beverly Hills, 1986).

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equally seen as breadwinner.

This currently available freedom not only has enhanced their character and modernized them but it has had certain negative impacts. The economic independence coupled with political power made the women feel that they are no less than anyone in general and men in particular. This has brought about the way women can commit crimes¹⁹.

Increase in involvement of women in activities that were monopolized by men has resulted in involvement of women in crimes. Still their participation is less as compared to men due to reason that:

Since time immemorial men have been committing crimes. This has assisted in getting them used to it. Conversely the traditional role of women does not allow them to crime.

Women are likened to hot house plant where the icy blasts of life are shielded and as such, there are not many criminals to William Bonger²⁰.

Lombrose was an Italian Anthropologist who has been of the opinion that women are not born criminals as compared to men, even though they are seen as occasional criminals.

In the same spirit, an American Sociologist, Pollak, who was able to conduct tremendous research has arrived at a conclusion that these crimes by the female gender were under-reported like the sex crime committed against very young children by females was not noticed at all as compared to when it was committed by males who received very loud publicity.

That being said about women as well engaging in criminal activity, it is the factors that lead to it that will need to be investigated. They too are motivated by fear and jealousy which is moral weakness found in any human mind.

Other causes like illiteracy, poverty, suspicions, broken families, marital maladjustment, emotional tension and pervert tendencies often lead women to commit crime. Recently Supreme Court of India found Shabnam guilty of murdering her parents who opposed her marriage to someone of her choice.

Out of social and economic problems and family rejection, personal nature of woman and its attitudes is no less important factors of women criminality. Arrogance, rude behaviour, pride,

¹⁹Cesare Lombroso and Ferrero Guglielmo, *Criminal Woman, the Prostitute, and the Normal Woman* 147-53 (Duke University Press, 2004)

²⁰Willem Adriaan Bonger, "Criminality and Economic Conditions: A Critical Appraisal" 4 *International Journal of Criminology and Penology* 211-38 (1976).

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disobedience, narrow mindedness, impatience, selfishness, stupidity, impoliteness or shyness also contribute a lot towards criminal behaviour of a woman. The quarrelsome nature of a woman, arrogance, discourteous behaviour, pride, disobedience, narrow mindedness, impatience, selfishness, stupidity, impoliteness or timidity also play a significant role in a women's criminal behaviour. The quarrelsome nature of a woman, arrogance, discourteous behaviour, pride, disobedience, narrow mindedness, impatience, selfishness, stupidity, impoliteness or timidity also play a significant role in a women's criminal behaviour²¹.

THE THEORY OF FEMALE CRIMINALITY

These theories have over the years propounded the crime of women. Lombroso says that malevolent qualities are found in criminal women. Physical defects and biological abnormalities were common in them and as such they attributed the deviant behaviour to the physical symptoms. The women criminals he claims are mostly of short stature, have black hair, mature face and biological look is similar to that of men.

W. I. Thomas has stressed on physiological factors of female criminal behaviour. Thomas altered his ideas on female delinquency in two aspects in his book *The Unadjusted Girl*. First, he also claimed that female criminality under some conditions was natural in case some assumptions about the nature of women were made. But what these assumptions were was not specified by Thomas. Second, he does not focus on criminal punishment, but rather, rehabilitation and prevention, a substantial departure of the Lombrosian theory of imprisonment or sterility as a deterrent. The duality of good and wicked women was used by Thomas²².

In Freudian physiological explanation, women who transgress are a revolt or deviance against the biological natural role of women, or a sense in masculinity. According to him, every woman feels jealous towards men.

Davis claims that prostitution is a female specific crime and that commercial prostitution came about because of sexual black marketing. It thrives in a context whereby demand on sexual novelty is unfulfilled in the process of marriage or some men are deprived of their sexual partners due to physical faults.

The deceptive behaviour learned in gender dependent socialization is more effective (Pollack, 1950) and thus when it comes to covert offences i.e. abortion, poisoning murder

²¹Willain Issac Thomas, *The Unadjusted Girl* 112 (Little Brown and Company, New York, 1923).

²²Ibid.

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etc. women commit the offences covertly. Along with confidence and nature that women will achieve in the process of socialization, Pollack also added that the biological factors such as low physical strength and psychological factors such as conception and menstrual are all considered in the factors female crime.

Some criminologists, while explaining the role theory for understanding the crime of women, Heidonshen and Bernard said that due to excessive social restrictions on women and intensive care, the development of socialization consciousness and development of self-knowledge differ greatly between boys and girls. Girls are mostly trained to be nonviolent. Quite on the contrary, boys are aggressive.

Another American theorist, Talcott Parsons (1949), has also indicated that the decrease in female crimes is because the adult women are at home and observe the actions of the girls and bring them into reality. Barry Smart (1976) and Russell K. Schutt attempted to modernize the role theory and include the role of the school, friend group and family as well as the occupational group as the causes of socialization.

FEMALE CRIMINALITY IN INDIA

Criminality by females defines female criminality, and is gender categorised. Adultery, Blackmailing, Drug trafficking, Forgery, Kidnapping, Marital crimes, Murder, Pickpocketing, Smuggling and Terrorism are some of the examples of crimes that women commit.

When explaining crime and when giving a discussion on the topic, women are often left out and in fact, they are mostly set on the back burner or rather, cast aside to the male perspective. The traditional theories of female criminality share certain assumptions about female criminality which are used in laying the groundwork for theories explaining the female criminality. Some writers have in the past written on issues of female criminality starting with the atavist explanation of female criminal by Lombroso and Ferrero in *The Female Offender* (1895). The female criminals in their study were figured out to be more similar to the male criminals and normal women than the normal women. They failed to find the numbers of „born female criminals“ and argued that all women were less evolved than men, and thus closer to primitive types.

It is an ugly yet not unfamiliar fact that criminal justice system, which has undergone a history of male domination, is no longer a male dominated arena. We have even all- female attires of terrorists such as the Dukhtaran-e-militat (DeM) that also engages in disruptive

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actions in Jammu and Kashmir (India). The police in Mumbai are looking into whether a woman is a prime suspect in 1993 series of explosions that rocked the city, killing 50 and injuring 154 others. The most recent occurrence of the seven most desired women criminals in India yields the highest proof of the part that women play in serious crime. They are also listed on the wanted-list of the Interpol in 44 countries; in case they are caught in any of them, they can be extradited or deported. The assassination of former Indian Prime Minister, Rajiv Gandhi in Tamil Nadu by a female suicide bomber named Dhanu a suicide bomber of Liberation Tigers of Tamil Eelam (LTTE) was the worst horror terror attack on Indian soil by women so far. Chechen Black Widows, as well as female suicide bombers in Turkey and Palestine, are well-organized on a global scale. Among the six most notorious reservists to be charged to undergo court martial is the personal of the US Army, Lynndie R. England due to her tortures and humiliation of the prisoners at the Abu Ghraib jail in Iraq. South Africa has recently accused women of raping men under duress most times seemingly in apparent retribution due to their AIDS cause or spread in the hands of the men.

In India, the crime rate is lower among women as compared to men. The 2020 government statistics reflect the fact that approximately 2.20 per cent of the number of people convicted under the Indian Penal Code was women in our country. In 2020, 634229 persons were convicted under the Indian Penal Code in the country, including 13620 women, and 876553 under Special and Local Laws (SLL), including 17251 (1.96) women. Of the total 4424852 persons arrested in 2020 under the Indian Penal Code, 228124 (5.15%) were women. On the contrary, 127017 (5.31) of 2389762 who were arrested in 2020 under Special and Local Laws (SLL), were women.

Out of the total number of female offenders (13620) punished under the Indian Penal Code in India in 2020, 274 for murder under Section 302 of IPC, 183 for attempt to murder (Sec. 307 of IPC), 239 for dowry deaths (Sec. 304-B), 2082 for voluntarily causing simple hurt (Sec.323 of IPC), 187 for voluntarily causing grievous hurt (Sec.325 of IPC), 195 for theft (Sec. 379 of IPC), 43 for kidnapping and abduction, 229 for cheating, 19 for rape, 16 for dacoity, 209 for rioting, 381 for unlawful assembly, and the rest convicted for other offences.

In 2020, there were 17251 women offenders convicted by local and special laws, 15706 of which were convicted under the Liquor and Narcotic Drugs-Related Acts (eg; Excise Act, NDPA Act), 435 under the Gambling Act, 27 under the Passport Act, Immoral Traffic (Prevention) Act, 70

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It is not only the men that have been dominating atrocious crimes in the modern Indian society, but women are also making it into the field in large numbers. Earlier only a few women, including bandit beauties like Phoolan Devi, Seema Parihar were once involved in crime in the Chambal ravines. However, now the number of female criminals is on the rise.

But, when we consider the figures of the recent years, we can notice, that the number of women in the area of criminality increased at the blistering pace. Women are currently making their presence felt in all aspects of crime. Whether it is the crime committed in the name of property, or the betrayal in the name of marriage or extortion, selling smack and narcotics or pick- pocketing, all the professions were now transferred to the name of a lady. The modern era may be termed as being less discriminative of the women in regards to their capability of competing with men in the criminal justice system²³.

CONCLUSION

To sum up, the analysis of female offenders demonstrates that the image of passivity of females when it comes to crime is more of a socially constructed issue which is deeply founded on the patriarchal values and gender stereotypes. The passive or active role of women in the crime may not be easy to justify by some means of coercion, victimization or even immorality but it is evidence of complex interaction of socio-economic status, psychology and structural inequality. Its long tenure in the criminal justice system has a tendency of causing unfair treatment of gender; whether by a blind favoritism due to its perceived weakness or by harsh treatment of things when women fail to meet their gender expectations. Such duality creates the increasing need to transcend the stereotyped discourse and get to the more balanced and evidence-oriented approach to female criminality. Identifying women as active, and not passive, participants can be instrumental in coming up with equitable legal systems and efficient rehabilitation measures. In the long run, a gender sensitive approach to criminology will be able to dispel certain myths, help create equality before the law as well as make our justice systems not merely treat women offenders fairly but, in a context, too.

²³Mohammed J. Islam, Subrata Banarjee and et al, "Theories of Female Criminality: A Criminological Analysis" 7(1) *International Journal of Criminology and Sociological Theory* 1-8 (December 2014).

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