
THE ROLE OF FAMILY IN ENHANCING WOMEN CRIMINALITY

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ABSTRACT

Women are often regarded as the utmost preservers of norms in society as they are expected to bear the burden of family repute and honour without any limitations. They are simply seen as idols of ethics and morals without having any possession of rights and liberties. However, nowadays, many women are getting deviated from their socially acceptable roles as they are becoming more involved in committing anti-social activities. Over the years, as per the data provided by the National Crime Records Bureau, the rate of women criminality has increased drastically. Their evolving role, move-in occupation, desire to change status, the idea of women liberation, claiming of rights, financial freedom and political autonomy has opened up the passage for the women for participating in different roles and activities which has in turn increased their exposure to various facets of the society. Different theories explaining women criminality have emerged which also provides a basis for analysing the shift in gender roles and a change in socially acceptable life of the women. However, recent studies show that women commit crime mainly under the influence of their family. Improper socialization, broken homes, parental pressures, lack of emotional support, mental tortures by in laws, lack of love and affection, etc. are all major reasons for women getting involved in criminal activities. Another point of concern is that though the rate of female criminality has increased but, the law has remained the same. Therefore, there is an urgent need to modify the existing laws in order to suit the present day challenges and also provide a basis for its proper implementation in order to protect the citizens irrespective of their gender and roles in society. This research endeavour deals with the various theories based on female criminality and mainly focuses on the role of family in enhancing woman criminality. The paper also provides certain preventive measures and recommendations in order to effectively deal with such situations in the society.

Keywords: Women, criminality, gender, abuse, family, legislation.

Introduction

Women are the foundation stone of every family especially in India; a woman is seen as preserver of social norms, traditions, and customs. In every society woman has added responsibility of making her own identity along with nurturing her family. But it is very sad to see that women's achievement is also getting extended towards criminal activities. In one hand crime against woman is increasing in India and on the other hand rate of female criminality is also increasing and it has turn into an important cause of concern of the legislatures as well as research scholars to find out the reason behind such criminal activity. The social environment especially environment of a family in which the woman is living contributes a lot in making of a woman criminal. As per the data on crime by National Crime Records Bureau (Crime Report 2009) women criminals comprise 6.3% of the criminals convicted for crimes under Indian Penal Code. In a data provided by Crime in India Reports (2003) reveal that the number of females arrested for criminal activities were 1, 51,675, and which increased to 1,54,635 in 2007. The nature of crimes committed by are also witnessing a change, Like, previously they were much involved in softer crimes but as per the recent reports of NCRB in the year 2005 almost 3439 women were arrested for the charge of murder; in the year 2007 this number increased to 3812 and in the year 2009 it reached to 4007 which is an increase from 5.4% to 6.4%. The crime rate among female criminals has risen from 5.4% to 6.2% from 2001 to 2011.

This paper deals with the theories based on female criminality and mainly focuses on the role of families in enhancing in increasing woman criminality relate. We have also provided certain preventive measures in order to overcome such situation. It is an urgent need to make laws with regard to the same and implement those laws which are already inexistence and also need to make laws to protect its citizens irrespective of their gender.

Definition of Women Criminality

Bajpai and Bajpai stated that, "The rights are first demanded, then commanded and later snatched".¹ In this fight for rights of women, in order to obtain them or defend them, this kind of incidences of crime takes place. Social scientists and social protection planners have not paid much notice to recognize and unearth diverse trends and quality of the offences committed

¹ P. M. K. Mili and Neethu Susan Cherian, *Female Criminality in India: Prevalence, Causes and Preventive Measures*, 10 IJCJS 65, 67 (2015), <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf>

by women in spite of the rapid rate of the participation of females in crime.

Female crime refers to the crimes which are committed by any women. It corresponds with male crime, and which is classified from a gender perspective. A woman who has committed crime and has been convicted of a crime, in which she has used force or has threatened to use the same, is known as women offender. A violent crime committed by women includes robbery, terrorism, rape and murder.

It is very much important to recognize the psychology and sociology in which females commit crimes either intentionally or negligently.

Theories of Women Criminality

1. Strain Theory

According to this theory, some hidden pressure or tension to achieve desired goals often results in women committing criminal wrongs. Individuals get easily frustrated with the associated obstacles for achieving such goals. The pressure or frustration is thus released in the form of a crime. An exponent of this theory, Albert Cohen, said that unambitious, inactive and uncreative mind-set exposes the unsatisfied women to often resort to violent means of fulfilling their desired aims. This theory further states that women are neither pressurized to achieve the major success goals of the society nor offered a proper outlet for releasing their tensions. The limits of a women are confined within the family which results in restricted access to the legitimate means of success and does not offer a better platform for establishing positive and stable relationships.

2. Masculinity Theory

It comprises of two ideas: crime is symbolically masculine and masculinity supplies the motive for a good deal of crime.² The main proponent of this theory is Talcott Parson. Such manly attitude involves toughness, aggression, courage, etc. He stated that the above mentioned features are essentially restricted to the male individuals and that the main task of the female individuals is caring and socializing the children and other home restricted

² Anupama Kaushik and Dr. Hari Singh Gaur, *Women Criminals: Case Study from India*, 1 MJHSS 1, 2 (2015), <http://www.sncwgs.ac.in/wp-content/uploads/2015/01/2-WOMEN-CRIMINALS.pdf>

jobs. Men are expected to bear the financial burden of the family while the women are supposed to provide care and mental support to the family members. Such a sex based division provides for different attitudes and mentality. However, there is a shift in this theory as it also states about the masculine attitude of women when they engage themselves in criminal activities. It states that women commit those offences which will make them more attractive to the other gender. They consider it to be a way to enter the male group and enjoy the liberty and freedom which are exclusively accessible by the men.

3. Control Theory

According to Hirschi, the main proponent of this theory, human beings are immoral by nature and have a tenacity for engaging themselves in both social and anti-social activities. However, these anti-social activities might get interrupted if some unwanted intervention takes place. Apart from that society had devised certain control mechanisms for its members in order to prevent their deviation from socially permissible norms. The theory further states that if an individual continues to be associated with such people who are themselves attached to the conventional norms of the society, then people generally do not have the tendency to deviate from these moral standards. This theory therefore, equally applies to both men and women as studies show that people having healthy communication and stable bonds with their family and society are more likely to conform to the moral values of the society.

4. Labelling Theory

Howard Becker has given the main idea that external social stigma or label converts a person into a criminal. This theory states that the powerful men of the society make labels and apply them to the powerless men with an intention to dominate while also compelling the weaker men to internalize such labels and reconstruct their self-image, position and behaviour accordingly. This theory also postulates that powerful men manipulate women into believing that criminal activities are absolutely inappropriate behaviour for women and that they should not get involved in such activities as their main duty should be family and child oriented. This restricted outlook has perhaps agitated some women into breaking such rigid labels and to conform to anti-social activities in order to liberate themselves from being labelled by the society.

5. Liberation Theory

Freda Adler, the main exponent of this theory, has stated that women's liberation has been causing women to engage in several violent criminal activities since such liberal aspects has brought forward competitive instincts and goal oriented lifestyle in women which in turn has made them more assertive, demanding and aggressive. Liberation has made women think that structural opportunities can only be gained by financial stability and strong social position and therefore, women often engage themselves in committing criminal activities for achieving their goals in order to get a strong and stable social position in the society.

The Role of Family in Enhancing Women Criminality

It is an universal fact that family plays an important role in the socialization of the child. Family and social conditions leaves a very significant impression on the social, cultural, moral and ethical behaviour of a child. However, several studies have found that female criminality has mostly been the result of maladjustment in the family, both parental as well as in her husband's family. The various factors by which family becomes responsible for women criminality are as follows-

1. Family Type and Environment

Family plays an important role in the socialization of the child. There is an important correlation between family type and women criminality which has been established by various researchers. In 2009, a study conducted on women criminals in the state of Punjab revealed that about 57.5% of women offenders are from nuclear families while 36.5% of them live in joint or extended families. Another study in 2006 has shown that about 69.70% of women offenders belonged to nuclear families. Studies have also shown that majority of women offenders from nuclear families are engaged in property offences while, women offenders from joint families are mostly involved in offences against person. Young girls from broken families are most likely to show deviant behaviours. Single parent families are often not able to satisfy all the needs of a child and are also unable to monitor the day to day activities of their children. This often results in the young girls getting easily manipulated by people for getting engaged in anti-social activities as they are unaware of the violent consequences.

2. Abusive parents

Physical abuse by parents are also a reason for women criminality. Young girls who are physically abused by their parents are more often found to be emotionally dependant on people outside their family units. This sometimes makes them the victim of anti-social activities when they come under the influence of wrong guidance. Incidents like running away from home are indicative of such deviant behaviour. Studies show that women whose parents have been engaged in extra marital relationships seems to develop certain behavioral abnormalities from their very childhood which results from lack of proper attention and affection from their family members. In 2009, a survey was conducted on 180 women prisoners. Out of them, 18.89% suffered some form of parental abuse in the family of their orientation.

3. Family history of crimes

Family history of criminality has been the subject matter of most criminologists, usually within a broader theoretical context emphasizing the role of social learning. Criminal tendencies among members in the family of orientation has a detrimental effect on the psychological development of a women from the very childhood and makes them mentally and emotionally maladjusted with the societal norms. Such maladjustments when not channelized properly results in development of anti-social instincts and commission of heinous crimes.

Studies indicate that women criminals mainly emerge out of families where her husband or in-laws, such as brother-in-law or father-in-law, are actively involved in anti-social activities and were also put behind the bars for some crime. Women have been often found to accomplish their husbands in carrying out illegal activities because the Indian conservative society leaves no option, except to assist the husbands in their wrongdoings, as women are economically dependent on their husbands for the fulfillment of their bare necessities. This is indicative of a patriarchal and conservative structure of the Indian households and also suggests a correlation between the environment in the family of procreation and criminal tendencies among the women.

4. Marriage and spousal relationship

There is an extensive correlation between marriage and criminal tendencies among women. Studies suggest that married women commit more offences than women who are unmarried or

who have never married. Marriage tends to develop highly significant changes in the developmental process of a woman. For some, marriages give a positive result and for the rest, it shows negative impacts. Several women who have been married before the age of 18 years seems to face a greater age difference with their husbands which sometimes leads to mismatch of opinions and results in incompatibility issues. Women whose husbands are engaged in anti social activities such as drinking, gambling, etc. face severe torture and harassment at the hands of their spouses and other family members. Studies have shown that women whose husbands engage in extra marital relationships suffer deprivation and denial of certain basic essentials of life, for example, love, affection, security, etc. These are one of the primary causes of women criminality arising out of depressions and frustrations which results in women committing heinous crimes. In 2006, a study conducted on 180 women prisoners revealed that 70.56% of them faced abuse at the hands of their husbands. The study also portrayed the fact that if the husband's family size was large then, women faced some sort of abusive relationship and harassment by her in-laws in case the level of education and economic status of husband was low because in such situations, the women hardly have any role to play in the household affairs in her husband's family.

5. Role of in-laws

Studies suggest that most women who are accused of property crimes are actually victims of the wrongdoings of husband or her in-laws who are basically the actual offenders. It has been seen that women have been falsely implicated in their cases either because of some kind of revenge by the husband or by in-laws. For instance, in offences related to excise where the husband was arrested for illicit distillation, the wife was also arrested for assisting him in illegal activities. Thus, it is evident that in cases like these, the wife merely played the role of an accomplice in order to satisfy the economic pursuits of her husband as it her duty as a wife and not because of any desire to violate the social or legal norms. Another common aspect on the Indian society is the practice of 'Labelling'. Many cases in India reveals that women were labelled as criminals not because of any of their criminalistic tendencies but because their family's male members were so labelled. There are also instances where it was found out that the offence of theft committed by women was not the result of any psychological or social aberrations but mainly due to family compulsions as they were compelled to play the secondary or supportive role in the commission of such offences.

Case Analysis

Phoolan Devi vs. State Of MP³

Facts

Phoolan was born in rural Uttar Pradesh into a deprived family. She was compelled to undergo child marriage and also became the victim of an abusive marriage. She had not entered the criminal life till that point of time. She was raped multiple times by her husband after which she decided to run away. Later, she joined a gang of bandits where she was the only woman. Meanwhile, she developed a love relation with one of her gang member who belonged to the upper caste. This led to creation of disturbances between the gang members based on caste issues and eventually her lover was killed in a gunfight. Thereafter, the victorious rival faction, who belonged to the Rajputs, took Phoolan hostage to their village of Behmai, where she was repeatedly raped by them over several weeks. She managed to escape from there, after which she rejoined the remnants of her dead lover's faction belonging to Mallaah, and continued with banditry. After a few months, her newly formed gang attacked the Behmai village for taking the revenge for her own sufferings. About twenty-two Rajput men of that village were shot dead by Phoolan's gang. After that incident, Phoolan managed to escape capture for two years until she and her few surviving gang-members surrendered to the police in 1983. Phoolan was charged with 48 crimes, including multiple murders, pillage, kidnapping and arson for which she passed eleven years in jail.⁴

Analysis

This case proves to be an example of the fact that strained family relations was responsible for the detrimental effects on the mentality of a women which compelled her to choose the life of a criminal. She belonged to a very low caste poor family. Thus, societal deprivations existed from the moment she was born. Under family pressure, she was forced to marry a man who was double her age. Her relations with her husband were also very strained because of the huge age differentiation. She was even raped several times by her husband. Marital rape creates tremendous pressure on the physical and psychological well being of a woman. However, in

³ Phoolan Devi V. State Of MP, Writ petition (Crl.) No. 509 of 1995, [11 SCC 19]

⁴ Sabrina Sultana Tithi, *A Case Review on Phoolan Devi vs State Of MP and Others*, NILS (Mar. 7, 2024, 8:31 PM), 2012) <https://nilsbangladesh.org/a-case-review-on-phoolan-devi-vs-state-of-m-p-and-others/>

this case it was found that not only stained family relationships but, even societal deprivations ruined her life. It is evident from the case that the root of all her crimes were sexual harassment and rape.

In the words of Justice Arjit Passayat⁵, “While a murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female.”

Most of the time, it is found that women harassment cases are not reported by victims because of various reasons, the most important being that of family pressures. The family often puts all the blame on her and asks her to accept the wrongdoings of the offender. Therefore, in quest of equality, a women is sometimes forced to engage in anti-social activities.

Randhir Basu vs State of West Bengal⁶

Facts

In 1998, Sudipa Pal who was in Class IX had engaged in an illicit relationship with her private tutor Randhir Basu. Her family consisted of her parents and grandparents. Her mother had certain physical sufferings which had developed after Sudipa’s birth for which she was often ill-treated by her mother. Sudipa was not allowed to mix with any boys or girls as a result of which she did not have any friend. She was also subjected to physical assaults by her mother at various occasions. She used to make complaints about the ill-treatment by her mother to the appellant(tutor) as she had nobody else to share her feelings with. The appellant used to listen to her complaints and console her and thereby he was successful in winning the confidence of Sudipa who believed the appellant to be her real well-wisher. However, when her mother came to know about her illicit relationship with the appellant, she decide to remove him as her tutor. However, the appellant was clever enough to convince Sudipa to mix poison in “kalojam” and feed that to her entire family. Sudipa, along with and under the influence of the appellant had committed the offence of murder.

The High Court had awarded death sentence to the appellant. However, the Supreme Court, after confirming the conviction of the appellant for causing deaths of all the four victims,

⁵ *Id.* At 4

⁶ *Randhir Basu V. State of West Bengal*, AIR (2000) SC 908

reduced the sentence of death to the sentence of life imprisonment.

Analysis

This case again reflects the role of family in enhancing criminal tendencies among women. In this case, abusive parents had played the role of enhancer of women criminality. As already mentioned before, women are often easily influenced by outsiders when they are unable to get any love and affection from the family. This often leads to them being unable to channelize their grievances in a proper manner, often forcing them to get engaged in anti-social activities. Sudipa was often ill-treated by her mother and this also in no way seemed to improve her future. Therefore, out of helplessness and frustration, Sudipa was compelled to commit the offence, especially when she saw the appellant to be her only friend who was being removed by her mother. Therefore, out of confusion and frustration, Sudipa and the appellant committed the offence.

Preventive Measures Including Legal Aspects

It is said that prevention is better than cure. Prevention of crime that too in a country like India is a very difficult task in itself. Prevention of crime among women is a big challenge because it is very difficult to identify the vulnerable section of people especially in case of female criminals. According to the World Female Imprisonment List, while the number of men in prison has increased worldwide by about 20% over the last 20 years, that of women has increased by 53%.⁷ Legal awareness of women and knowledge regarding their actual role in a society should be briefed to the uneducated women of the society. Sex education plays an important role where a woman indulges in sex-racketing and flesh trade. They need to be informed about the strict laws and punishments which are there against being a part of a crime. Pre-marital and post marital counselling can be done for the couples to reduce tension among them and to maintain stability in among the family members.

In spite of so much development of laws and awareness regarding the same women face inequality in almost every phase of her life. Though there are many laws which talks about equality of women but it is not used in the practical scenario. Due to this reason they miss many

⁷ Nadia Campaniello, *What do we know about female criminality and how to control it?*, IZA World of Labor, (October 23rd, 2023, 11:05), <https://wol.iza.org/opinions/what-do-we-know-about-female-criminality-and-how-to-control-it>

opportunities in life which affects her financial independence. In this fight for rights, in order to obtain them or defend them, this kind of incidences of crime takes place. There are a many such laws in India which protects the rights of a woman. They are –

- 1) Protection of Women from Domestic Violence Act (2005):- This legislation is aimed to protect Indian women from all forms of domestic violence by the husband or any of his relatives.
- 2) Dowry Prohibition Act (1961):- This legislation prohibits giving or receiving of dowry before or after the marriage, from a woman or from her family members.
- 3) Commission of Sati (Prevention) Act (1987):- This Act provides for the more effective prevention of the commission of practice of Sati.
- 4) The Sexual Harassment of Women at Work Place (Prevention and Protection) Act (2013):- This law provides protection to women from sexual harassment at her workplace, both in public and private sector.
- 5) The Protection of Children from Sexual Offences (POCSO Act) 2012:- This act was formulated to address sexual abuse and sexual exploitation of children.
- 6) The Immoral Traffic (Prevention) Act, 1986 (PITA) amended The Immoral Traffic (Suppression) Act, 1956 (SITA):- This Act is for prevention of trafficking for commercial sexual exploitation of women.
- 7) Indecent Representation of Women (Prohibition) Act (1986):- This Act prohibits representation of women through publications, writings, paintings, figures or in any other manner.
- 8) Medical Termination of Pregnancy Act (1971):- This legislation provides for termination of certain pregnancies by registered medical practitioners only on humanitarian grounds.
- 9) Maternity Benefit Act (1961):- This Legislation protects women employees during the time of her maternity and also provides certain benefits.
- 10) Equal Remuneration Act (1976):- This Act provides for equal remuneration to both men and

women workers for same work.

Recommendations

Preventing occurrence of crime is a huge responsibility of a State. Article 21 of Indian Constitution provides for right to life and personal liberty. Here, right to life does not mean mere animal existence rather, it talks about living a dignified life. Prevention of crime is only possible if the reason behind happening of such crime is identified. In other words, only after knowing the root cause behind any crime, preventive measures can be taken. In a developing country like India, though we have several laws to protect the rights of its citizens, but, unfortunately there are very few laws which actually works for the prevention of occurrence of any crime. Specially, when it comes to women criminality it often becomes difficult to identify the vulnerable areas. There are certain recommendations on our behalf which we believe to be helpful for the betterment of the present scenario. They are as follows:

1. Education is one of the most powerful weapon to defeat any societal problem. Thus, spreading of education and awareness among each and every people, irrespective of their gender is very much important.
2. Governmental as well as non-governmental institutions should come forward and provide education relating to laws that are there to protect the rights of women.
3. Legislature should come up with more such laws that deals with protection of human rights and not merely male or female individual rights.
4. Psychological counseling should be done in school levels only because then it will become easier to prevent criminality among women.
5. From the above mentioned case analysis one thing is very clear that in most of the cases female criminality happens due to the abuse and harassment faced by them from their family and close ones. Thus, our recommendation is to come up with more strict laws and proper application of the already existing laws.
6. One of the biggest reason behind women criminality is the discrimination and torture faced by them from ages. From ancient ages this society has taken women for granted. They were treated as slaves by their own family members, they were not allowed to speak for their

rights. Though the situation has improved a lot but still much more steps are yet to be taken. Women empowerment and equal rights are to be provided to women in order to eradicate such problem.

7. Women prisoners should be provided with proper medical aid, even during rehabilitation.
8. Proper access to legal aid and advice should be provided because most of the women come to prison for no mistake of their own.

Conclusion

Family environment, as already known to us, is an important factor in influencing an individual's behavior. Theories of various researchers have explained the reasons for increase in criminal tendencies in women. However, no single theory has been able to explain the ultimate cause of female criminality. It has been seen through various studies that it is not the family of orientation but, the family of procreation that accounts most for women criminality. Researchers have found that majority of women offenders were married at the time of the commission of the offence. Since the family of procreation are generally more conservative than the family of orientation, it often leads to tensions among the family members which in turn leads to aggravated torture and domestic violence upon the female members in the family. It is evident from various studies that most women offenders have experienced abusive relationship with their husbands and in-laws. Therefore, endeavor should be made in order to properly channelize the grievances of such women and efforts should be made towards ensuring that laws are effectively implemented in order to prevent any kind of violence towards women. Education and awareness has to be spread among all classes of women so that they become familiar with the rights that are provided to them under the Indian laws so that it leads to the maintenance of a just and fair society in India.