Women and Criminality - Nature, Pattern and Modalities

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Crime and delinquency are problems as old as the story of the biblical garden and the stain of Cain. To be more precise they are as old as human society and civilization. No society was free from these problems at any stage of its growth. The problems are varied and intense. Their roots lie deeper in the social environment.

Crimes are committed by both sexes. But when committed by women, they ordinarily arouse stronger emotions in the minds of the public. They make head lines in the press and are favourite theme for plays and movies. This may be because society wishes to see woman always playing her traditional role — the role of the mother, the wife and the most compassionate being to whom the other members of the family look for comfort and consolation. Society never desires to tilt or shake this image.

In the course of the present century the status and role of women in society have undergone drastic changes all over the world. Women have moved towards greater freedom and have achieved greater equality with men both within and outside the family in the legal, social, occupational, economic, political and cultural realms. Women became involved equally with men in the common struggle for existence. The traditional male domination has considerably depleted. This paved the way

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for woman to be more independent. The change in the new political and social status makes the woman feel that she is in no way inferior to man.

The more advanced are the women the less do they confine themselves to kitchen. The tragedy is that the new environment putting women on par with men in pursuit of comforts and luxuries led to a situation where women were indulging in commission of more and more offences. Undoubtedly, the feminist movements have increased the opportunities of women for jobs outside home. The leaders of the movement close their eyes on the increasing rates of certain types of crime committed by women such as larceny and embezzlement. Thus women's liberation is not an unmixed blessing. It led to the development of woman's personality; it provided also a base for the growth of criminal tendency about which the traditionalists were anxious. Writers and researchers observing this change attempted to explain this forgotten subject in a new perspective. The new brand of criminologists emerged discarding the theory of 'born criminal.' Focusing attention on societal factors they examined the corelation between the doctrines of born criminal and crime. New theories identifying societal events as causative factors of crimes were formulated. Attempts were thus made to study criminality among women on a scientific basis and to base the new theories on solid foundations.

2. Numerous studies were conducted on male criminality. The criminality of woman has been a neglected subject in the past. This may be so because the traditional criminologists were of opinion that women commit relatively few crimes and that a betrayal of womanhood is there when they venture out into the field of crimes considered to be a reserve of man. See Christine E. Rasche, "The Female Offender as an Object of Criminological Research" in Annette M. Brodsky (Ed.), *The Female Offender* (1974), p. 24.
One may be curious to discover why woman behaves in the way she does. One may doubt whether in our country the rate of crimes committed by women is on the increase year after year and is more than that of men. One may probe into the causes of crime with a view to preventing and controlling its occurrence. Such a probe of the etiology of female crime appears to be crucial.

An Empirical Study

What are the types of offences which woman commit? Are they in any way different from crimes committed by men? Do women resort to wicked and harsh methods? Are there special reasons which induce women for their criminal behaviour? Many questions arise when one goes deeper into the intricacies of women criminality. A pure legalistic or mere statistical approach alone may not be proper since it does not take into account the social, economic and psychological factors behind criminality. The writer of this paper studied two hundred and fifty female convicts in various prisons in the state of Kerala as a representative sample of female criminals.

4. The writer of this paper has analysed the statistics published by the Bureau of Police, Research and Development under the Ministry of Home Affairs in the Government of India. The statistics from 1971-1980 show the following results. During this decade 1971-1980 the rate of increase was substantial. The total number of arrest of females increased from 16,303 in 1971 to 45,900 in 1980- showing an increase of 181.54 per cent. The number of males arrested was 9,58,950 in the year 1971. It went to 16,53,457 in the year 1980 showing an increase of 72.42 per cent only. See also M. K. Singh, “Women and Crime Phenomenon”, XLII (3) Indian J. Soc. Work 281 at p. 291 (Oct. 1981); “More Women involved in Crime” The Hindustan Times, 1 April 1983.

The following table will highlight the nature of offences committed by the convicts in the samples.

<table>
<thead>
<tr>
<th>Crime</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>14</td>
<td>5.6</td>
</tr>
<tr>
<td>Infanticide</td>
<td>15</td>
<td>6.0</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>6</td>
<td>2.4</td>
</tr>
<tr>
<td>Hurt</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Grievous hurt</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Theft</td>
<td>26</td>
<td>10.4</td>
</tr>
<tr>
<td>Handling of stolen Properties</td>
<td>6</td>
<td>2.4</td>
</tr>
<tr>
<td>Cheating</td>
<td>3</td>
<td>1.2</td>
</tr>
<tr>
<td>Counterfeiting</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Immoral Traffic</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Violation of Kerala Police Act</td>
<td>127</td>
<td>50.8</td>
</tr>
<tr>
<td>Violation of Railways Act</td>
<td>21</td>
<td>8.4</td>
</tr>
<tr>
<td>Illicit distillation and sales</td>
<td>23</td>
<td>9.2</td>
</tr>
<tr>
<td>Violation of Probation</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>250</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

This table was prepared after analysing the answers to the interview the writer had with the convicts imprisoned in the four jails in the state of Kerala during the period of study i.e. 1985-1986.

**Infanticide**

The percentage of the offenders of infanticide is small. However, the inquiry into the reasons for commission of this offence indicates one of the disturbing maladies of our society. Mother is the greatest one-word poem on earth and motherhood the fountain of love and affection. Words lose their meanings when horrendous instances of mother committing offences that affect the life of their children or newly born babies are found. Fifteen woman convicts were subjected to study. Six of them were convicted for deserting their children, who being not able
to take care of themselves would run the risk of dying. Others killed their children and disposed of the bodies in a secret manner.

In most of the cases of infanticide the real intention was to hide the shame of an illegitimate birth. The irony of contradiction between maternal love and selfishness is evident when one looks at the heinous *modus operandi* of these criminals. Some of them killed their new born babies by strangulation, others by throwing them into wells or rivers. Only in two cases the women sought the help from others for committing the crime.

These woman offenders hesitated to disclose to this writer the stories of their crime initially. They were assured that the inquiry is for a detailed study for helping to evolve a just and equitable law to protect the people in similar situation. This encouraged the prisoners to give more information which is revealing.

Many of them were the victims of deception. Four among them were made pregnant by men in the houses where they worked as maid servants. In one case the unmarried maid servant working in the home of a business tycoon became pregnant as a result of her intimacy with his son. The woman accepted the hush money, gagged to death the female child she gave birth to and left the dead body in a rubber estate. She got rigorous imprisonment for three years.

6. Indian Penal Code, Section 317. This provision in intended to prevent the abandonment or desertion by a parent of his or her children of tender years in such a manner that the children not being able to take care of themselves may run the risk of dying or being injured. In the case of *Mt. Motia v. The Government* (A.I.R. 1951 Raj. 123), the court observed that in order to make it an offence under Section 317 of the Indian Penal Code it is essential that the child must have been exposed alive.

7. *Id.* Section 318. This section prohibits secret burying or otherwise disposing of the deadbady of a child. It is immaterial whether such child died before or after its birth. There must be intention to conceal the brith of the child by such secret burying or disposal.
The landlords were responsible for pregnancy of four other women criminals. Sad was the story of an old married woman who was already a mother of four children. The rest were all poor women who submitted to the lust of men for money and later committed the crime.

A question may be asked why all these offenders had not resorted to abortion since the Medical Termination of Pregnancy Act is in force. Many of the respondents said that they were

8. 'C' was a 30 year old married woman with 4 children. Her husband was ignoring and ill treating her. She became pregnant after having sex with the landlord of the house where she worked for her livelihood. The fact that her husband had undergone vasectomy years ago created a delicate situation. She delivered in a hospital; the expenses were met by the landlord. After discharge from the hospital the landlord who was with her disposed of the child in a river with the mother's consent. The dead body was later detected and she was punished with imprisonment for two years.

9. The Medical Termination of Pregnancy Act 1971. Section 3 of the Act, which legalises abortion for certain purposes, runs as follows:

"3. When pregnancies may be terminated by registered medical practitioners — (1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.

(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner, —

(a) where the length of the pregnancy does not exceed twelve weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twelve weeks but does not exceed weeks, if not less than two registered medical practitioners are, of opinion, formed in good faith, that —

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Explanation I — Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by (f. n. contd.)"
ignorant of such provision and there were no facilities in the hospitals closeby. The lurking fear that everybody would look at them only with contempt if they went out of their house also dissuaded them.

**Murder**

It is the general belief that women are incapable of committing serious and violent crimes as they do not have the courage and physical strength. Reported instances and case law besides the result of the empirical study, tell a different story. The ingenuity with which these murders were planned, the pre-

such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation II — Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health as is mentioned in sub-section (2), account may be taken of the pregnant woman’s actual or reasonably foreseeable environment.

(4) (a) No pregnancy of a woman, who has not attained the age of eighteen years, or, who having attained the age of eighteen years, is a lunatic, shall be terminated except with the consent in writing of her guardian.

(b) Save as otherwise provided in clause (a), no pregnancy shall be terminated except with the consent of the pregnant woman.


11. “Sisters on the kill” Sunday dated 29-8-1985 tell at pp. 28, 29 the story of two accused sisters who decided to do away with their sisters-in-law. They first used pieces of glass to commit murder. They had the inspiration to adopt this modus operandi from the (f. n. contd.)
cision with which they were carried out and the shrewed manner in which the evidence was obliterated make one to shiver in one’s shoes.

The empirical study reveals that out of the two hundred and fifty woman offenders interviewed, fourteen belonged to the category who committed murder. They were undergoing life imprisonment. The nature of the offence ranged from murdering husbands, neighbours’ children, siblings and parents.

Think about a wife with three children tolerating a husband who neither likes to do any job nor cares for the family! Probably a patient self-blaming wife may silently suffer the agony to a great extent. Suppose the husband comes home fully drunk and tortures her with a view to extracting money from her ‘little’ purse that supports the family. Can anyone accuse her if the wife slowly develops hatred rising to its climax, upsetting her balance of mind and compelling her to do away with the husband forever? Such was the condition in a sample where the wife deliberately planned to eliminate her husband. Cupid,
the god of love, may a times turn to be the devil of flesh and re-
venge. A thirty year old mother of three children falling in love
with an youngster in the neighbourhood found her husband a
stumbling block. She plotted with her philanderer and poisoned
the husband to death.\textsuperscript{13}

Is not there a difference between these two cases — a
constantly suffering wife losing her mental balance and killing
her husband and an irresponsible and lustful woman getting rid
of the husband, a hurdle in the pursuit of lust, out of her wed-
lock? In the eye of law both were equal, were treated alike and
were awarded life imprisonment!

There is another more tragic sample. A mother of seven
children whose husband was a drunkard with no scruples or
respect for traditional morality found him trying for sex with
their second daughter. Can an ordinary mother or wife tolerate
this incestuous torture? On terrible provocation the wife strangl-
ed the husband with a bath towel. This earned her a sentence
for life imprisonment. The law did not think of the seven child-
ren she was leaving behind when she was sent to jail. Should
the goddess of justice be allowed to be still blind?

The modalities of murder in the above three cases differ
from throwing of bricks to poisoning and strangulation. Accord-
ing to the version of the convicts they committed the crime to
escape from the clutches of the cruel behaviour and bad habits
of their husbands, who addicted to drinks and drugs and devoid
of scruples, had done nothing but harm to the family. All these
three women belonged to the age group between thirty and

money from her. When refused, she was subjected to extreme tor-
ture. Life with him became unbearable and she began to plot
against him. One day he came home fully drunk. 'D' told him
that the bucket had slipped into the well and asked him to re-
cover it. The bucket had been deliberately put into the well. The
unthinking husband readily started to get down to the well. When
he was halfway down 'D' hurled a number of bricks at him. The
helpless had died in the well. 'D' confessed the crime and she was
sentenced to rigorous imprisonment for life.

\textsuperscript{13} Both accomplices were sentenced to life imprisonment.
forty. In the early years of married life, a woman may not understand the true nature of her husband. It may be after some years that she comes to know her husband in his true colour. Should she contend herself by submitting to her sad plight? Do not the cases revealed in the samples champion the cause of a law reform? Should not the device of divorce be liberalized for minimising such crimes?

From among the cases of killing of offsprings one sample represents the impact of abject poverty. The man and wife decided to kill themselves and their children with poison. Usually on survival from an attempt to commit suicide one is said to be lucky. But in the case of these couples who survived it was not the case. They survived only to meet the charges of murdering their children resulting in imprisonment for life. This case is obviously to be distinguished from two other samples. In one the mother of five children with all her accomplices was convicted for sacrificing her youngest child with the hope of unearthing a hidden treasure. The second sample shows how cruel and inhuman a woman can become in order to hide from her husband her own moral turpitude and easy virtues. Accidentally, her innocent son found the mother in an abhorrent state with her lover. The mother, anxious to forestall her son from revealing the act to his father, strangled him mercilessly.

Property dispute has turned to be the prime cause for murder. The brother of a woman was forcibly holding the family property. There were quarrels on the issue of partition. When her second daughter was about to be given in marriage, the woman demanded her share of the family property. Her brother turned a deaf ear. This generated a strong feeling of revenge in her which resulted in poisoning him to death.

14. ‘F’ was 34 years old and mother of 5 children. The family included the brother and sisters of her husband. A sorcerer who used to visit the family convinced them of the possibility of unearthing hidden treasure from the vicinity of the house for which a human sacrifice was necessary. The superstitious members of the family were easily taken in and they conjointly sacrificed the youngest son with a sword.
Silly disputes between children of neighbouring houses have resulted in murder. No woman can have peace of mind and stay calm inside her house when she hears that her son was beaten by the woman next door. When this happened a woman ran into the neighbourhood, picked up a quarrel and plunged her knife into her neighbour who succumbed to injury.\textsuperscript{15}

Instance of a woman killing a parent had also occurred in the peculiar circumstances in which she was placed.\textsuperscript{16}

\textbf{Violation of the Police Act and of Laws Relating Immoral Traffic}

Prostitution, the oldest profession, is universal. No civilized country will refrain from taking up legal measures though varying in severity to keep the evil more or less under control. The Indian legislation for suppression of immoral traffic is one such measure.\textsuperscript{17} There are certain provisions in the Indian Penal Code, that have a bearing on prostitution.\textsuperscript{18} The purpose of

\textsuperscript{15} ‘I’ was 32 year old fishmonger. When she returned one evening, her son told her that he was badly manhandled by the woman neighbour. The enraged ‘I’ bent upon revenge rushed to the neighbourhood and a bloody quarrel ensued. The husband and sister of ‘I’ came to her support. In the scuffle, the victim was mortally injured and she later succumbed to the injuries, ‘I’ was sentenced for life.

\textsuperscript{16} ‘J’ 25 years old lost her mother at the age of three and was brought up by her father who often ill-treated and even bullied her to have sex with him. Escaping from her father she became a servant in another house and fell in love with a member of that house. The angry father threatened them with dire consequences. The lovers plotted against and stabbed him to death. Both were punished with imprisonment for life.

\textsuperscript{17} The basic Indian law relating to prostitution was contained in the Suppression of Immoral Traffic in Women and Girls Act 1956. This legislation was passed in pursuance of the international convention signed at New York on the 9th day of May 1950. This Act has been amended in 1986 and is now called as Immoral Traffic (Prevention) Act with very comprehensive provisions. It gives wider powers to the States to deal in a systematic manner with the problem of prostitution.

\textsuperscript{18} Indian Penal Code, Sections 372 and 373.
these provisions is to render prostitution criminal and to arrest its growth and proliferation. They also make it criminal to employ minor persons under the age of eighteen years for the purpose of prostitution or for any unlawful or immoral purpose. The code applies to the person who sells, lets on hire or otherwise disposes of the minor and to the person who buys, hires or otherwise obtains possession of the minor.

The empirical study revealed that there were two woman offenders who were convicted under the legislation for suppression of immoral traffic. They were convicted for the offence of living on the earnings of prostitution and for prostitution in the vicinity of public places.

Both women under the two categories were literate and had education upto middle school. Both were hailing from rural areas. They shifted from villages to the cities as the cities provided them with green pastures.

In cities one may find prostitutes loitering in bus-station, cinema theatre, railway station, park and other public places.

19. *Id.*, Section 372. It reads:

"Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”.

20. *Id.*, Section 373. It reads:

"Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”.

It is not at all easy to hook them under the provisions of the Immoral Traffic (Prevention) Act.\(^21\)

There are number of women who live like respectable ladies, carrying on prostitution in complete secrecy. The researcher met 20 offenders who were brought before a second class Magistrate's court. They were caught hold of by the police in a surprise raid in the hotels in the city. All were well built and attractive young girls. Most of them were unmarried. They confided to the researcher the tragic circumstances that compelled them to pursue the life of easy income. Some of them could not get any employment even after knocking at many doors. Some others were employed but they were given too much work and were ill-paid. The poor and horrible conditions at home threw some others to the red light areas. Reading sex stories had a demoralising effect on some. The story made them find nothing abominable in resorting to their immoral life style. These are some of the causative factors which render them to enter the oldest profession. The irony lies in the fact that none of them hardly wished to escape from this cesspool of wickedness because of attractive income and wherewithal. It is noticed that none of them was a first offender. Still they were only fined for petty sum. The researcher understood that the offenders find little difficulty to pay the fines and plunge again into the ways of easy virtue. There were customers and custodians waiting to pay the fines on their behalf.

In an old Allahabad decision it was observed that none of the sections of the Immoral Traffic Prevention Act has the effect of stopping the profession of a prostitute altogether.\(^22\) It is very difficult to draw any inference of prostitution from the circumstances of a case and to charge a person on that basis. Hence, the benefit of doubt always goes to the accused. It is also not easy to produce a witness to testify the necessary in-

\(^{21}\) The empirial study revealed that out of the 250 women offenders, 127 were locked up in jail (See supra Table) for the violation of the provisions of the Kerala Police Act 1960 through they were actuially indulging in prostitution.

ingredients prescribed for the offence of prostitution. Since neither the fact of prostitution nor loitering can be easily proved before a court of law, the police will try to charge the accused under the provisions of Section 47 and 48 of the Kerala Police Act. This inherent difficulty of adducing evidence in proving the ingredients of prostitution is the reason why there is a rising tide of cases of violation under the Kerala Police Act. According to the Immoral Traffic Prevention Act red light areas, brothels, pimping and soliciting are all illegal. But the police often turn a blind eye to the existence of red light areas. They allow dancing girls and their establishments on the basis that they are cultural activities. Before the amendment of the Act in 1986 no police officer below the rank of a Deputy Superintendent of Police could arrest the accused. The latest amendment of 1986 authorises the government to appoint trafficking police officers to deal with the offence under the Act. The Act as amended has taken greater care to protect minors and children.

24. Immoral Traffic Prevention Act 1956, Section 13 (4). It reads: “The Central Government may, for the purpose of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of persons and committed in more than one State, appoint such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India”.

25. Id., Section 4 (1) and Section 6 (2) and (2A).
Section 4 (1) reads: “(1) Any person over the age of 18 years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other personal shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, and where such earnings relating to the prostitution of a child or a minor, shall be punishable with imprisonment for a term not less than seven years and not more than ten years”
Sections 6 (2) and (2A) read as follows: “(2) Where any person is found with a child in a brothel, it shall (f. n. contd.)
The major number of the women offenders i.e., one hundred and twentyseven, were locked up for violation of the provisions of Kerala Police Act 1960. It is an offence under this Act for woman, without reasonable excuse, to wilfully enter into or on any building, place, vessel or a vehicle. But a query into the reason and mode of arrest of this category of women offenders gave interesting responses. Most of them, (64.46%) stated that they were arrested by the police during late hours of night from bus or railway stations, parks and other public places. Others in this category were also arrested from similar places, but were arrested during day time. The arrests were made without assigning any valid reasons but merely on suspicion. One may become inquisitive and ask why they alone were arrested from such places where there were other women. The offenders informed that some men were around chatting with them. However, the respondents admitted that though they were arrested on grounds of suspicion, they were seen at such places and in such circumstances so as to leave nobody in doubt that they were after clients to sell sex. Tragic and pitiable were their stories. Most of them were out on public places because of their sheer need for money and basic necessities of life. They felt that selling flesh would earn them bread despite parting with the lion's share of their income to pimps.

be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

(2A) Where a child or minor found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes”.

26. Section 47 of the Kerala Police Act 1960 reads: “Whoever without reasonable excuse wilfully enters into or on any dwelling house or other building or on any land or ground attached thereto or on any boat, vehicle or vessel, or on any ground belonging to the Government or appropriated to public purposes, shall be liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding five hundred rupees or to both”.
Theft, Handling of Stolen Property, Cheating, Kidnapping, and Counterfeiting

Next comes the group of offenders who committed theft—an offence under which one dishonestly takes any moveable property of another without consent. The samples in this category had different reasons, for committing the offence. Thirteen, the majority, did it because of poverty a striking resemblance to the dominant reason for selling flesh. Five just had that irresistible impulse of stealing. The rest were after more comforts and luxuries—an ambition to live up to the standards in which their neighbours live.

The modality of committing the offence differs from offender to offender. Some during the course of a travel made friendship with passengers of both sexes, opened their bags and removed valuables. Some others stole from unguarded houses; still others from houses where there were only aged women. Some offenders stole money and valuables from the houses where they worked as domestic servants. In some cases, the servants could steal costly things from wealthy guests. There were a group who attracted men to hotels and lodges, diligently amuse them till they fell asleep and managed to go away with their valuable belongings. The best example is that of a ‘selling beauty’ who seduced a ‘money bag’ to drink too much, saw him fall asleep and grabbed a ‘golden’ opportunity to steal his gold chain. The samples show that less than five per cent of the offenders seemed to have sought the help of others to

27. ‘A’ aged 20 had been a poor servant in a house. One day she stole costly necklace and a chain from the vanity bag of a family friend who recently returned from Dubai. On questioning she admitted the guilt and produced the hidden necklace. She was sentenced to 5 months imprisonment.
28. ‘B’ was a young and attractive professional prostitute. One day she was taken to a lodge by a rich customer. He was drunk and after sex fell asleep. The lady left the room. On waking up he found his gold chain missing. He lodged a complaint and ‘B’ was interrogated. She confessed the guilt and was sentenced to imprisonment for one month.
commit theft. In all other cases the offenders themselves committed the offence.

The empirical study covered six cases of offenders who received or retained stolen property with the knowledge that it was stolen. Three women admitted that the property was a stolen one and accepted the property with the hope that they will not be held responsible nor be proceeded against in a court of law. Others said were in possession of the property without knowing that they were stolen ones. It was obvious that they were not speaking out the truth when they said that they had no knowledge. It is interesting to note that all the offenders were telling that they possessed these articles as a result of the instigation and promise of a share of the profits from male friends. Invariably all woman offenders were involved in the offence of dishonestly receiving property stolen by males.

Three women offenders who committed the offence of cheating were included in the empirical investigation. Two of them were maid servants and the other was a sales representative of kitchen utensils. The maid servants availed themselves of loans from the relatives of their employer stating that they were deputed to do so. The fact that they were not so deputed was detected late. In the third sample, the lady sales representative after convincing the housewives, obtained advance payment towards supply of certain items of kitchenware. Actually she was an authorised representative but the receipts issued were not genuine. The offender managed to have friendly relationship with the victims and not to give any room for doubt.

29. Indian Penal Code, Section 415. It reads: "Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person, shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, thing which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to 'cheat'".
She was particularly careful in transacting the business when male members in the houses were absent.

The motive and circumstance which led to commission of the offence of kidnapping are quite different from those of murder. Six women convicted for kidnapping were interviewed. They committed the offence of procuring minor girls for the purpose of prostitution. Another kidnapped a minor child for begging after horribly deforming him and the other two had their eye on the ornaments the children wore at the time of the commission of the crime.

Counterfeiting\(^{30}\) refers mainly to unauthorised duplication of money. The possession of unauthorised currency notes may not be violation of law if it happens innocently. But the possession of distinctive type of paper, machine, ink and other things generally used for printing may constitute violation of the law for one cannot argue that such things were kept for fancy. In the samples there were two women offenders belonging to this category. While one was in possession of fraudulent currency the other was in possession of materials which are used for printing false currency notes. Both of them were wives of counterfeiters who were actually the perpetrators of the crime. The extent of their involvement in the crime could be determined by the silent consent for the process of counterfeiting under their roof.

**Violation of Railways Laws**

There were twentyone offenders convicted under the Railways Act. The offences consisted of acts like travelling without proper tickets or selling reservation tickets at a profit or committing undesirable acts causing discomfort to other passengers or selling of eatables inside the coach without any licence.

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30. *Id.*, Section 489(A). It reads: "Whoever counterfeits, or knowingly performs any part of the process or counterfeiting any currency note or bank note, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine".
Ten offenders were booked for ticketless travel. They were fined and being not able to pay the same accepted the alternative. It is not rare scene of young woman helpers in Railway stations assisting passengers in getting tickets quickly avoiding the long queues and in obtaining reservation accommodation on a commission. Among the twentyone samples five were charged with the offence of selling reservation tickets at a profit. Three offenders stated that they were caught while selling meal packets to passengers. They were not licenced vendors. The rest three offenders were prostitutes. Their *modus operandi* is that they during the journey, start uttering loudly uncivil words in order to attract the attention of the passengers. A few anti social passengers encourage them. Their presence and behaviour cause usually much embarassment to fellow passengers. In the samples examined the passengers made an oral complaint to the Ticket Examiner who informed the matter to the Railway Police and the three were taken into custody.

**Hurt and Grievous Hurt**

There were two offenders in the sample (0.8%) who committed the offence of hurt.\(^31\) The cause for the offence was dispute about the boundary of their properties. Two samples under the offence grievous hurt\(^32\) showed that the crime was the culmination of quarrels. In one case the accused woman

\(^{31}\) *Id.*, Section 319. It reads:

“Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt”.

\(^{32}\) *Id.*, Section 320. According to this Section ‘the hurts of emasculation, permanent privation of the sight of either eye, privation of the hearing of either ear, privation of any member or joint, destruction or permanent impairing of the powers of any member or joint permanent disfigurement of the head or face, fracture, or dislocation of a bone or tooth and any hurt which endangers life or which causes the sufferer to be during the space of 20 days in severe bodily pain or unable to follow his ordinary pursuits’ are designated as grievous hurt. Thus these types of injuries may prove fatal in the absence of timely surgical or other aids.
caused head injury to the victim with an axe. In the other case, the convict used a knife and inflicted injury to the eye causing blindness. The victim in both cases were men. It was proved that the offences were committed on grave provocation from the stronger sex.

**Violation of Probation and Recidivism**

One of the respondents failed to observe the conditions of bond of probation under which she was released. Convicted for theft but released on probation, the respondent failed to report before the probation officer as stipulated in the condition.

33. ‘K’ aged 33 picked up a quarrel with her neighbour. The reason behind their quarrel was that, the victim used to walk through the convicts’ property. The accused did not like this. One day when she saw the victim on her land, she lost her temper, they exchanged abusive words and her opponent pelted a stone at her. In a sudden fury she seized an axe and attacked the opponent causing serious head injury. She was convicted and sentenced to imprisonment for one year.

34. She had studied upto the middle school. She was married. She had worked as servant in the neighbouring house.

35. Section 9 of the Probation of Offenders Act 1958 reads:

1) If the court which passes an order under Section 4 in respect of an offender or any court which could have dealt with the offender in respect of his original offence has reason to believe, on the report of a probation officer or otherwise, that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to him and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded or it may grant him bail, with or without surety, to appear on the date which it may fix for hearing.

3) If the court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may forthwith

a) sentence him for the original offence, or

b) where the failure is for the first time, then, without prejudice to the continuance in force of the bond, impose upon him a penalty not exceeding fifty rupees.
ditions. She argued that the probation office was at a far away place and that it was difficult for her to meet the expenses of the journey.

**Distilling and Selling of Illicit Liquor**

Violation of liquor laws is not the monopoly of men. There are women who commit the offences under laws regulating selling and manufacture of liquor. The empirical investigation revealed that out of the two hundred and fifty samples twenty-three women violated the prohibition of import, export, transport, transit or processing of liquor or any intoxicating drug or provision or rule relating to use or possession of any material for manufacturing liquor or intoxicating drug. This constitutes just above 9 per cent of the total samples. An enquiry into the circumstances of their involvement in the offences aroused a variety of responses. Twelve committed the offences as they wanted to tide over poverty; four thought in the same line and said that these illegal means were a source of livelihood as they had no other legitimate employment. Two committed the offence because they felt that they were unfit for other jobs while five regarded their actions as easy means of making profit.

It may be noted that women offenders violate liquor laws as they cannot find an alternative source of income. As many as sixteen women out of the concerned samples had resorted to the practice of distilling liquor for many years. Neither the police nor the excise authorities were a hindrance as they were all kept in good humour. The rest seven women were booked

36. Section 55 of the Abkari Act reads:

"Whoever in contravention of this Act or any rule or order made under this Act or of any licence or permit obtained under this Act a) imports, exports, transports, transits or possesses liquor or any intoxicating drug;

b) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or any intoxicating drug;

"shall on conviction before a Magistrate be punished with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees".
for the first time. They were acting as agents for the sale of illicit liquor. They used to sell only to known and regular customers. It is a pity that most of them turned out to be liquor vendors on demand from their husbands, parents or close relatives.

Illicit distilling is an industry clandestinely carried out in remote places and jungles. The authorities easily nose illicit distilling of liquor even if it is secretly done. They catch the offenders while they patrol or make raids. Twelve respondents were arrested during raids. The remaining eleven respondents stated that the imical neighbours betrayed them and reported the offence to the authorities.

Another aspect which requires examination is recidivism among women offenders. In the sample study 35.6 per cent were first offenders and 64.4 per cent were recidivists. Majority of the recidivists were guilty of violation of local and special laws. There were recidivists among those convicted for theft. Out of the 26 offenders convicted for theft 18 were recidivists. Among the 127 offenders convicted under the Kerala Police Act 110 were recidivists. Out of the 21 offenders convicted for violation of Railway Laws 15 were recidivists. Recidivism is also run in the case of violation of liquor laws. Out of the 23 offenders in this category 18 persons were recidivists.

**Persuasion from Others**

A particular offender may commit an offence without intention but on persuasion from others. In the commission of offences they may be aided by others. 66.8 per cent of the respondents stated that they had been aided by others in the commission of crimes. Of the abettors 25.2 per cent were friends, 22.4 per cent relatives, 12 per cent husbands and 7.2 per cent parents. The extenuating circumstances which led the respondents to involve in criminal activities were also investigated. Out of the total respondents 37.2 per cent stated that they did the act for fulfilment of their own needs, 28 per cent under compulsion of circumstances, 20.6 per cent acciden-
tally, 10 per cent due to provocation and 4 per cent as a measure of revenge.

Conclusion

This empirical study discloses the fact that the offences committed by women are not confined to particular categories such as infanticide and those coming under laws relating to immoral traffic and violation of Police laws. Women commit grave general offences like murder, kidnapping, grievous hurt and theft.

The convicts in the samples killed husbands, children, siblings and even parents. The offence of murder in most cases was committed due to maladjustments in interpersonal relations and disturbing living conditions. Except in two or three cases the heinous murders were not pre-meditated nor were they intended to extort money or other assets.

The offence of infanticide was committed in most of the cases by unmarried mothers. The reason is that a woman giving birth to an illegitimate child ordinarily cannot remain in her house or enjoy any social status. It is also found out in the inquiry that women are still an exploited lot and the offences of infanticide committed by them are the indirect outcome of this exploitation. So long as the society does not accept the unmarried motherhood, illegal abortion and infanticides cannot be averted. There are legal means of terminating unwanted pregnancy. The possibility of affecting the mental state of the mother is one of the grounds on which termination of pregnancy is legally available. This entirely rests with the exercise of discretion and wisdom of the medical officer who makes the important decision. Once a woman wants to do away illegitimate pregnancy the desirable position seems to be that the medical officer should not be given a discretion but a duty — duty not only to the woman but also to the society, — to terminate pregnancy. The law has to change on these lines.

Men are responsible in an equal measure with women, if not in a higher measure, for bringing about the unfortunate situ-
ations culminating in the killing of innocent young ones. Yet, it is a travesty of our social system that it is the women who suffer; the men most often escape scot free.

The causes of murder varied widely. Boundary disputes, unlawful sex, extreme poverty, debt, quarrels over family property, cruelty of husband and superstition are among the causes for murder.

A large number of women are driven to prostitution. Poverty, uncivilised customs, lack of education, broken homes, sexual frustration and unhealthy social environment are among the manifold reasons for the growth of prostitution in our society.

An interesting phenomenon, which has a direct learning on the inadequacy of the laws relating to prevention of prostitution was noticed during the course of this study. Under the Immoral Traffic Prevention Act, there are several procedural formalities to be observed before one can be arrested in connection with prostitution. To avoid such trouble what the Police actually did was to charge the offender under Section 47 of the Kerala Police Act. This would leave the Police from the burden of leading evidence to procure a conviction under the Immoral Traffic Prevention Act, which was enacted to contain the evil of prostitution. The offence under Section 47 of the Kerala Police Act could be tried summarily. If the offenders plead guilty they get a very lenient punishment. Usually, small amounts of fine are imposed. As they are poor and incapable of paying up the fines, the middle men pay the fines on their behalf. The women later pay back the debt by further prostitution. Even if someone is sentenced for imprisonment the term will be very short since under Section 47 of the Kerala Police Act, the maximum imprisonment provided is six months.

The main causative factor of violation of the Abkari law is economic deprivation. Illicit distilling is a lucrative business. The poor and the illiterate find in illicit brewing the easiest way to make money.

A probe into the socio-economic background of the female offenders brought to light several significant aspects. Women
who feel insecure economically are easily driven to criminality. In their struggle for existence they come across people who often exploit them.

Most of the women offenders stated that domestic quarrel, drunkenness and cruelty of husband were unbearable. They had also the problem of illtreatment from in-laws for dowry and there is the total neglect by husband.

The study revealed that 46 per cent of the offenders could not read or write. These offenders felt that their tragic conditions was mainly due to the illiteracy and that if they had opportunities for education, they would never have turned to the path of crime.

A massive educational programme has to be launched to educate women who belong to the lower strata of our society. The newly launched adult education programme (known as the Saksharatha programme) may go a long way in eradicating the illiteracy among the women folk.

Special attention has to be given to those children who have problem in their families. Children belonging to the broken homes of unloving and unkind parents should be given special care by the educational agencies.

Many studies conducted recently make it clear that compared with delinquent boys, delinquent girls come from more disorganised backgrounds. Character formation among girls is influenced to a large extent by the good conduct of their parents, the peaceful, contented and happy life in the family and the respectable position of parents in society. If such conditions are absent the chances are greater for the girls to indulge in criminal and anti-social activities.

The community or the State must step in at the right moment when the family fails to protect the girl child. A social movement to curb the delinquent tendencies among girls must start at the grass root level. Appropriate sex education, preventive measures against venereal diseases and expansion of guidance for girls should be the prime programmes geared to
achieving this end. Such education should be given both in the urban and rural areas.

If the parents are cruel or careless, it will have a bad influence on girls during the formative years of her character. The feeling that she is unloved, unwanted and neglected can deviate a child from normal healthy ways of life. The parents should be capable of understanding the mental make-up of their children especially of the female ones. The root cause of their dissatisfaction should be detected. Proper care and guidance should be given to them so as to make them feel secure.

Petty criminals constitute a large percentage of prison population. This is because in many petty cases the accused plead guilty. By sending such offenders to prison even if they had a record of previous convictions nobody will be benefited. Our laws and their administrators are obsessed with finding the evidence of crime and using it to brand and enslave the body of a citizen for a period of time. In the case of offenders under Section 47 of the Police Act and liquor law violators, a short interval of jail life hardly means any thing more than losing their income for a few days.

The aim of punishment cannot be achieved merely by rigorous laws or effective crime detection and conviction or by keeping the convict in a prison for a short term. Constructive rehabilitation programmes within and outside the penal setting are necessary. The needs and problems of every women prisoner require elaborate study. There is need to treat women prisoners as a distinctive group. They deserve separate and special attention. Smallness of their number should not stand in the way of such radical reformatory measures.

Recidivism is the signpost which indicates the areas in which punishment fails. Hence a multi-pronged approach is essential to contain the problem. Effective educational programme, provision for employment, creation of social awareness about the causative factors of crime and facilitating acceptance of criminal women back into society are some of the measures
which can be attempted. Instead of reforming and rehabilitating her, society now looks upon her with contempt. The relatives close the door on her. Police tries to harass her. Society should realise that ex-convicts are also human beings. They should be treated as unfortunate victims of adverse circumstances and should be treated with sympathy. Social and spiritual workers should attempt to give comfort and solace to female offenders.

Judicial officers should visit prisons periodically. They should hear the complaints of female offenders and try to redress their grievances. They should ensure that prisoners who make the complaint are not later harassed by the jail personnel. It will be ideal if a woman judicial officer is appointed to visit prisons for women.

It is time that we adopt an integrated approach embracing the preventive as well as correctional measures to eradicate criminality in women. The earlier, the better.