

WOMEN AND CRIMINALITY: A CONCERNING ISSUE

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Abstract

Bulks of the persons who come in conflict with criminal law happen to be males. With degrees in variations this can be described as a universal phenomenon and India is no exception to these rules. Sociologists, criminologists and researchers have usually focused their attention on inmates in prison in general irrespective of their gender and consequently scant attention has been given to explore the nature of female criminality and corrective measure. The aim of this paper is to infer certain insights through the changing trends of women and criminality in the present scenario.

Keywords: Correction, Crime, Gender, Male, Women Criminals and Prisons.

Introduction

Based on the existing literatures and studies on the questions of crime, it is evident that an adequate attention has not been paid as to how issues of the women prisoners in prisons needs be understood as far as their treatment within and outside the criminal procedures is concerned.

Women and Crime

Crime as such is not a disease though it may be due to a disease. This is perfectly true in respect of women in conflict with law. Instances of crime and criminals both has become the focus of attention in our times. Crime is an acute form of deviance which means digressing from what is considered normal. However, crime rate has been increasing at a rapid rate. In India, crime has been considered as a male behavior. But today the former notion is proved wrong. Women, like men, suffer from tensions, frustration, jealousy, enmity, hatred which lead them towards criminality. The changing social norms and values as well as the impact of other cultural patterns culminating in the complexity of life are largely responsible for such change.

Criminological studies inform that women can and they do commit almost all types of crimes which men commit. Hence, there is no gender difference in this domain. When more and more women were found to be involved in the commission of crime as crime-doers and abettors, the necessity of arresting , detaining and interrogating them also came into being. Concurrently with them, the question of respecting gender dignity too was raised. Whatever is opposed to gender-dignity such as molestation, rape, sexual-abuse, willful misbehavior with women, custodial violence-whatever violates the grandeur of gender justice such as applying third degree methods, attempts to coerce the will itself, that is, willful neglect to show respect to the special needs of women. It adversely affects the fiduciary relationship which people have with the state and certainly, they do more harm to those who commit them than those who are victimized. No doubt, they are a supreme dishonor to the justice system itself, it can be said that this disturbing state of affairs is expanding leading women to commit crimes.

For a long period, the criminal behavior of women has been a neglected area of research. The special problems of the delinquent women were neglected always though the incidence of crime rates exhibits a general increase in the rate of female prisoners in many countries. Over a decade,

that the social scientist and criminologists have shown inquisitiveness towards crime committed by women. In spite of strategic position of women in all societies and varying notions regarding their involvement in crime, there are only a limited number of empirical studies and there is a lack of comprehensive data set.

At present the custodial justice has become an important factor because of the changing economic and political scenario. Since 1970's, scholars and policy makers recognized that because women composed merely five percent of the nation's prison population, they were the 'forgotten offenders'. Many institutions 'for' women do not provide services designed especially for women. Moreover, some women prisons provide fewer vocational, recreational, and educational programs than do institutions 'for' men but that services are not up to the mark.

The Report of the All India Committee on Jail Reforms (1980-83) chaired by Mr. Justice A.N Mulla, had made several observations regarding the condition of women inmates in different Jails of the India like:

- Only a small section of the men's prisons is generally provided for confinement of women inmates where all categories of them are handled together in the same wards and barracks.
- Women inmates whether in Sub-Jails, District Jails or Central Jails in most states have to walk through men's section and sometime have to go through experiences which are humiliating.
- While the living conditions, treatment and training for male inmates are nowhere near the desired level; lots of women inmates are in much worse condition.
- Women inmates are confined in separate enclosures, the key of which is held by male staff. They are exploited and given little opportunity to express their grievances. They cannot express their grievances to the visitors. Thus visitors never know the truth. Women inmates also do not complain because of the fear of consequences that they have to face.
- The kind of shy, inhibited village women that usually land up in jails have no courage to communicate their needs to the male staff posted in jails. They have no means of communicating their needs to the higher officials as there is hardly any women officer at the headquarters of the prison department who would appreciate their needs and requirement.

The problems that bring women into prison are abuse and battering, economic disadvantage, substance abuse, unsupported parenting etc. So there is a societal ignorance on these issues. As many of these women are poor, belong to minority communities and behave in ways outside middle-class sensibilities, prison become the uniform response to problems created by inequality and gender discrimination. These issues are best addressed outside the punitive custodial environment but the upward spiral in the number of women in prison represents a serious failure of conventional society and public policy. Oppressions of patriarchy, economic marginalization and the far-reaching effects of shortsighted and detrimental policies have damaged women in prison as the war on drugs and the over-reliance on incarceration.

It is a well known fact that various studies on female criminality bring out abnormal behavior in society not by a single factor, but various influential factors. It is also found that more men commit crime in comparison to women. Even in cases of men and women belonging to the same class and the same group, it is obscured that male are more prone to commit crime. Most cellulous agree that males commit more offences than females and the nature offences are more serious than those of females. Male account for use of vast majority of those arrested for crimes involving force or fraud. Regardless of the type of crime or age, male involvement is substantially higher than female.

Female crime has long been overshadowed by male criminality in terms of incidence, magnitude, seriousness, research and recognition. As a result, we know relatively little about the modern forms of criminal activities committed by women, their complexities and incarceration. This is not to say that female crime has gone unnoticed through the years. On the contrary, certain crimes have historically been considered largely such as prostitution and shoplifting. Other crimes such as violent or white-collar crime that once seemed almost off-limits to female inmates may, in fact, be much more representative of female inmate behavior than previously believed. The reality is that woman's and girl's crime and delinquencies similar to male criminality are heterogeneous in nature. Equally, female inmates are neither easily nor singularly characterized; but in fact are varied in dimensions, age, race, ethnicity, background and criminal behavior.

Female criminality is indeed a serious social problem as it impacts family, upbringing of children

and the overall fabric of society. As role of women changes and becomes more open to opportunities and tensions associated with the male role, nature of their criminal activities may vary. The predominant factors which are found to determine criminal tendencies in Indian women are economic insecurity, social deprivation and emotional disturbances. Besides, family and domestic quarrels, destitution also significantly affect the criminality. Social environment and deviance are highly relevant to the subject of criminality. Migration from rural to urban areas and the imbalances to adjustment within the city life result in increasing crime in cities. It is obvious now that female inmates do not form an isolated group from the normal population. The image of women in various media as the preservers of social norms, traditions, customs, morality and family cohesiveness seem to be undergoing a change. Westernized Indian culture, industrialization and urbanization have contributed to increasing crime rates among women. Modernization has been invoked to account for the upsurge of female delinquency because they correlate closely with each other. As urbanization increases, traditional roles decrease with increased mobility, people loose stability and continuous personal relationships are disrupted. Women in the contemporary prisons face many problems, some resulting from their lives prior to imprisonment and some resulting from their imprisonment itself. Women in prisons experience victimization, unstable family life, school and work failure, substance abuse and mental health problems etc. It is true that social factors marginalize their participation in mainstream society and contribute to the rising number of women in prisons. Criminologists have argued that the prison system is ill-equipped to deal with these problems and that these issues are better managed outside the punitive environment of the prison. Without attention to these issues, women are often released from prison unprepared to manage their pre-existing problems as well as those created by their imprisonment. Today, more emphasis is given to post-release programmes for women inmates so that they can adjust to the normal life again and is called 'Rehabilitation'. Over a period of time, the trend of punishing inmates especially women inmates have been undergoing a change. Now the trend has been on humanizing the act of punishment and the measure used for humanization is 'Rehabilitation'.

Thus the changing role, shift in occupation and status, the concept of emancipation, economic independence and political independence, urbanization, poverty, illiteracy, domestic violence etc open the gate way for women to engage in various activities and hence the exposure to criminal

activities is more than it has been in the past. But it is also true that women find prison harder and that its effects are more traumatic for them than their male counterparts has quite widespread support both from the continued evidence of their behavioral reactions and also from a series of studies which have looked at inmate subcultures.

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