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WOMEN OFFENDERS AND CAUSALITY OF FEMALE CRIMINALITY

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ABSTRACT

Female criminality has always been a center for debate, discussion and research since ages. This paper examines the complex relationships among female prisoners and the underlying causes of female criminality, and places the issue within a socio-legal and criminological framework. It argues that female criminal behavior cannot be understood through conventional, male-centric theories of crime, but must instead be analyzed in light of gender-specific experiences and structural inequalities. Based on interdisciplinary insights, this study identifies key determinants of female criminality, including poverty, lack of education, economic marginalization, domestic violence, drug addiction, and a history of physical and sexual abuse. It also sheds light on the role of patriarchal social structures, which often deny women legitimate opportunities while simultaneously exposing them to exploitative and oppressive environments. It has been found that many female offenders have been involved in crimes related to coercion, dependency, or attempts to escape oppressive situations. The first part of this paper introduces the topic to the readers. The second part speaks about female offender and the nature of crimes committed by them. The final part sheds light on the causes and effect of women committing crimes followed by a conclusion.

KEYWORDS – *Women, Criminality, Incarceration, Re-integration*

1: INTRODUCTION

Female offenders and their incarceration have been a thought-provoking issue for researchers, policymakers, and criminologists since time immemorial against traditional assumption that essentially men commit crime. Both the cause and effect of crimes committed by women must be studied in detail in association with various social, economic, psychological, and cultural determinants that affect the very existence of women. In contrast to male offenders, whose offending is commonly associated with aggression patterns, dominance, or socio-economic

ventures, women's offending pathways commonly intersect with poverty, trauma, victimization, gender-based oppression, and social exclusion.¹

The causality of women's criminality cannot be explained in one term. Feminist criminology believes that patriarchy in the form of domestic abuse, a lack of economic opportunities, etc. has pushed women towards the world of crimes. Furthermore, women appear to be more susceptible to mental illness, drug abuse, family obligations, etc. which not only have an impact on the offenses they commit but also affect their interaction with the criminal justice system. In order to understand the causes of women's criminal behaviour, efforts towards their rehabilitation, penal reform, and gender-sensitive legislations are essential. For effective delivery of justice, reformation, and successful reintegration of female offenders, comprehending the personal and societal factors that led her into the criminal world is way more important than emphasising on punitive measures, because the ultimate objective of the criminal justice system is reformation and not simply retribution.²

In order to reduce female incarceration, addressing the causes as well as effect of female criminality and proposing appropriate control and prevention measures are extremely important. Factors like advancement of society, marriage, stability of the family have all been significantly impacted female criminality. In the recent past there has been a sharp increase in the proportion and absolute number of female offenders. Additionally, there is a general inclination among young people particularly fearless young women, toward organized crime.³ Though the phenomenon of female criminality is not new yet is less discussed and less researched issue mainly because their proportion to the population of offenders is significantly low.⁴

However, with modernization, there has been a significant increase in academic interest in female criminality. Women often feel propelled to break from conventional norms and turn to anti-social or criminal activity. It is an attempt to comprehend female criminal conduct. Socio-cultural, environmental, and economic factors all have a significant role in the issue of female criminality. Poverty, illiteracy, lack of education, and ignorance, combined with a social system dominated by traditional values, all contribute to women engaging in criminal behaviour. High majority of crimes committed by women are caused due to problems with interpersonal

¹ Benjamin Steiner, Emily M. Wright & Sara Toto, The Sources of Violent and Non-violent Offending among Women in Prison, 37, JUST.Q. 644 (2020)

² Amanda George, Women and Home Detention - Home Is Where the Prison Is, 18 CURRENT ISSUES CRIM. JUST. 79 (July 2006).

³ S.P. Singh, "A Study: Involvement of women in violent crimes" *The Indian Police Journal* 102 (2004)

⁴ Supra note 1

relationships at home, thus, a flexible sentencing strategy for female criminals is necessary.⁵

The level of disorganisation among today's women has been greatly influenced by population growth and urbanisation tendencies. In numerous ways, social distinction and the problem of female criminality have been major concerns in the modern society. Women are thought to turn criminals in unusual conditions.⁶

Further, taking into consideration a different background of the problem, it has been noted that, the broken home, the functionally inadequate home, the home with a physically or psychologically abnormal parent, the socially, morally, or culturally abnormal home, the criminal home, and the economically insecure home are six major types of homes that contribute to crime and delinquency. Women offenders are often brought up by mothers who are either passive or neglectful. They, also might have had fathers who were either neglectful or rejective. More importantly, that insecurity, harshness, rigidity, irritability, and other factors accompanied, result in stress in many households and impact many children.⁷

It has been found that lower-income people have a substantially higher official crime rate than those in higher-income groups. When addressing the problem as a whole, not only is there evidence that people in lower-income areas commit more crimes than persons in middle-income areas, but there is also a significant body of evidence indicating that, for most sorts of crimes, delinquency occur disproportionally in lower income areas. Poverty not only implies lack of purchasing power, but also leads to ignorance, fear, and degradation. Young offenders often come from economically disadvantaged background where their parents cannot provide them with bare minimum and low income is a key contributor to poor standard of living which in turn drives younger population towards criminal activities for easy money. Women from poorer background mostly depend on their male counterparts for economic support, due to which these women go through several difficulties. In order to avoid the same, they often take up crime to feel financially independent and to escape their tormenting domestic environments caused due to poverty. Although the criminal justice system does not differentiate on the basis of gender, it is often claimed that the reasons for an increase in female criminality are quite different from that of men. Although the time span of criminal career of women is short-lived, the number of female criminals has witnessed a sharp increase in the recent past. This increase in female criminality and their down trodden conditions have led

⁵ Rocio Lorca, Should Feminists be Worried about Impugnity?, 37 Harv. Hum. Rts. J., 47 (Spring 2024)

⁶ Ibid.

⁷ Supra note 2

to a growth in research among scholars and academicians.⁸

To broaden the ambit, it can be said that an incarcerated female is a sufferer of violence, physical assault, rape and abusive environment. Further research has revealed that more than 80% of incarcerated women in the prison have a greater level of traumatic past of abuse and torture.⁵

Female criminals are not only victims of poverty, illiteracy and the very fact of being born as a woman, they are also victims of unmet social, instructional, medical as well as economic requirements.⁹

Domestic abuse, child marriage, cybercrime, and trafficking of women were all on the rise in India during the initial months of COVID-19 pandemic. As per data provided by the National Commission for Women, domestic abuse in India increased 2.5 times from the month of February to May 2020.¹⁰ Domestic violence reports were higher during the initial four stages of the lockdown than they had been in the previous ten years for a similar length of time.¹¹ This led to increased arrests of women during the said phase. Hence, this chapter seeks to highlight the reasons for female criminality and the difficulties faced by women prisoners in the traditional prison set up.¹²

2: FEMALE OFFENDERS & CRIME

The social environment plays a significant role in the making of female offenders in India. Women criminals arrested for non-bailable offences between the age range of 18-30 years in 2022 were 4.13 percent. It surged to 6.15 percent in 2023.¹³ The principle of judicial chivalry is reflected in circumstances where the court defends a woman to issue a verdict of acquittal. This approach maintains that women are considered to be less accountable for their deeds and hence less guilty.¹⁴

Despite having the same legal standing as men, women in India are far from socially and

⁸ Supra note 3

⁹ Supra note 1, 3

¹⁰ National Commission for Women, Nature-wise Report of Complaints received by NWC in 2021, available at: <https://ncwapps.nic.in/frmReportNature.aspx?Year=2021> (last accessed 15 June 2025)

¹¹ UN Women, "Your questions answered: Women and COVID-19 in India" *UN Women*, July 27, 2021, available at: <https://www.unwomen.org/en/news/stories/2021/7/faq-women-and-COVID-19-in-india#:~:text=As%20the%20COVID%2D19%20lockdowns,few%20months%20of%20the%20pande> (last accessed on May 10 2025)

¹² *ibid.*

¹³ Data.gov.in, Female Criminality, available at: <https://www.data.gov.in/search?title=female%20criminals&sortby=score&type=resources> (last visited 15 June 2025)

¹⁴ Sonal, "Female Criminality: Another dark side of Patriarchy, India" *Legal Service India*, 2021, available at: <https://www.legalserviceindia.com/legal/article-5184-female-criminality-another-dark-side-of-patriarchy.html> (last visited March 14, 2025)

economically equal, and their crime rates are nothing close to those of men and boys. A significant discrepancy in the male and female ratio of offenders charged for criminal activities is widely observed around the world. In India, the gender ratio is roughly 20:1. Third-world nations, though, have a ratio that is approximately four times that of economically advanced nations. This implies that in industrialized civilizations, there are fewer discrepancies in the proportion of male to female criminals. Women have participated in various aspects of social life during recent decades, such as academic, scientific, technical, and other productive and non-productive activities.¹⁵

One of the causes of the increase in crime rates among women is their greater involvement in these industries. The most common reason for the increasing trend of crime among women is thought to be socioeconomic vulnerability of women. While the female crime rate is lower than that of males, it has risen sharply in recent years. This disparity in crime rates could be attributable to a number of factors, including an increase in male crime and the diminishing impact of women's traditional roles on the crime.¹⁶

The criminal justice system, where male offenders dominated, placed a significant emphasis on male transgression. Nonetheless, the rising crime rate among women in recent years has been noted by criminologists and others. The concept of women's criminality, which was developed in the context of social change and development, is a relatively new phenomenon in both developed and developing nations, including India. However, women are more likely to engage in criminal activity in modern society due to a number of factors, including disorganized families, dissonant marriages, high levels of aspirations and frustration over unmet expectations, anxiety, failure in coping mechanisms, and alienation. It has affected the social fabric of Indian culture as well as our societal, cultural, and traditional heritage. The problem began because women were typically dominated by men, and her own choice was cruelly disregarded and ridiculed.¹⁷

Often, the very fact of being a woman itself leads to victimization and eventually converting her into a victimizer. A well-known example of how a victim can turn into a victimizer is the story of Phoolan Devi, the bandit queen, who was married off to a violent and vicious man in his thirties when she was just eleven years old. Following that, she endured ongoing abuse in the form of public humiliation, marital rape, gang rape for three weeks, and domestic violence.

¹⁵ Ibid.

¹⁶ Elaine Player, *Remanding Women in Custody: Concerns for Human Rights*, 70 MOD. L. REV. 402 (May 2007).

¹⁷ Amanda George, *Women and Home Detention - Home Is Where the Prison Is*, 18 CURRENT ISSUES CRIM. JUST. 79 (July 2006).

She later became a dacoit for exacting her revenge.¹⁸

A theoretical framework which allows us to understand the different ways in which women engage with crime is the gendered pathways to crime approach which India must embrace. The Indian crime approach tends to overlook the way in which most women who are within the criminal justice system are vulnerable, at times due to violence they have suffered. In some instances, vulnerability is criminalized, which has an adverse effect on the vulnerable women in India and takes away their agency. For instance, many women are involved in trafficking business while some become victims of this practice ultimately resorting to crimes.¹⁹ According to the National Crime Records Bureau, there has been a 25% surge in crimes by women in the last decade, with growth across violent crimes like assault, murder, kidnapping, trafficking, drug peddling and even terrorism.²⁰

3: CAUSE AND EFFECT OF FEMALE CRIMINALITY

Women have widely been believed to be more honest and treated with much respect; therefore, it has been perceived that women are less likely to commit crimes compared to their male counterparts. The variety of crimes committed by men has consistently sparked interest among researchers and philosophers, with a substantial amount of study being conducted in this area.²¹ However, with changing times, modernization and economic progress the study of women's criminality has gained significant attention. In the past two decades, the global status of women has changed drastically, resulting in an increase in commission of crimes by them.²²

The number of female criminals is quite less all over the world, but society is extremely harsh towards them. For instance, in India, women are burdened with the responsibilities of preserving societal values, rituals, beliefs, morals, and family unity by the society at large. The women who refuse to take up such roles and responsibilities, are frequently shamed in both subtle and overt ways.²³ There is a natural hesitation on the part of the society as well as the

¹⁸ Editorial, "Behmai massacre case: All you want to know about Phoolan Devi" *The Times of India*, Jan. 6, 2020, available at: <https://timesofindia.indiatimes.com/india/behmai-massacre-case-all-you-want-to-know-about-phoolan-devi/articleshow/73118103.cms> (last visited on March 14, 2025)

¹⁹ Jaffer Latief Najar, "Human Trafficking in India: How the Colonial Legacy of the Anti-Human Trafficking Regime Undermines Migrant and Worker Agency" *LSE Blogs*, February 11, 2021, available at: <https://blogs.lse.ac.uk/humanrights/2021/> (last visited on March 14, 2025)

²⁰ The Bridge Chronicle, Why More Women Are Committing Violent Crimes: A Social Analysis, available at: <https://www.thebridgechronicle.com/lifestyle/rise-in-violent-crimes-by-women-societal-factors?utm_source=chatgpt.com> (last accessed 15 June 2025)

²¹ Supra note 14

²² Supra note 20

²³ Pratisksha Baxi and Navsharan Singh, "Gendering the Pandemic in the Prison", *The India Forum*, July 9, 2020, available at <<https://www.theindiaforum.in/article/gendering-pandemic-prison>> (last visited on March 28, 2022).

criminal justice system to recognize the issue of female delinquency and to handle it with the same importance and priority as male delinquency. Some of the factors which are responsible of female criminality are as follows.

SOCIOLOGICAL FACTORS

In the last few decades, there has been an increase in academic work on the sociological perspective on criminality. These research works have proven that certain sociological factors influence woman in such a manner that they choose to become criminals. Despite the various progress and achievements, women in most countries are faced with discrimination in every aspect of their lives. Women who do not belong to a strong background are often deprived of the majority of life's opportunities as a result of inequality of status, which has a negative impact on their fundamental freedom and economic independence. In most of the societies, women are the ones who are always expected to adjust and accommodate with their surroundings. Factors like social oppression, lack of education and employment opportunities, reliance on men for fulfilment of bare necessities are the major factors which drive women towards the crime world. In most cases, the offences committed by women are the external expression of their underlying mental trauma and imbalance. Women suffer from sociological stress due to the constant pressure of society to be a certain way which adversely affects their physical as well as mental health and this ultimately compels them to get involved into criminal activities.²⁴

Sociological factors such as growing divorce rates, illegitimacy, female-run households, lesser paying jobs, joblessness, and child care costs often force women to commit petty crimes. In India, for instance, it has been found that dysfunctional family, particularly lack of marital bliss caused by intoxication, adultery, etc. resulting into women's criminality. The conservative and patriarchal structure of Indian society often leads to victimization of the married woman, with their spouses and in-laws, torturing and murdering them for dowry.²⁵

PSYCHOLOGICAL FACTORS

From early times it has been observed that there are many distinct psychological theories of criminal activity. In the Indian society, women who are not submissive and do not fit into the stereotypical role of a woman are considered misaligned. Women who are socially misaligned refuse or are unable to internalise the ideals related with their function in society. Lack of

²⁴ Erin Braatz, Prison Administrative Law, 74 AM. U. L. REV. 45 (October 2024).

²⁵ Global Report on Women in Prison: Analysis from National Preventive Mechanisms, <<https://www.apt.ch/global-report>> (last accessed on May 10, 2025)

emotional stability, uncertainty, abandonment, or frustration are common among female convicts. They would have had to deal with tough living conditions, grief in matters of love, several other tragic incidents that made it impossible for them to embrace the reality of life.²⁶

Women experience more stress than men on an average, owing to limited possibilities and the contradictory narrative of parenting versus employment. On an aggregate, women with lower social standings are more stressed compared to influential women. Women refrain from expressing their anger because of the fear of being alienated by the people around them. As a result, they conceal their anger, and try to deal with it by channelling it into feelings of shame, inadequacy, and despair.²⁷ Women tend to suppress their emotions until they erupt into fatal violence.²⁸

Women who are under severe stress are likely to have outbursts of intense uncontrollable aggression as compared to men. Circumstances that produce constant stress and solitude, as well as inadequate coping abilities and an overly-controlling temperament, can lead to violence. The psychological approach can be studied through the Indian environment as despair and irritation are factors in many criminal activities. In March 2021, a depressed woman in Kollam, India strangled her three-and-a-half-month-old baby girl to death.²⁹

The prominent factors that explain criminal behaviour in Indian women are depression, anxiety disorders and psychological problems. In a study conducted by Institute of Mental Health Chennai, India on 44 female prisoners, the observation stood as 36.3 percent had depression, 29.5 percent had schizophrenia, 9.1 percent had bipolar disorder, 13.6 percent had other *psychosis*. In cases of murder, the general trend of victims were family members, (70.6 percent) out of which 45.8 percent were kids. 50 percent female prisoners had been suffering from psychiatric illness prior to being referred to Institute of Mental Health as prisoners.³⁰

BIOLOGICAL FACTORS

Biological theorists plead that some individuals are born criminals with physiological differences compared to non-criminals. They believe that female deviance is anchored in the

²⁶ Ibid.

²⁷ Id.

²⁸ Supra note 16

²⁹ Express News Service, "Kollam woman in depression strangles baby girl to death", *New Indian Express*, March 10, 2021, available at <<https://www.newindianexpress.com/states/kerala/2021/mar/10/kollam-woman-in-depression-strangles-baby-girl-to-death-2274520.html>> (last visited on March 13, 2025).

³⁰ Dr V.Sabitha, "A Descriptive Study of Female Prisoners: Evaluation of Socio-Demographic Profile, Crime Pattern and Psychiatric Morbidity" 5 *Journal of Medical Science and Clinical Research* (2017).

biological thought process or as an intrinsic trait of the female species. Female offenders are sometimes worse than male offenders as brutality by a woman is more polished and malevolent than brutality by men.

In a research study related to women inmates in the prisons of three states in India: Punjab, Haryana, and Himachal Pradesh, a significant association between menstruation and female criminality was observed. About that 53 percent of these women inmates were menstruating or in premenstrual when they committed crimes. The menstruation holds greater significance in criminal activities involving violence. This could imply that during this time, hormonal fluctuations cause women to commit crimes. However, this argument may also be problematic as it completely disregards the societal pressures that exist both within and outside of the home. Still the fact remains that the pre menstruation period is the most distressing time for women, and over half of those who experience it get involved in criminal activities during that period. A few experts in other countries argue that criminality and menstruation are scientifically linked.³¹

As women themselves have less knowledge of these physical and biological changes they tend to feel uncomfortable during this period as a result of which, they often express their frustration through various criminal activities such as murdering their spouses, or any other member of the family or any person whose conduct triggers such violent behaviour.³²

CULTURAL FACTORS

A person's thoughts can be greatly influenced by various cultural factors. In Indian culture, women have traditionally been portrayed as mothers, caregivers, worshippers of their husbands, and submissive, naive individuals who must prioritize the needs of others over their own. The stereotypical portrayal of women in India is disintegrating due to the increase in female criminality cases. Since men have historically dominated criminal activity, society as a whole does not expect women to commit crimes. Women are increasingly committing crimes as a result of shifting cultural norms both in India and around the world. White collar crimes are more common in India's urban areas, which are largely populated by literate people and offer more employment opportunities for women. Whereas, in rural belts and small towns, women are often found to be victims of honour killing which make them vindictive and seekers

³¹ Manika Kamthan, "Women prisoners in India: tracing gender gaps in theorising imprisonment", *Medcraveonline*, April 18, 2018, available at < <https://medcraveonline.com/FRCIJ/women-prisoners-in-india-tracing-gender-gaps-in-theorising-imprisonment.html> > (last visited on March 14, 2025).

³² Supra note 65

of revenge.³³

As a result, women tend to participate in crimes such as theft, kidnapping, dowry murder, prostitution etc. Not to say that these criminal activities do not take place in urban areas, but the prevalence is higher in areas with poor socio-economic background. The suppression of women throughout history is being revolted against but unlawfully. Women to break such cultural barriers are taking up criminal activities to prove the society wrong.³⁴

ECONOMIC FACTORS

Economically well-off women in India do not engage in any offensive acts in life. However, women from lower socioeconomic backgrounds are more likely to engage in criminal behaviour. Women offenders from varying socio-economic backgrounds have different reactions to their post-conviction or institutional lives. In most cases, women from poor financial backgrounds are more prone to criminality. Women from congenial, wealthy and pleasant environment usually do not indulge in criminal activities unless under the impact exceptional influences. Majority of female wrongdoers originate from lower socio-economic backgrounds, stressful ambience, unpleasant upbringing. These women are more driven towards petty crimes, theft, drug abuse, kidnapping and even murder. As has been stated before, women are perceived as care-givers. They not only take care of their children but the entire family which may include alcoholic husband or abusive in-laws. These types of women are greatly impacted by their financial position and often resort to criminal activities while looking forward to a better life. Women taking care of the family members, particularly those who suffer from alcoholism, are greatly impacted by their financial situations. poverty, poor standard of living, economic insecurity etc. are all responsible for female criminality.³⁵ Poor housing, dysfunctional family, drug and alcohol abuse, parental negligence of the female child in particular, and criminal attitude within the family are all consequences of financial constraints. Sometimes demand for dowry pushes women towards criminal activities as a means of defence.³⁶

Hence, economic security with a stable income is one of the most important factors to prevent female criminality. A woman who has a regular and income that can adequately support her as

³³ Tanya D'Lima, "For the Sake of Family and Tradition: Honour Killings in India" 5 *ANTYAJAA: Indian Journal of Women and Social Change* 32 (2020).

³⁴ Ibid.

³⁵ Supra note 30

³⁶ National Crime Records Bureau, < <https://www.ncrb.gov.in/en/crime-against-women-statesuts>> (last accessed on May 10, 2025)

well as her family, can successfully reduce crime rates among women. However, due to the lack of education and opportunities available to women in India, particularly in the rural areas, they tend to choose criminal ways to make ends meet.³⁷

ENVIRONMENTAL FACTORS

Female crime is a relatively new phenomena in both industrialised and developing countries, including India. Female crime is the outcome of a variety of social, economic, cultural, and environmental issue that have arisen as a result of fast industrialization, westernisation, and urbanisation. It has drawn the interest of various psychologists, sociologists, and criminologists on an international and domestic level due to its rapid rate of growth. It has resulted in a severe setback to our society and culture as well as the Indian societal framework. Historically, women's roles were primarily domestic, but they have lately transitioned towards making successful careers. Along with her male counterpart, she is observed to be engaging in various aspects of professional life. Urbanisation and industrialization have improved the country's efficacy in moving forward as well as the position of women in the society by providing them with absolute dignity and respect, however crime against women is constantly on the rise. India witnessed a 46 percent rise in the crimes against women till August, 2021.³⁸

Such negative environmental factors affect the growth and development of women in the Indian society and motivate them to take up criminal activities. Involvement in politics, educational achievements, legal and economic initiatives, and other factors have influenced women's perception and vision in today's society. Several studies have found that the using drugs for pleasure is a significant component in women's crime in India. Many women get derailed into drug and alcohol consumption by friends or other domestic circumstances. Due to the unpleasant environment created in India for women, with constant cases of rapes, murders, sexual assault and harassment etc., women are engaging in crime to escape from these environmental stress⁴¹ Factors such as dysfunctional families, marital disagreement, high career goals that remain unfulfilled, tension, pressure and inability to cope, lead women to choose criminality.³⁹

³⁷ CNBCTV, 19 women were killed for dowry every day in 2020: NCRB, *CNBC*, September 16, 2021, available at <<https://www.cnbctv18.com/india/19-women-were-killed-for-dowry-every-day-in-2020-ncrb-10758421.htm>> (last visited March 24, 2025).

³⁸ India News, "46% rise in complaints of crimes against women in 2021; UP, Delhi top list: NCW", *Hindustan Times*, September 7, 2021, available at <<https://www.hindustantimes.com/india-news/46-rise-in-complaints-of-crimes-against-women-in-2021-up-delhi-top-list-ncw-101631013445931.html>> (last visited March 24, 2025).

³⁹ Tamara Walsh & Helen Blaber, *Solitary Confinement and Prisoners' Human Rights*, 49 *MONASH U. L. REV.* 232 (2023).

FAMILY CONDITIONS

Family holds the highest regard in Indian culture and tradition. The family is the primary institution for children to socialise. Household norms are typically successful in keeping delinquent tendencies inside the confines of family circles. However, uncertainty, disapproval, or grief as a child, tough life conditions, sadness in matters of love, failures in career, financial hardships, needy and distressful family environment can make the reality of life incredibly challenging for some people, specifically women. Women in India, who are a part of in large families are often penalised for crimes like murder, killing of infant and various other crimes.⁴⁰ Majority of the women in India who participate in criminal activities such as stealing tend to come from families that have a large number of members. Majority of women who are accused of engaging in unlawful activities, come from large Indian families with more than seven individuals, which clearly demonstrates the attributes of a bigger family. It has been observed that female crimes are strongly linked to size of the family. During each of the phases of a woman's life, the most significant aspect of her existence and conduct is the need of a pleasant home environment. A constant negative family environment motivates women to release their frustration elsewhere, such as through criminal and illegal behaviour.⁴¹

UNEMPLOYMENT

In India women's job tends to be focused in the self-employment industry, which includes tasks like farming and housework, such as preparing food, cleaning work at home, bringing up children. These household chores and activities are mostly unpaid and hence does not appear in official records while calculating statistics.⁴²

According to the data provided by the Ministry of Statistics & Programme Implementation, women's participation in labour force and the workforce has significantly increased over the years. During 2022-23, the women participation in labour force has notably increased to 37.0%.⁴³ However, lesser availability of employment opportunities, competition with the other gender etc., often give rise to female criminality in India over the time. The unemployment rate is the major economic factor which affects the crime rate in India, thus to control the crime rate,

⁴⁰ Supra note 31

⁴¹ Natalie Booth, Gendered Prisons, Relationships and Resettlement Policies; Three Reasons for Caution for Imprisoned Mothers, 61 BRIT. J. CRIMINOLOGY 1354 (September 2021).

⁴² Megan Denver, Garima Siwach & Shawn D. Bushway, A New Look at the Employment and Recidivism Relationships through the Lens of a Criminal Background Check, 55 CRIMINOLOGY 174 (February 2017)

⁴³ Ministry of Labour and Employment, Participation of Women in Workforce, available at: <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2004075>> (last accessed 25 June 2025)

India must raise more opportunities for employment, especially for women.⁴⁴

POVERTY

The connection between poverty and of female criminality is significant as women from poor financial backgrounds tend to completely depend on their male family members for economical support. As a result, such women go through several trials and tribulations. In order to escape these situations, women take up crime to feel financially independent and to escape their torturous home environments caused due to poverty.

Poverty plays a significant role in giving rise to criminality in women, particularly in India. The link connecting poverty and criminality in women had been appropriately stressed in several court rulings, such as in the case of *Shreerangyee v. State of Madras*⁴⁵. In this case the accused used to be a dedicated but unhappy woman who was abandoned by her spouse. She was left with five kids to support but was unable to do so due to a lack of sufficient income. As her youngest of the five children, was diagnosed with a serious disease and the doctor required payment for the treatment, her financial situation worsened. She attempted, but failed, to raise any money. After exhausting all lawful means of earning a living, out of desperation, the woman drowned all five of her kids and then leapt into the well herself. However, she was saved but found guilty of murdering her children under section 302 of the Indian Penal Code, 1860.⁴⁶ From this case it can be deduced that poverty plays a significant role in pushing women towards criminality.

FORMAL EDUCATION AND DELINQUENCY

Although, India is fifth-largest economy in the world, poverty still remains. Poverty is more prevalent in rural areas, with a 25 percent poverty rate compared to 14 percent in the metropolitan cities. This is also linked to literacy levels, as 45 percent of the poor are illiterate and only 15 percent attend secondary school. The higher income group, on the other hand, comprises of 26 percent illiterate and 37 percent who attend secondary school. The gender disparity expands even more in India's rural areas, where women have a substantially greater percentage of illiteracy than men. There is a 5 percent disparity in illiteracy rates between the male and the female gender in certain areas. There is also a higher rate of child marriage,

⁴⁴ Adrian Cherney & Robin Fitzgerald, Efforts by Offenders to Manage and Overcome Stigma: The Case of Employment, 28 CURRENT ISSUES CRIM. JUST. 17 (July 2016).

⁴⁵ 1972 2 SCC 130

⁴⁶ Indian Penal Code 1860 § 302, Punishment for murder: Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

lack of maternal health benefits, a high rate of violence towards women and a decreasing sex ratio at birth.⁴⁷

A recent research study conducted in India found that in cases of violent and aggressive offences the majority of women were illiterate and also were from marginalized areas of society. Awareness was absent concerning law. Educated females were a lot more involved in one-to-one individual partnerships, which were cruel and brutal. In contrast, uneducated women were more engaged in property and drug-related offences. Most of the female offenders did not have any indication of where their offensive acts would undoubtedly lead them to.⁴⁸

In a study of Uttar Pradesh jails by the National Commission for women, it was observed that females committed crimes due to destitution, poverty and hardship. They are prone to be detained because of their failure to pay fines for petty offences. These female prisoners are generally middle-aged and unemployed women with a low education level, inadequate livelihood and dependent children. The data highlighted that 66.55% of female inmates were illiterate, 15.39% were educated from 5th to 8th grade, 7.61% were educated till 10th grade, 4.95% were educated till class 12, and 5.48% were educated above 12th grade.⁴⁹

Although, there is a rise in female literacy, yet the percentage of women's literacy still needs improvement. Education is a significant aspect of one's life because it ingrains fundamental social and life skills in an individual. And in the context of women, education advocates for them a minimum standard of protection which becomes the backbone of their overall socio-economic development. Therefore, the education of women is the most powerful and dynamic tool, which might bring a decrease in inequalities as well as means through which the status of women may be ameliorated within the household and society.⁵⁰

RELIGION

Religion has always had a strong influence on human behaviour, regardless of which religion it is. The study of the impact of religion on criminality began during the twentieth century and has continued ever since. Organized religion has long been used to connect people

⁴⁷ The Good News, "Fighting Poverty in India Through Female Empowerment", *The Good News*, February 21, 2025, available at <<https://www.borgenmagazine.com/fighting-poverty-in-india/>> (last visited on March 21, 2025).

⁴⁸ Ibid.

⁴⁹ National Commission for Women, "A Study of condition of Women Prisoners & Their Children in Eastern U.P. Jails" (2006) available at http://ncwapps.nic.in/pdfReports/A_Study_of_condition_of_Women_Prisoners_and_Their_Children_in_Eastern_UP_Jails.pdf (last visited on May 19, 2025).

⁵⁰ Anupama Kaushik, "Women Criminals: Case Study from India" 1 (2) *Multidisciplinary Journal of Humanities and Social Sciences* 1-23 (2022).

to their families, communities, and civilizations, as well as to communicate social objectives and impart morality in both young and old. Religious links not only bind families and communities with each other through shared rituals and practices, but they also serve as a moral code, prohibiting individuals from indulging in antisocial actions such as criminality.⁵¹

As per The National Crime Records Bureau (NCRB) updated last on 31st December, 2022, 3,21,155 prison inmates were Hindu, 85,307 were Muslim, 18,001 were Sikh, 13,782 were Christian, and 3,557 were in the 'others' category. A gender-based division of the figures indicates that among women, 13,416 prison inmates were Hindus, 3,162 Muslim, 721 Sikh, 784 Christian and 261 Others.⁵⁹ Although most religions do not endorse crime, people often misinterpret the teachings of a religion and commit crimes in the name of religion.⁵²

In some cases, individuals may take undue advantage of the religion factor to participate in criminal activities. KD Kempamma, who was also known as Cyanide Mallika, was India's maiden convicted female serial killer. Over the course of eight years, she murdered six women. Her method of murder was to depict herself as a holy deity, which drew a large number of women to adore her. In exchange, she used to make them dress up in their finest clothes and jewels and offer cyanide for them to consume under the disguise of holy water.⁵³

MASS MEDIA CULTURE

In the current times, mediums of mass communication such as movies, newspapers, radio, and broadcast have become extremely important. They not only provide a variety of beneficial uses, but its enormous potential has also produced some issues that are of concern to criminologists. In recent years, the expansion of mass media has had a significant impact on the appearance of women in the Indian society. These new communication tools, affect men's perceptions of women, and thus, women are often depicted in the mass media in a demeaning and obnoxious manner.⁵⁴

The Indian media is often seen promoting rigid, patriarchal and gender biased conceptions

⁵¹ Press Trust of India, "Over 67% prison inmates are Hindu, nearly 18% are Muslim: Govt data", *Business Standard*, February 14, 2021, available at <https://www.business-standard.com/article/current-affairs/over-67-prison-inmates-are-hindu-nearly-18-are-muslim-govt-data-121021400404_1.html> (last visited on March 21, 2025).

⁵² Ibid.

⁵³ Priyanka Periwal, "The Life of Cyanide Mallika - India's First Convicted Female Serial Killer", *Homegrown*, May 27, 2021, available at <<https://homegrown.co.in/article/805445/the-life-of-cyanide-mallika-indias-first-convicted-female-serial-killer>> (last visited on May 10, 2025)

⁵⁴ Snigdha Sharma, "Why is the Indian media almost blind to gender issues? And how can this be rectified?" *newslaundry*, December 07, 2019, available at <<https://www.newslaundry.com/2019/12/07/why-is-the-indian-media-almost-blind-to-gender-issues-and-how-can-this-be-rectified>> (last visited on March 21, 2025).

rather than fostering an informed discussion about gender issues. The representation of gender issues in Indian news is restricted to cases of sexual abuse or rape. It frequently denigrates and promotes gender-based violence through the use of offensive language and imagery. It is uncommon for the Indian media to attribute sexual assault to a woman's choice of attire when she is out in public. Instead of addressing the underlying causes of gender-targeted violence, the Indian media is very likely to focus on its surface-level justifications. Due to the patriarchal culture that India still upholds, caste and class discrimination, particularly against women, is the main cause of the rise in female criminality. The demand for impartial and non-sexist journalism has also been led by numerous female journalists.⁵⁵ The selective coverage of crimes related to gender in Indian media is another issue. Because of the stereotypical way that women are portrayed in society, female criminality is the least reported in India. Women are still viewed as the inferior gender in patriarchal Indian society, both mentally and physically. As a result, Indian media hardly ever discusses reports of female criminals. This is to preserve Indian women's traditional roles and image.⁵⁶

VICTIMISATION OF THE GIRL CHILD

The girl child is vulnerable in nature and therefore subjected to various kinds of abuse. Such young girls find it difficult to stand up for themselves at such a tender age and develop various complexities in their mind. Most female criminals have experienced some sort of abuse or exploitation in their childhood. This triggers them to participate in criminal activities in their adulthood, as an outlet for those emotions. Many young girls who have experienced violence in their early stages become aggressive and violent, towards any person who had violated her or towards a certain group in general. When such women commit crime, it could make them feel liberated, as a result they continuously keep engaging in such criminal behaviour especially towards male gender. Therefore, experiences of sexual exploitation at a young age can influence girls to take up criminality as a measure. Such instances have contributed to the rise in female criminality in India.⁵⁷

According to NCRB data, more than 99 percent of crimes filed under the Protection of Children from Sexual Offences Act, 2012 in 2020 were against girls, indicating that girls continue to be one of society's most vulnerable groups. The NCRB statistics and showed that 28,058 of the 28,327 youngsters who were crime victims under the Protection of Children from Sexual

⁵⁵ Ibid.

⁵⁶ Id.

⁵⁷ Maybell Romero, Shamed, 111 VA. L. REV. 325 (April 2025).

Offences Act were girls.⁵⁸ A more detailed examination of the cases recorded under the Protection of Children from Sexual Offences (POCSO) Act revealed that crimes against girls aged 16 to 18 were the most common, standing at 14,092, accompanied by 10,949 offences towards girls aged 12 to 16 years.⁵⁹

Child sexual abuse is a major source of concern for Indian law enforcement agencies and governments. In the past 5 years approximately 2.4 million cases of cyber child sexual abuse were recorded in India. Eighty percent of the youngsters were girls below the age of 14 years. Despite the fact that both boys and girls are nearly equally exposed to abuse, as per NRCB records, girls of any age are more vulnerable to sexual offences than boys.⁶⁰

WOMEN'S CRIMINALITY AND SEXUAL OFFENCES

Poor socio-economic background drags young girls and women into various sexual offences, particularly prostitution. Majority of the societies are patriarchal and that causes a major hindrance in women's progression. Illiteracy, lack of financial independence, toxic family environment force women to engage in sexual offences like prostitution. These women are reduced to the boundaries of the kitchen and household chores denying every access to opportunities that can help them grow, develop and flourish. Sometimes they choose to be a part of sexual crimes to earn a living or for easy money while most of the times they are coerced to commit sexual offences. Once they become a part of such crimes whether intentionally or not, such girls and women find it extremely difficult to re-integrate into the mainstream society. The growth and development of young girls get naturally hampered once they become a part of sexual crimes and they are usually left with no choice but continue being a part of such offences all through their lives. Statistics say that in India, out of 20 million prostitutes, 16 million girls and women are victims of sex trafficking. Young girls between the ages of 8 and 17 are forcefully removed from school, compelled to leave their childhood behind, and forced to become adult women. They accept this kind of life only to take care of their impoverished families and soon they begin to serve as the sole bread-earners of their families, by enduring inhuman abuse and torture. A lot of young girls are thus sold to prostitution quarters and they

⁵⁸ National Crime Records Bureau, Annual Crime Report 2022, available at: <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/annualcrimereport/2022/1701613297PSI2022ason01122023> (last accessed 28 June 2025)

⁵⁹ Ibid.

⁶⁰ Supra note 50

become a part of a huge global crime racket at a very young age.⁶¹

Thus, such young girls and women enter a black hole where they are both the victim and offender, ultimately reaching a place of no return. Their childhood, family life, education, career opportunities and everything is destroyed completely, and soon they develop an addiction to such a way of life. These factors jointly raise the female criminality rate worldwide.⁶²

Female criminality significantly affects the peace and decorum of the family thereby affecting society at large. The rate of crime committed by women has been steadily rising over the recent years and has surpassed the rate of crime committed by men during the same time period. This has an impact on families and the community as a whole. To efficiently stop and regulate female crime, we must focus our attention on achieving women's legal awareness, attempt to combat domestic abuse, increase women's access to the legal system, enhance the social safety system, and strengthening female aid and education in general. On the basis of personal causes, women criminals have a lower level of education than men offenders.⁶³

A large number of women criminals are uneducated or haven't received complete education. They lack social understanding and experience, as well as have inadequate survival abilities. They lack critical problem-solving skills and are unable to make rational decisions. When they are provoked or seduced by others, it is easy for them to be persuaded or duped, and getting misguided and into a criminal lifestyle. Due to their lack of education, they have a limited understanding of the law. When their rights are infringed by unlawful violation, they are unable to address the issues from a legal standpoint, and instead opt for extremely, aggressive, and unlawful solution.⁶⁴

Several women, are victims of domestic abuse but have no understanding of the law to protect themselves. They counter violence with aggression, and if it gets too much to bear, they resort to murdering the culprits. Furthermore, psychological issues such as ego, unfair comparison, pleasure, and small mindedness all contribute to female criminal behaviour.⁶⁵

Patriarchal practices are to blame for crimes committed towards and by the female gender. Several feminists contend that the patriarchal customs and practices must be eradicated, or

⁶¹ Anuradha Nagaraj, "Rescued child sex workers in India reveal hidden cells in brothels", *Thomson Reuters Foundation*, December 13, 2017, available at <<https://www.reuters.com/article/us-india-trafficking-brothels-idUSKBN1E71R1>> (last visited on March 13, 2025).

⁶² Ibid.

⁶³ Supra note 39

⁶⁴ Supra note 57

⁶⁵ National Human Rights Commission India, Rights of Prisoners <<https://nhrc.nic.in/sites/default/files/11%20Rights%20of%20Prisoners-compressed.pdf>> (last accessed on 12 May 2025)

some major changes in gender specific institutions and society must be implemented. The aim is to minimize gender inequalities in society as well as the judicial system in India. If both genders are treated equally, the desire for dowry will disappear, along with the crimes associated with it. Women should be paid equally as men and should be educated and informed of their rights in order for society to respect them equally. Thus, the main remedy against female criminality is the education and financial empowerment of women, along with a law-and-order system which helps in elimination of criminal tendencies in them.⁶⁶

4: CONCLUSION

Analysis of female offenders and the causes of female criminality show that women's involvement in crime is deeply rooted in the practical experiences of structural inequality, gender discrimination, and marginalization. In contrast to the conventional understanding of criminology, which emphasizes rational choice and individual deviance, female criminality is more accurately understood through the pathways shaped by poverty, limited opportunities in education and employment, domestic violence, and histories of physical and sexual abuse. For many women, crime arises not as a planned attempt, but rather as a response to coercion, the need to survive, or chronic oppression. The research also shows that the criminal justice system often fails to adequately recognize these gendered realities. Female offenders often face institutional neglect, a lack of gender-sensitive facilities, and inadequate rehabilitation support, which collectively hinder their potential for meaningful reintegration into society. The absence of trauma-informed approaches and social support systems prolongs the cycle of deprivation and increases the risk of re-offending. Reforming the existing laws, prison administration, and post-release rehabilitation, as well as addressing the root causes of female criminality, such as socio-economic deprivation, violence, and exclusion, must be prioritized. Emphasis on education, skills development, mental health care, post release job opportunities and community-based reintegration strategies can significantly improve outcomes for female offenders. Recognizing women prisoners not simply as criminals, but as individuals affected by complex social realities is key to establishing justice, reducing recidivism, and promoting sustainable reintegration into society.

⁶⁶ Ibid.