

**A STUDY ON MULTIDIMENSIONAL APPROACH
OF FEMALE CRIMINALITY IN THE CRIMINAL
JUSTICE SYSTEM**

**A Dissertation to be submitted in partial fulfillment of the
requirement for the award of degree of Master of Laws**

SUBMITTED BY

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Session: 2020-21

School of Legal Studies, BBDU, Lucknow

*A STUDY ON MULTIDIMENSIONAL APPROACH OF FEMALE CRIMINALITY IN
THE CRIMINAL JUSTICE SYSTEM*

CERTIFICATE

This is to certify that the dissertation titled, “*A Study on Multidimensional Approach of Female Criminality in the Criminal Justice System*” is the work done by *Shahana Khanam* under my guidance and supervision for the partial fulfillment of the requirement for the Degree of **Master of Laws** in School of Legal Studies Babu Banarasi Das University, Lucknow, Uttar Pradesh.

I wish her success in life.

Date 08.06.2021
Place- Lucknow

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Place- Lucknow



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ABBREVIATIONS

Sr.No	Abbreviations	Full Form
1.	A.	Accused
2.	ADGC	Additional District Government Counsel
3.	AIR	All India Reporter
4.	ALL ER	All England Reports
5.	C.J	Chief Justice
6.	CBI	Central Bureau of Investigation
7.	CrL	Criminal
8.	CrI Appeal	Criminal Appeal
9.	CRM M	Criminal Miscellaneous
10.	CrPC	Code of Criminal Procedure
11.	DP Act	Dowry Prohibition Act
12.	F.I.R	First Information Report
13.	HC	High Court
14.	IEA	Indian Evidence Act
15.	IPC	Indian Penal Code
16.	IPKF	Indian Peace Keeping Force
17.	J.	Justice
18.	Ltd	Limited
19.	LTTE	Liberation Tigers of Tamil Elam
20.	MCOCA	Maharashtra Control of Organized Crime Act, 1999

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21.	NCB	Narcotics Control Bureau
22.	NCRB	National Crime Record Bureau
23.	NDPS	Narcotics Drugs & Psychotropic Substance Act, 1985
24.	NGOs	Non Governmental Organisation
25.	OBC	Other Backward Caste
26.	Ors.	Others
27.	PH	Punjab and Haryana High Court
28.	PM	Prime Minister
29.	POCSO	Protection of Children from Sexual Offences Act, 2012
30.	SC	Schedule Caste
31.	SCC	Supreme Court Cases
32.	SIFF	Save Indian Family Foundation
33.	SIT	Special Investigation Team
34.	SLP	Special Leave Petition
35.	Sr.	Sister
36.	ST	Schedule Tribe
37.	St.	Saint
38.	TADA	Terrorist and Disruptive Activities (Prevention) Act, 1987
39.	U.P	Uttar Pradesh
40.	UGC	University Grants Commission

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CHAPTER I

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

There is a common perception that the criminal behavior of women and the delinquent behavior of girls are not serious problems. Women are more likely to commit minor offenses and have historically constituted a very small proportion of the offender population.

But these facts mask a trend that is beginning to attract attention. The dramatic rise in the number of prison and jail inmates is fairly well known; less so is that the ranks of women inmates are escalating at an increasing rate than those of their male counterparts.

The pace at which women are being convicted of serious offenses is picking up faster comparatively to counterparts.

These dynamics have made me work on women and girls in the justice system, presented here, especially well in time. What animates the studies is not so much numbers of offenders but the particular circumstances of the women and girls “behind” the numbers.

Whether justice should promote unalloyed equity, be blind to the circumstances in which crime is committed, and consider only gravity of offense and prior record, is

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still a matter of debate. In the current sentencing environment, the view of those who favour equity above all other considerations has won the day. There is another perspective, the belief that sanctions ought to be tailored to the specific characteristics and circumstances of individual offenders.

If we look into the basic jurisprudence of criminality and crime, generally the aspect of crime against women or females is largely discussed as also in the Indian Penal Code, 1860 and Code of Criminal Procedure, 1973. But the **grey area** which has its roots centuries ago, has been left undiscovered or let me put it this way that it has been reasonably avoided in the criminal justice system and that it is the Crime by Women or in other terms **Female Criminality**.

The criminal justice system, however in the recent years according to establish reports of NCRB through Judicial pronouncement, Case studies etc. has realized that it is the need of the hour to go into the depth of understanding Female Criminals and Women as delinquent offenders.

Female crime influences family harmony and social structure and stability. Female criminality has been both in the early times and contemporary too.

In the present context, a female has taken up added responsibility of making her a mark of her own to have an identity along with nurturing her family. However it is pathetic and sad to observe that women's achievement is also getting extended towards criminality in the social, cultural, political and economic milieu of India vis-à-vis the developed nations. The general presumption is that criminality is supposed to be male affair and female offenders are taken to be exceptions.

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Drawing insights from the criminological account of the criminal behavior, the dissertation analyses that the female criminals are viewed as ‘troubled’ offenders, who act out of need, and not ‘trouble-some’ offenders, who act out of greed and reserved for male offenders. The issue has gradually reached to an alarming level with more than 4.16% women offenders just in India, (as per NCRB 2019) which has compelled all the socially responsible to focus on the root cause of female turning into criminals. There are close to 20,000 women inmates in jail across the country. Other two alarming issues are: (a) Under reporting of female offences, (b) The lack lustre and over lenient approach in the criminal justice system.

Although female criminality has been theoretically stated as complicated, less understood and subject easy to control but issues are there like the anthropology, social structure, psychological framework, psychopaths, neuropathy, emotional distress, dysfunctional strains, labeling effect, economic effect, neighborhood, habit formation amongst others which have provided me the thrust to analyze the escalation of women offenders whether under trials, convicts including the case studies of high profile female offenders and real time stories of offences by females irrespective of unquotable reasons, the Rise of the new female criminal, female offender :Girls women and crime.

The study also reveals the female criminality is not limited to larceny and theft but has reached the extent of kidnapping, murder, attempt to murder, extortion, abduction, abetment, conspiracy, rape, dacoity, robbery, burglary, theft, riots, counterfeiting, cheating, embezzlement etc. Another **major dimension is Male Victimization** by women involving them in fake and forged cases. Hence the study, shall also state the cruelty of males in Indian Society quote unquote.

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Apart from the various conceptions drawn world-wide whether it be Sisters in crime, Women and offences or Sigmund Freud, Indian theory of rising criminal still needs to be studied from various dimensions since women prisoners in India have not been able to attribute to the thought process as to whether are they either at the best of violence in crimes or are just involved in larceny and theft. I have taken the dimensions to study Female Criminality in my study.

Sigmund Freud thought that women were also basically irrational in that they weren't concerned with being builders of civilization, but with scanty, trivial matters. Freud thought, for example, that women don't have much of a sense of justice. This is obviously a characterization of female criminals.

W.I. Thomas has also clarified the issue of women offending. In the role of in the administration of justice is a long-standing area of research of female criminality. It is imperative to say that women are accorded more lenient treatment than men, however, whether this is a function of the lesser seriousness of the charges against them or something else remains unanswered. The most common hypotheses have involved the notions of chivalry and paternalism. Chivalry represents the idea that the criminal justice system puts women on a pedestal, and treats them like a protector. Paternalism is a more sinister view of the criminal justice system, that women are treated more childlike or mentally challenged.

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DIMENSIONS IN THE STUDY OF FEMALE CRIMINALITY

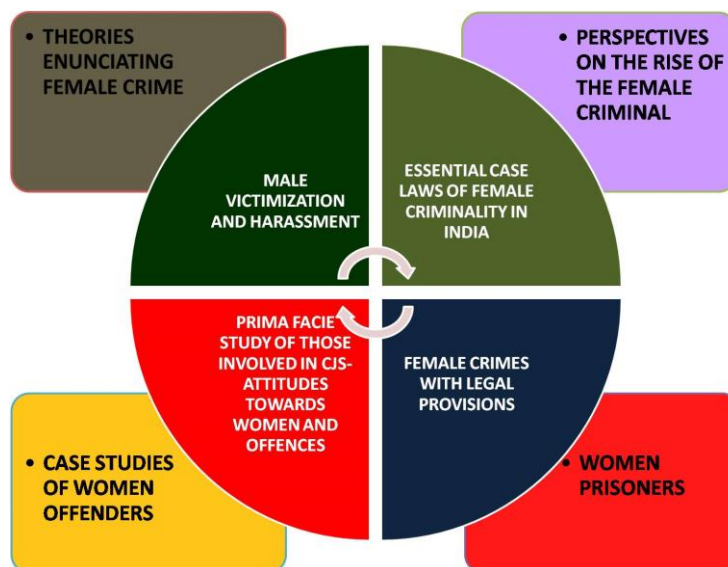


Figure no.1 denotes the dimensions under study

THE CRIMINAL JUSTICE SYSTEM

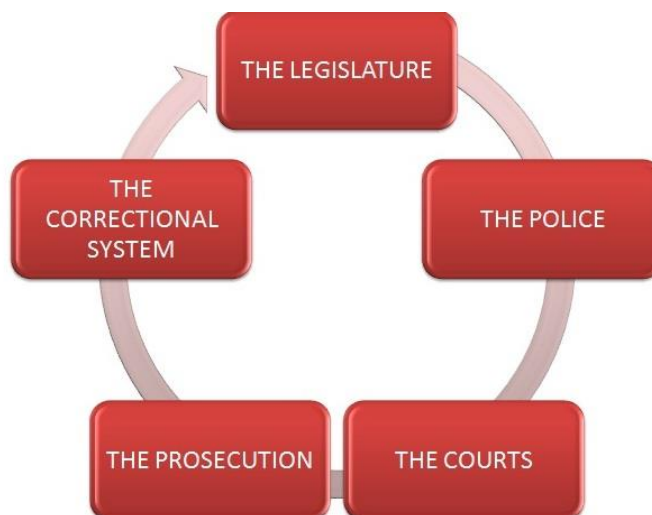


Figure no.2 denotes those involved taken for compliance of the study

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1.2 LITERATURE REVIEW

The existing delinquency theories are fundamentally inadequate to the task of explaining female delinquency and official reactions to females' deviance. The need for a feminist model of female delinquency is explored by reviewing the available evidence on females' offending. Hence the Primary analysis has been done too.

We are aware that crime is common to all countries and to all societies. Crime presents itself basically as a manifestation of the dysfunctioning of a social system. **The fact that social structures and value systems have been changing in most developing countries had a pronounced effect on both, the nature and the composition of crime in the developing nations like India particularly looking at the female criminality aspect.**

In India recognizably, the problems are predominantly economic-deep-stated poverty, destitution, high dependency ratio and unemployment. All these lead to lack of social services, illiteracy and ill health. Industrialization, urbanization and **migration** to other parts also contribute substantially to the alienation and anomie and resultant crime. For example: slums in Mumbai have drawn maximum attention. In other words, the social and economic imbalances and other related deprivations in the development process give rise to the social criminal pathology.

Meaning of Female Criminality

Crime and criminal both have become the focus of attention in the present society. Crime is increasing at rapid rate. In India, crime has been considered a male behavior. But today the former notion is proved wrong. Women, like men, suffer from tensions, frustrations, jealousy enmity and hatred, which motivate them to criminality. They

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indulge in all sorts of crimes. The changing social norms and values as well the impact of other cultural patterns culminating in the complexity of life are largely responsible for this change.

Female criminality is indeed a serious social problem; it may be considered a crucial problem because of its impact on family, upbringing of children and the overall fabric of society. As women's role change and become more open to opportunities and tensions associated with the male-role, their criminal activities will be transformed in kind and degrees.

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 and destitution may also significantly affect the criminality of women. Social environment and deviance are highly relevant to the subject of criminality. Migration from rural areas to urban areas and the imbalance in their adjustment to city life may also result in an increase of crime in cities. It is obvious now that female criminals do not form an isolated group from the normal population.

We have seen the image of women in various media as the preservers of social norms, traditions, customs, morality and family cohesiveness. But today, Westernized Indian culture, industrialization and urbanization have contributed in increasing crime rate among women.

The increasing crime rate among females in recent years has drawn the attention of researchers and so has mine. Within the past few decades, professional interest in

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female criminality especially in developed nations and India too has increased along with the interest in the general topic of women.

In the very first instance, a woman who enters the criminal justice system is considered “absurd”, “out of place”, and “undetectable” The “explanations” for her presence in the criminal justice system are sought and are found within the discourse of the “pathological” and “irrational”, such as, menstruation, mental illness, poor socialization, and broken home and consequently their criminality is explained in different ways, and found within the discourse of “normality” and “rationality”, boredom, greed, pressure, provocation, migration etc.

People who commit petty offences, like stealing food, water, books etc. to meet their needs or that of their families are considered as “Troubled” offenders. Female offenders are generally labeled under this category, which are portrayed as stealing out of need rather than greed, in contrast to male counterpart, who are portrayed as “troublesome” offenders. Female is generally overlooked in the explanation of criminality and are often marginalized in favor of discussion from a purely male perspective. The traditional theories of Pollock, Thomas, and Freud et al of female criminality share certain assumptions about female criminality which are used in laying the groundwork for theories explaining the female criminality.

Theorists see female criminality as the result of individual characteristics that are only peripherally affected by economic, social and political forces. Female Criminality is seen from individualistic lens as a result of which other social, economic factors are not taken into consideration. More importance is given to the biological reasons due

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which crime is committed by a woman in the Lombroso's study because his theory centered upon the individual; he suggested a "cure" based upon adjustments to the personality of an individual. For the purpose of biological and physiological theories, the study of female criminality began with the work of Lombroso and Ferraro, way back in 1898. Hence female offenders had certain peculiar characteristics like the skull part similar to men, more body hair, more passionate or aggressive. Ferociousness in women is considered as an alien feature as she is considered to be submissive.

Sigmund Freud considered that anyone can be an offender as we are all born with some depraved tendency. The central principle of his theory is sexual inadequacy. As woman does not have male structure and the physical strength of a man, females feel themselves less superior as a result of which they commit crime. Because of the lack of physical intricacy woman turns out to be more aggressive and rebellious, as they consider this as a kind of punishment. They become exhibitionist and narcissistic.

Pollak proposed the theory of hidden female criminality. Their deceiving and submissive attitude turned those Perpetrators.

According to Thomas, it is owing to the greater differences of sex roles. He puts forward the analogy; "so called good" women preserve their bodies as resources for promotion for marriage, whereas bad women trade off their bodies for excitement and fun.

When compared to male criminality, the percentage of female criminality is at an increasing rate and owing to negligent acts it has not been reported since a

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very long time. However, in recent times there has been a significant increase in the number of women coming in conflict with law in India and in other parts of the world.

Major Causes of Crime by Women

1- Economic Cause

This is one of the basic causes of involvement of women in criminal activity is economic hardship. A large segment of female population faces greater economic insecurity and adversity which increases the pressure to commit consumer based crimes such as shop lifting, check fraud, theft etc. However greed for dowry is another cause of crime committed by females in India.

2- Social Cause

There have found that social causes like rising rate of divorce, illegitimacy, female headed households, low paying jobs, unemployment among women and child care expenses force women to commit petty crimes. In India family maladjustment especially marital conflict due to unfaithfulness and broken homes lead to crime.

3- Physiological Cause

Pre menstrual period is the most stressful period for women and almost fifty percent of the sufferers commit crimes at the time of symptom.

4- Literacy hits

Education enables a person to earn more and also lead a law abiding life but in India women are mostly illiterate or only get minimal educational opportunities. There is a direct correlation.

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5- Wits hit

Fear and insecurity often lead to crime. New born babies are killed because of fear and shame related to an illegitimate baby. Studies have shown that a large number of offenders have feelings of insecurity, low self esteem and anxiety.

6- Drug Abuse

The use of drugs for excitement was an important factor related to women's criminality. So much so that scholars say 'war on drugs' is becoming 'war on women'.

DIMENSIONS

**A. OFFENCES BY WOMEN WHICH MAY COME UNDER
VARIOUS ACTS/SECTIONS**

Sr.No	NATURE OF CRIME	ACTS AND SECTIONS
1	Cheating/Fraud (including Cyber Crimes)	Section 415 & 417 IPC, 1860 Section 43, 66D , 71, 72 of IT Act 2000, 419, 420 IPC 1860
2	Theft	Section 378 IPC, 1860
3	Drug Trafficking	Narcotics Drugs & Psychotropic Substance Act, 1985
4	Immoral Trafficking	The Immoral Traffic (Prevention) Act, 1956
5	Conspiracy in Crimes	Section 120 B IPC,1860
6	Counterfeiting	Section 28 & 255 IPC, 1860
7	False Maintenance and Alimony	Section 125 CrPC, 1973

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8	Alcoholism (Illegal liquor sale)	Section 60/62 of U P Excise Act
9	Harassment of Males	
10	Terrorism Activities	-Unlawful Activities (Prevention) Act, 1967 (Amendment Act 2004) -Prevention of Terrorism Act, (POTA), 2002
11	Dowry related Crime	Dowry Prohibition Act, 1961
12	Abetment to Suicide	Section 306, IPC, 1860
13	Kidnapping and Abduction (Mostly along with male counterparts)	Section 359 to 374 IPC, 1860
14	Attempt to Murder	Section 307 IPC, 1860
15	Murder (Rare)	Section 300 & 302 IPC, 1860

B.MALE VICTIMIZATION

“Men are also victims of harassment. Many of us think it’s a myth, how can men be harassed when they are the main reason for harassment against women. Men are considered as “mards” in India and the fear of getting taunted, insulted, and mocked by their coworkers. Many might wonder how this can happen, a man being sexually harassed by a woman is deemed so unlikely that they almost think its bluff and that cannot be true, they think it’s a myth.”

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“Men are victims of false accusations and litigations. The trend is dangerously increasing in India and globally. Patterns of relationship discord noticed by men in any form of domestic relationship are-

1. Relentless nagging on petty matters by wife or female partner
2. Verbal and physical abuse on men
3. Deserting husband/male partner without any intimation- with malafide intention to intimidate mentally
4. Filing false cases of dowry harassment
5. Asking for a separate accommodation when there are no issues in the current home
6. Harassment Based On The Misuse Of Sec 498A

Reasons

1. **Gender biased laws** – Every law is pro-women, not a single one for men. Consider Domestic Violence Act, 498A, Dowry harassment and Negligence law (CrPc 125).

2. **Mental conditioning** – Men are expected to bear the burden of violence and work since childhood. Hence it's difficult for men to differentiate when they are subject to discrimination – whether by spouse or a girlfriend.

3. **Society's outlook**- “Only Women are victims” – There is a great mental conditioning at work in society as well. “Men cannot be hurt – emotionally or physically” – which is untrue. That's the reason no one raises voice about violence on men. This is rampant even in movies – where it's perfectly fine for a man to die, but it's unbearable for a woman to even get a scratch on forehead. This influences our neighbors, friends, colleagues, the judiciary and the policy makers.

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4. Brainwashing by Fake feminism – There is a grave misinterpretation of inequality of women. Economically weak women are projected by society's well-to-do section to gain publicity projecting men as savages. While violence on women is not acceptable they deserve justice, why those instances should be used to generalize behavior or nature of men. Millions of men suffer due to false cases by these feminists and the organizations that support them. The result is innocent men are subject to mental torture.

5. Lack of realization and support by men- Men don't help their own gender when they see other male victims – be it their brothers, friends, colleagues.”¹

C. WOMEN IN JAIL

“ It is a general assumption that women commit crime due to poverty and they are particularly vulnerable to being detained because of their inability to pay fines for petty offences but women offenders not only typically come from economically and socially disadvantaged segments of society but are also come from economically advantaged class, affluent family types. It is also observed that in prisons both middle age and young unemployed with low level of education having dependent children are incarcerated.

Although, women seem to be a small minority of the prison population, but a minority mostly owing to underreported cases is growing at a disproportionate but increasing rate, their needs, and indeed their rights, are frequently not fulfilled by prison regimes that are designed predominantly for counterparts.”²

¹ Sai Yogeetha Anguluri, 'Harassment on Men', Legal Services India- Article 3888

² Dr. Parveen Shaila, 'Condition of Women Prisoners'[2008] Page no.63

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D. CRIMINAL JUSTICE SYSTEM

“The Criminal justice system refers to the structure, functions, and decision or processes of agencies that deal with the crime prevention, investigation, prosecution, punishment and correction. Some believe that it is not totally accurate to speak of a criminal justice system. A system, they argue, is an interactive, interrelated, interdependent group of elements performing related functions that make up a complex whole. The criminal justice system is a loose confederation of agencies that perform different functions and are independently funded, managed and operated.

However, despite their independence, these agencies of criminal justice system are interrelated because what one agency does affects all others. That is why they are called a 'system'.

The major components of Criminal justice system are Police, Prosecutor, Judiciary and Prison known as correctional Institutions under the modern correctional philosophy. The sub-systems like Prosecution and Defense Counsel have remained by and lay less known agencies of the Criminal justice system.

Further, Probation and Parole sub-systems and allied functionaries very important role in the Criminal justice system. All the components of the system and other segment are inter-related with each other, what is done in one component or segment has a direct bearing upon the other components or segments. Police is the entry point in the system as they constitute the cutting edge of the formal Criminal justice system.”³

³ Bhagat Prakriti, 'Criminal Justice Policy under Indian Constitution', Legal Services India, Article -2957

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1.3 AIMS OF THE RESEARCH

1. Feminist criminology focuses on women offenders and women in the criminal justice system in order to understand the causes, trends, and results of female crimes with the help of case studies.
2. The analysis of Criminal Justice System.
3. Female crime, by definition, refers to the crimes committed by women. It is a crime classification which is made from the theoretical perspective.
4. Deviant behaviour of female criminals.
5. An understanding of women prisoners and their criminal deviancy.
6. Male Victimization owing to criminal acts by females with forged and fake Cases leading to catastrophe.

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1.4 OBJECTIVES OF THE RESEARCH

- a) To explore the roots of female criminality.
- b) To analyze the multi dimensions involved in the offence of females
- c) To investigate very real time case studies and stories of female criminals.
- d) To seek real time reasons for transformation into woman offenders of few prisoners and their plight as in their incarceration.
- e) To explore the opinions, views, and causes of female criminality by the experts involved in the criminal justice system.

3 W'S AND 3 H'S

1. Why is that females have become criminals in pursuance of explaining their real life stories and biopic?
2. Why and how have the common household women become offenders?
3. How do the various factors like anthropology, psychology, strain, social, economic etc affect female criminality?
4. What have been the reasons behind the women committing offence with the analysis of case laws?
5. How does a female victimize males using fraudulent and fake criminal charges?

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STATEMENT OF PROBLEM

The rise in the crime by women including the root cause, the trends and issues on various proportions leading to female criminality as one aspect and dominant male victimization as rule two of the problem in hand.

HYPOTHESIS

H₀: There is a significant rise in female crimes owing to low social economic status of the family.

H₁: Stressful situation within the family plays an important role in the life of female criminals.

H₂: Under trial female prisoners are prone to certain feelings and attitudes.

H₃: There are specific and multi dimensional reasons behind increased rate of female criminality in the Criminal Justice System including male victimization.

1.5 RESEARCH DESIGN AND METHODOLOGY

1. Doctrinal Research is 85% of the data analysis using-
 - Case Studies and real time stories, books and their analysis on female criminals.
 - Analysis of real time factual stories of dreaded female criminals.
2. Non Doctrinal is 15% of analysis (Descriptive Research Design)- Analysis of data-
 - Using Questionnaires and Interview method.
 - Reference to prison records- Jail visitor report and one personal visit.
 - Simple data tables shall be made to highlight the quantitative data.
3. A blend of Qualitative and Quantitative study in Non Doctrinal method

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- Questionnaire includes both open ended and close ended questions for those involved in Criminal Justice system.
- Scaling technique has been used.

SAMPLING DESIGN

1. Jail visitor's report and personal visit based on Convenience Sampling (for women prisoners)
2. Convenience/Snowball Sampling for those involved in Criminal Justice System.

SAMPLING FRAME

1. Lawyers
2. Public Prosecutors
3. Jurist
4. Police
5. Lucknow Jail- Women Prisoners

SAMPLE SIZE- 80

1. Lawyers- 30
2. Public Prosecutors -05
3. Jurist – 07
4. Police - 10
5. Lucknow Jail- Women Prisoners -28

1.6 SIGNIFICANCE OF THE RESEARCH

Female Criminality is one of the most important phenomena in popular media and also in academic discourse of contemporary scholastic arena like sociology, criminology, psychology and anthropology. The changing nature of female's roles in capitalist system instigate female more to involve in violent, property crimes and more often these days in male victimization. The main significance of the study is to review the major theories of female criminality like theories, masculinization, opportunity theory, marginalization, chivalry etc. It will of greater implication to analyze each case in the introductory part of the research with the judicious explanation of every individual entering in to female criminality and rationale thereof. The 3W's and 3H will encompass the multidimensions of women offender in various crimes particularly when it comes to male victimization. Freda Adler's empirical significance data evaluation with her theoretical enunciations and those of Meda Chesney and Catherine on the pathways of crime with gender neutralization shall be of utmost magnitude in the analysis of females in crime. My research goes beyond to analyze live cases of female criminals in prisons as well to comprehend the opinions of those involved in the Criminal Justice System.

Limitations of the Primary Study

1. The study covers the under trials with limited scope due to Covid Pandemic and lesser availability of under trials for direct contacts.
2. Due to pandemic and paucity of time, very few officials involved in criminal justice system could be interviewed. Primarily telephonic interview and in some cases by email could be possible.

CHAPTER II

HISTORICAL BACKGROUND VIDE CASE STUDIES OF FEMALE CRIMINALITY

2.1 HISTORY OF FEMALE CRIMINALITY

The increasing crime rate among females in recent years has drawn the attention of criminologists among others. In a pioneering criminological study, Glueck examined the female offenders by studying the biological and environmental conditions to which these offenders were exposed but his conclusion was interesting sociologically oriented. We can view the female offenders in the light of their total assimilation in the social order and corroborate that crimes are limited by the psychological and physiological characteristics in female anatomy.

Criminologists have opined some the following female crimes are being underreported.

- 1) Thefts by female servants
- 2) Blackmailing
- 3) Sex offenses
- 4) Homicides
- 5) Immoral Trafficking
- 6) Drug Trafficking
- 7) Frauds and even Counterfeiting.

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Mawby has given five explanations which relate female offending to the social roles of females in society: (i) Expectation of Appropriate Behaviour (ii) Social Control (iii) Opportunity (iv) Career Models (v) Attitudes. The five issues are, however, somewhat speculative. In view of the annotations asserted above on criminality of women, we examine the nature and pattern of women's criminality. In contrast to popular and scientific claims we question whether female crime is increasing or whether women are catching up with males in the commission of masculine, violent serious male-dominated and white-collar type crime.

The women's movement has raised our collective consciousness in relation to women's sense of isolation and powerlessness in our society. A number of events in recent years may be shaping an end to the heavy sexist orientation of the criminal justice system. Of course, the most important among them is the sharp increase in female crime.

Nonetheless, in the 21st Century, female criminality in India has been explained with help of case stories (study) their factual involvement in Crime, type of Crime, Judicial Pronouncements and outcome. The previous decades have seen Black Friday to November, 11. Women were involved in every dreaded hardcore criminal acts and deviance. With more advancement in the technology and aspirations and run for Swiss money and Swift money, it is a set stage in the 21st Century for increase in offences by women and that too as dreaded criminals both as blue and white collar which can be a syndicate, racketeering or in other terms Organized Crime.

While we will also find that Male victimization will be rising at an increasing rate quote unquote.

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2.2 CASE STUDIES

“That the female of the species is deadlier than the male.”

-Rudyard Kipling

2.2.1. SHANTIDEVI PATKAR: THE DRUG PEDDLER⁴

Facts of the Case: Today if you ask anyone about Shantidevi in Worli, they will tell you that she sells the best pomfret. One interesting story that has been doing the rounds among the staff of the Narcotics Control Bureau (NCB) and Mumbai Police officers is that when Shantidevi first started in the business, she had two oversized shirts for her both sons, which had drugs stitched into them. Whenever she heard that a policeman was asking for her, she would order the boys to wear the shirts and run off. It always worked. Shantidevi started at the lowest rung. Her task was to peddle brown sugar and hashish. She learnt the ropes fast. Her customer trusted her because she was a woman. Shantidevi learnt enough about business, and operating her own.⁵

It was in 1992, one afternoon, Shantidevi found a constable standing at her door and to her utter horror being the first direct confrontation with the police. On the demand of the policeman to search her house, Shantidevi changed the whole scenario and they, the constable, Ajay Lokhande became her partner.⁶

One of her brothers advised her that to start a business, say, a taxi service after that she started to buy gold ornaments and after she had enough of gold she turned to real estate. In March 2001, her luck finally ran out and she was caught with 30 grams of hashish. She had to spend almost eight months in jail before she was released on bail.⁷

⁴ Singh Sushant, Yadav Kulpreet, ‘Queens of crime, The Drug Queen of Mumbai’[2019] Page no.3

⁵ Singh Sushant, Yadav Kulpreet, ‘Queens of crime, The Drug Queen of Mumbai’[2019] Page no.7

⁶ Singh Sushant, Yadav Kulpreet, ‘Queens of crime, The Drug Queen of Mumbai’[2019] Page no.8

⁷ Singh Sushant, Yadav Kulpreet, ‘Queens of crime, The Drug Queen of Mumbai’[2019] Page no.10

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When she returned, she became a police informer and most of her competitors were out of the business.

During the next few years, Shantidevi not only won her territory back, but also had most of her competitors arrested. This allowed her to expand her area of operations. A few months later, the unthinkable happened. Shantidevi came in confrontation with Asha Kashikar, the new drug seller and a close knit competitor under the nose of Shantidevi. After Asha thrust her business ideals on Shantidevi, there started a grievous confrontation on the supremacy and finally it ended up with Asha's murder and her hoardings, when she was set ablaze by Shanti's brother.⁸

Final Outcome of the Case - The police named her as a co-accused in the case based on a statement made by one of Lokhande's neighbors in Satara and identified her as someone who used to frequent Lokhande's house. She was arrested once again. But Shantidevi got bail with strict conditions. A week later, in the court room things were surprising. As per the laboratory's report, the confiscated drug meow meow turned out to be Ajinomoto, a flavoring agent used in many Chinese dishes. Both Lokhande and Shantidevi were acquitted on lack of evidence and the flavoring agent, meow meow business continued. They were tried under, Narcotics Drugs & Psychotropic Substance Act, 1985.⁹

⁸ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Drug Queen of Mumbai', [2019] Page no.12-19

⁹ This act prohibits a person the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage and/or consumption of any narcotic drug or psychotropic substance

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2.2.2 MEETA AKA MONU PATAKA

Facts of the Case- Meeta a sixteen years old teenager worked in a Beauty Parlour. Where she met Pinky and she trained her.¹⁰ After one month of job Pinky told her that she was a call girl. Meeta asked her that, how much do you make in a month Pinky? Around one lakh, she replied.¹¹

That night Meeta could not sleep. On next day Meeta declared to Pinky. I am ready for it too. Will you help me? Pinky smiled, of course. After the parlour closed that day, Pinky took Meeta along and bought her few dresses and a nightgown. As she presented the clothes to Meeta, she said, 'Remember, you should always look good. Here is a small gift from me.' From the next day a journey of Meeta as prostitute has begun. Over the next three year, she had over fifty regular clients.¹²

One day Meeta met Sanjay a don and gangster who she married. Later, Sanjay was killed by police in an encounter while she was pregnant.

Thereafter, many such incidents happened in her life and she could not have a breather. In the meanwhile after few months, she met one Ashwini and with his help, she purchased a flat and recruited a few girls and paid them a monthly salary but sent them to client every day, sometimes many times each day, depending on the demand. Again, Meeta and Ashwini got married.¹³

¹⁰ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark'[2019] Page no.24, 25

¹¹ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark', [2019] Page no.26

¹² Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark,' [2019] Page no.27

¹³ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark[2019] Page no.33, 34

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She herself had given up being a call girl before she had married Ashwini. But this time again Ashwini was also killed in a police encounter. *In the year 2006, she changed her identity and became Monu Pataka.*¹⁴

Final Outcome of the Case- In the year 2007, she was arrested in a police raid and released on bail, but in 2008, she was arrested again. But this time she was released on bail within days. Both times she was arrested in the same offence- violation of the Immoral Traffic Prevention Act, 1956.¹⁵

In the year 2011, Monu alias Meeta had been arrested under the MCOCA which is implemented in Delhi also. Since she does not know about the provisions of MCOCA, gave the police all the information they asked for. She accepted that she had been running the flesh trade business for a long time. After that she sent to jail. During the trial of the case police could not prove the charge of organized crime due to legal technicality. Monu was acquitted.¹⁶

In December, 2017 Monu Pataka was once again arrested. This time was she was charged under the Protection of Children from Sexual Offences Act, 2012 for forcing a minor girl into flesh trade. The case continued for a few months, but Monu was successful in getting bail. After her release from Tihar Jail in Delhi, she returned to her home where her now boyfriend welcomed her. Monu was back in business, this time as an aggregator, someone who did not keep any girls but worked only on commission.¹⁷

¹⁴ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark[2019] Page no.37

¹⁵ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark[2019] Page no.39

¹⁶ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark[2019] Page no.40,41

¹⁷ Singh Sushant, Yadav Kulpreet, 'Queens of crime, The Queen of the Dark,'[2019] Page no.45

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2.2.3 MRS.PAUL

Facts of the Case- Mrs. Paul is most likely to evoke the image of a sixty- something a Catholic woman with a polite-demeanor. Mumbai's Mafiosi, by coming up with misleading codenames, used them to throw a spanner or two in the police works. One such red herring was Chhota Shakeel's business-cum-love interest, code name 'Mrs.Paul'. **This particular Mrs. Paul was in fact a twenty-eight-year old tech-savvy, short and fair Muslim woman whose real name was Shameem Mirza Beg. She was the wife of Shakeel's most loyal lieutenant, Arif Beg** who was doing time in Kolhapur jail involved in half a dozen killings. *It was, Arif who had introduced his wife to Chota Shakeel and Mrs. Paul, the Net-savvy, undergraduate woman was spending quality time with him on phone and internet chat rooms.*

In 2001, the Crime branch was tipped off about Mrs.Paul and her communication spread were immediately tapped and the emails were hacked. The police tracked the conversation in which *Karachi based* Shakeel enticed *Mumbai based* Mrs.Paul. The recordings of her three phones exposed her role in Shakeel's business like she sent him hawala money, coordinated with his lawyers, and took care of the needs of his men lodged in various jails across the country. Basically, she managed all of Shakeel's activities in Mumbai.

Final outcome of the Case- Mrs. Paul was arrested in March, 2002 under the Maharashtra Control of Organized Crime Act, 1999.¹⁸

¹⁸ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, The Ganglord's Girls,'[2011]Page no. 252 -255

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2.2.4 RUBINA SIRAJ SAYYED

Facts of the Case- Rubina worked as a beautician in South Mumbai's Dongri area. Her annual income was high, far more than that of her civil contractor husband Siraj Sayyed. Rubina was not satisfied. *She had bigger dreams.* She wanted to join politics and become a municipal corporator. It was this drive that later drew her to the underworld.

It all began in 2002 when Rubina's brother in law Obaid Sayyed, a Shakeel aide, was arrested in a murder case and lodged in Arthur road jail. During her occasional visits to the court and jail, Rubina was asked by Obaid to convey messages to Shakeel for him. She agreed. *A smooth talker with a flirtatious voice, Rubina managed to flatter fugitive gangster Shakeel.*

Shakeel then asked her to join that gang, an offer which was simply too lucrative for her to refuse. She assumed that her role in the underworld would boost her chances of contesting the municipal elections and becoming a municipal corporator.

Hence, she started working the gang almost immediately and carried out all the tasks she was given. Rubina's lifestyle changed tremendously.¹⁹

Rubina was fluent in English and tech-savvy as well, which is why she managed to evade the police's electronic surveillance time and again. The Crime Branch only discovered her activities a year later, after one of the Shakeel's men, Uday Pawar alias Pankaj, got in touch with her.

¹⁹ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, The Ganglord's Girls,'[2011] Page no. 259

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They soon began tracking Rubina's movements and calls, and in the process, recorder twenty-six conversations made to Fahim Mach-Mach and Shakeel. After watching her movements closely for over four months, the Crime Branch finally arrested her in 2004.

Final outcome of the Case- The special MCOCA court convicted for charges under Maharashtra Control of Organized Crime Act, 1999 (MCOCA) and 120 (b) of IPC i.e.; Punishment of Criminal Conspiracy and sentenced her to five years of rigorous imprisonment on 23rd March 2006. After completing her five-year term in jail, Rubina is a free woman, but her time behind bars has sent her back to square one. Rubina, who lost her husband Siraj, is back to riding a two-wheeler and has nothing that she can consider to be a source of livelihood.²⁰

2.2.5 ARCHANA SHARMA ALIAS MANISHA

Facts of the Case- Archana Balmukund Sharma belonged to Ujjain, Madhya Pradesh. She dropped after her first year B.A and was recruited by the State police. Six months later, she quit the job because of the rigorous working hours. *She then left home and moved to Bhopal, in search of a more exciting life.* In Bhopal, she met high end politicians of various National level parties much to her expectations and she developed fluency and intrinsic personality skills. But again this was not enough for her and she wanted something bigger than her earlier aspirations which drove her to the land of dreams, Mumbai. Her aspiration to become a Bollywood actress failed miserably in 1990's.²¹

²⁰ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, The Ganglord's Girls,'[2011] Page no. 260

²¹ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Bewitching Beauties,'[2011] Page no. 277

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Nevertheless, Archana took all the odd job she got in the film and television industry. She eventually ended up in an orchestra that performed in the Gulf. Though the job paid her well, it did not give her the lifestyle she desired. Then in 1994, she managed to persuade Pritam Miglani a businessman from Ahmedabad and got her a resident's visa in Dubai. But, her span ended shortly which brought her back to Mumbai. *However, after failed attempts to get aspirational work, she returned to Dubai, and met the Gangster Irfan Goga.* Archana instantly got attracted with his luxurious lifestyle, and hence did not have any qualms about becoming his mistress. Goga, in turn, put her up in a flat and introduced her to several of his criminal friends, including, Chhota Rajan's right hand Om Prakash, alias Babloo Srivastava who in turn decided to train her into becoming a perfect criminal and she did not disappoint him.²² After few months she became a vital cog in Babloo's business as she started executing orders ruthlessly. Archana carried out her first independent operation in the year 1998. She got arrested and later after being let out on bail, continued her activities.²³

Archana was also notorious for how she used men to get what she wanted. While she was in a relationship with Babloo, she had a brief affair with kidnapper Fazal-ur-Rehman, alias fazloo. She is said to have plotted the murder of Pune businessman and petrol pump owner Sagar Ladkat along with Fazal. *Investigations revealed that Archana was the masterminded the crime.*²⁴

Final outcome of the case- Even though Archana continued to have brief flings, she remained the jewel in Babloo's crown. It was her lust for money and closeness to

²² Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Bewitching Beauties,' [2011]Page no. 278

²³ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Bewitching Beauties,'[2011] Page no. 279

²⁴ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Bewitching Beauties,'[2011] Page no. 281

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former Nepal Minister, Mirza Dilshad Beg and his vice for Archana, which got Beg murdered by Chhota Rajan gangsters in June 1998. *There was rumour that Archana was shot dead in Nepal in May 2010, after she conned some drug traffickers. However, her whereabouts is still a mystery as of 2020.*

The crimes under which Archana was supposed to be involved fall under the various Sections of Indian Penal Code such as, Section 120 A, Criminal Conspiracy, and she was also liable for trial under Section 300/ 302, Murder and Punishment for Murder, Section 307, Attempt to Murder, Section 362, Abduction, Section 367, Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc and Section 383, for Extortion.²⁵

2.2.6 SUJATA NIKHALJE

Facts of the Case- A decade ago, Tilak Nagar was an obscure lower-middle class residential locality in suburban Mumbai, dotted with decrepit government quarters. One woman with ambitious design to change the whole topography of this area and transform into up market real estate for the crème de la crème of the city. This woman was Sujata Nikhalje, wife of self proclaimed patriotic don Rajendra Sadashiv Nikhalje alias Chhota Rajan. Sujata Nikhalje was the only ‘don wife’ to have been slapped with charges under the MCOCA for a business enterprise to legitimize her husband’s criminal activities. Early in the year 2000, Sujata Nikhalje started a construction company with the ill-gotten money of her fugitive husband.²⁶

²⁵ Zaidi Hussain S, Borges Jane, ‘Mafia queens of Mumbai, Bewitching Beauties,’[2011]Page no. 282

²⁶ Zaidi Hussain S, Borges Jane, ‘Mafia queens of Mumbai, Wives of Hindu Dons,’[2011]Page no. 235

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It was only a little while before the police learned that Sujata Nikhalje, through her business, was playing financial manager and banker to Rajan. With agencies such as the Directorate of Revenue Intelligence, Mumbai Police's Crime Branch, Enforcement Directorate and the Income Tax Department of India while keeping tabs in her activities, Sujata earned herself a very menacing reputation.²⁷

Rajan's growing reputation in Tilak Nagar as a prominent gangster only drew Sujata closer to him. They both fell in love. In 1987, Rajan and Sujata got married in a special ceremony arranged by Dawood. In 1993, Rajan split from the D-company and went into hiding somewhere in Southeast Asia. Sujata came to India with her three daughters.²⁸

Sujata began to slowly and steadily expand Rajan's extortion business and supervise the activities of his gang from the comfort of her home in Tilak Nagar. She soon went on to be recognized as Nani because she was the wife of Rajan, alias Nana. According to the Police, Sujata initially worked with a group of consultants to get a clearer picture of her husband's financial stocks and seek advice on how her husband's business could be legitimized. Her advisors zeroed in on Bollywood and the real estate industry, as they were business where black money could be invested.

Sujata's brother-in-law Deepak Nikhalje had recently been hit by allegations of using his brother's money to fund a film. This storm deterred Sujata from investing in films

²⁷ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,' [2011] Page no. 235

²⁸ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,' Page no. 237

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because, if the brother could be accused of being front, then the wife would be a surefire target of such allegations. So Sujata went for the other-option- real estate.²⁹

Soon, realizing the money-spinning options in the construction business, Sujata began her own construction company, Khushi Developers Private Ltd. She even employed a powerful team of chartered accountants to handle the finances of the company.³⁰

The police had been tapping Sujata's phone lines and decided to close on her. At the same time, one of the builders from a society in Chembur who had been threatened by Rajan's gang in a building contract deal filed a complaint with the much needed impetus for their case.

Final outcome of the Case- Following the compliant and police inquiries, Sujata and three other companies, Suresh Shyamrao Shinde alias Don, Harvinder Singh Bedi alias Kukku Daruwala and Rakesh Surver were arrested under the MCOCA on 14th December 2005, on charges of aiding and abetting the activities of an organized crime syndicate run by Chhota Rajan.³¹

Though Sujata was remanded to police custody till 27th December 2005. Police investigations showed that Sujata maintained thirty-seven bank accounts across the country named on three daughters. Foreign Exchange worth Rs.13 lakh had also come into these accounts from countries like Singapore and Abu Dhabi. Further investigations revealed the involvement of a prominent chartered accountant, identified as Bharat Dhudani who allegedly handled the financial transactions of the real estate

²⁹ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,' Page no. 238

³⁰ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,'[2011] Page no. 239

³¹ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,'[2011]Page no. 240

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projects of Khushi Developers. The police alleged that Sujata had given Rs.2 Crore (obtained from Rajan) to Dhudani, who gave it to eight firms to buy shares in the company. At one stage, the police realized that the whole case was getting very complicated.³²

Hence, the police sought the help of the Directorate of Revenue Intelligence, Mumbai Police's Crime Branch, Enforcement Directorate and the Income Tax Department of India to help them put the pieces together. Sujata was charge sheeted under Maharashtra Control of Organized Crime Act, 1999 (MCOCA) in 2006 and after spending two years in jail released on bail bond of Rs.1 lakh on 12 September, 2007.³³

Drug peddling, smuggling, immoral trafficking, kidnapping, extortion, murder, involvement in terrorism, conspiracy, larceny, gangsters activities, forgery, among others- for many decades as described in the above cases to causes have lived under the shadow of the "illegal businesses", nonetheless have been the lives of the women well crafted in the definition of Female Criminality in the above Case studies.

THE OTHER DREADED WOMEN OFFENDER IN THE HUNT

Cases of Reshma Memon and Shabana Memon led to Black Friday in 1993, Bela Aunty for her illicit liquor Crime, Shilpa Zaveri fled Samad Khan a dreaded gangster, Shobha Iyer a well known name as a gangster and Anjali Makan for forgery, bank fraud and counterfeiting still haunt the Indian Criminal Justice System.

³² Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,'[2011]Page no. 241

³³ Zaidi Hussain S, Borges Jane, 'Mafia queens of Mumbai, Wives of Hindu Dons,'[2011]Page no. 242

CHAPTER III

GENESIS OF THE RISE OF THE NEW FEMALE CRIMINAL

3.1 CHANGING PATTERNS

Characteristically, major social movements are spawned in obscurity at the periphery of public awareness, seem to burst suddenly and dramatically into public view, and eventually fade into the landscape not because they have diminished but because they have become a permanent part of our perceptions and experience. Thus it has been with the liberation of the female criminal, whose coming was foretold in song and foreshadowed in unisexual styles of dress and hair and attitude long before it appeared on police blotters. The portrait of the breathless, squeaky-voiced, empty-headed female professing awed admiration over some incredibly routine male accomplishment began to look less like a stereotype than a caricature. Even motherhood, in an era of zero-population goals and the diminishing status of homemaking, has been too closely linked with antiquated male domination to remain forever sacred.³⁴

The term “social movement” is a useful abstraction to describe the distillation of innumerable events which together form a trend. But in another sense there are no social movements, only individuals reacting to the immediately to their own felt experience. There is one Marge in her study postulating as a typical new breed of

³⁴ Adler Freda, ‘Sisters in Crime, Changing Patterns’, [1975] Page 5

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women criminals making their appearances across the world. She along with thousands of others has stepped across the imaginary boundary line which ones separated crimes into “masculine” and “feminine” categories. Marge is a new member of “liberation movement” which is spreading through the ranks of the nation’s female offenders, but Marge would be the last person in the world to accredit her actions to any sort of “liberation”. She, like the majority of incarcerated women throughout the country, comes from a lower socioeconomic level and tends to identify with a value code embracing the “traditional” image of women. Marge will not tolerate the mention of women’s liberation. Ironically, her feelings are similar to those expressed by countless prison administrators, police officials, and other law-enforcement authorities who believe that women’s liberation movement is in no way connected to the sharply rising crime rate of women. All that is changing women are no longer behaving like subhuman primates with only one option. Medical, educational, economic, political, and technological advances have freed women from unwanted pregnancies rather provided them with male occupational skills, and equalized their strength with weapons. Is it any wonder that once women were armed with male opportunities they should strive for status, criminal as well as civil, through established male hierarchial channels? The fact that women are surging so readily into male positions suggests that role playing is no more congenial to their nature than it is to men’s.³⁵

The question we should be asking is not why women are committing male crimes, but what has taken them so long to start and why is the time now propitious. Like other oppressed classes they have always had the same aspirations as the dominant class but, lacking direct means, have utilized ploys, ruses and indirection. Their resort to

³⁵ Adler Freda, ‘Sisters in Crime, Changing Patterns’,[1975] Page 8

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petty social gambits and petty crimes was a reflection more of their petty strengths than their petty drives.³⁶

Females are being found not only robbing banks single handedly, but also committing assorted armed robberies, muggings, loan-sharking operations, extortion, murders, and wide variety of other aggressive, violence-oriented crimes which previously involved only men. The female criminal is fighting for her niche in the hierarchy, for curiously enough, the barriers of male chauvinism in some areas of criminal activity.³⁷

By every indicator available, female criminals appear to be surpassing males in the rate of increase for almost every major crime. Murders and aggravated assaults, curiously, remain the exceptions but abetment or conspiracy is instilled in these female offenders.³⁸ Women's unaccustomed involvement in crimes which require high levels of violence or potential violence is not limited to the sensational, but can be seen in other, less publicized areas. In the cities for instance, young girls are now taking to the streets just have boys have traditionally done. It has now become quite common for adolescents girls to participate in muggings, burglaries and extortion rings which prey on schoolmates. Even girls can now be found participating in all gang activities with a greater degree of equality.

The inner conflicts are also causing more women to involve themselves not only in divorces, but also in an unprecedented number of family desertions. And more women than even before are simply walking out and leaving husband and children behind. It must understand that criminal women are first human, second female, and third

³⁶ Adler Freda, 'Sisters in Crime, Changing Patterns', [1975] Page 11

³⁷ Adler Freda, 'Sisters in Crime, Changing Patterns', [1975] Page 14

³⁸ Adler Freda, 'Sisters in Crime, Changing Patterns', [1975] Page 15

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criminal. No one of these facets of their existence can be properly understood without the other.³⁹

The entrance of women into major leagues of crime underscores the point that the incidence and kinds of crime are more closely associated with social and sexual factors. This is so for at least three reasons.⁴⁰ Firstly, while selfishness may be universal, ability and opportunity are less evenly distributed. Housewives might pilfer from the supermarket while doing the grocery shopping, but could not misappropriate from a corporation unless the work out of the executive office. Secondly, since a crime is a transgression as socially defined by the group in power, authorities are prone to overlook upper-class practices and lean a bit too heavily on the lower class. The so called “law” forbids the rich as well as the poor from sleeping under bridges and stealing bread in the market place. Thirdly, why kinds of crimes are more closely linked with social roles than sex has to do with mental sets. How else can we understand the female (or, for that matter male) offender except in the context of her social role? The mother becomes the child bearer, the shopper the shoplifter, and the sex-object the prostitute. In her education, jobs, crimes she has found much faster routes to travel. **While the rate of increase of major crimes for women in surpassing that for males. Females are involved in murder, forgery, counterfeiting, fraud, embezzlement, drug trafficking, human trafficking etc.** The simplest and most accurate way to grasp the essence of women’s changing patterns is to discard *dated notions of femininity*.⁴¹

³⁹ Adler Freda, ‘Sisters in Crime, Changing Patterns’,[1975] Page 22

⁴⁰ Adler Freda, ‘Sisters in Crime, Changing Patterns’,[1975] Page 27

⁴¹ Adler Freda, ‘Sisters in Crime, Changing Patterns’,[1975] Page 28

3.2 FEMALE PASSIVITY: GENETIC FACT OR CULTURAL MYTH?

The concentration centered on vital characteristics- such as mental capacity, physical ability and disease-and their relationship to distinctive criminal features. Unfortunately, here too the conclusions were marred by lack of controls and dependence upon two unsubstantiated assumptions-to wit, and that there were **physical characteristics is the basic determinants of deviancy.**

These new concepts made it possible to ask different questions about female criminality and to search in different ways for the answers to old questions. The female mind and social condition, as well as her body, became criminologically relevant. The suggestion is that women are inherently as criminally capable as men.⁴²

The question of whether biological or cultural forces were the chief inhibiting factors in the long delay may soon be settled by events. If the women's liberation movement succeeds in its goal of equality of opportunity and women are allowed to seek their own level, then presumably any sex differences which persisted would be attributable to biology. Some would assert that women would still remain passive, dependent, and fearful; others would assert that they would be every bit the equal of men.⁴³

Physical Differences

The historical notions of conception were heavily laden with theories about the natural proclivities of men and women. Aristotle, and later Hippocrates, believed that

⁴² Adler Freda, 'Sisters in Crime, Female Passivity ',[1975] Page 33

⁴³ Adler Freda, 'Sisters in Crime, Female Passivity ',[1975] Page 35

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the fetus resulted from the union of products which each sex contributed, but their contributions were very unequal in character: the male supplied force, activity, movement, strength, and life; the female furnished only weak and passive matter.

There is no such bias at the chromosomal level, where sex determination is set at the moment of conception. At conception there is a chromosomal differentiation between the sexes which will characterize every cell in the body. The sex-determining pair of chromosomes in the female is identical, and is designated by scientific convention XX. The corresponding male pair contains a Y chromosome not found in females and is designated XY. Clearly, the characterization of females as the “weaker sex” is not justified by such elemental considerations as genetic resistance to defects or long-term survival.⁴⁴

Psychological Differences

According to Psycho theorists, “the great question that has never been answered and which I have not yet been able to answer despite my thirty years of research into the feminine soul, is: *What does a woman want?*” Adler asked herself!⁴⁵The question is analogous to the schizophrenogenic double bind whereby two contradictory messages, each at a different level of communication, are conveyed to the hapless victim in such a way that she cannot succeed whichever course she chooses.⁴⁶

Social Differences

There is hardly any important individual or social area-play, personal hygiene, manners, discipline, dependency, dress, activity, aggressiveness, etc. which has not

⁴⁴ Adler Freda, ‘Sisters in Crime, Female Passivity’, [1975] Page 36

⁴⁵ Adler Freda, ‘Sisters in Crime, Female Passivity’, [1975] Page 38

⁴⁶ Adler Freda, ‘Sisters in Crime, Female Passivity’, [1975] Page 37

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been polarized and institutionalized as a sex-role difference. **While it is true that men have tended to stigmatize women as a group, deviation from social standards is even worse-e.g., the “effeminate” man and the “masculine” woman.**

*The shaping process includes toys-mechanical and problem-solving for boys, and soft and nonchallenging for girls- social structuring. Individual rewards and punishments, and the satisfactions apparently inherent in confirming to role expectations.*⁴⁷

The feel and act tendency of female to be a bit less cautious, a bit more open with females, is a common one . For instance, females are less likely to be arrested and when arrested, are far less likely to be convicted than are males involved in exactly the same sort of crime, because policemen suffer from deeply ingrained prejudices which put female criminals at an advantage.

In their dealings with females in all walks of life, policemen tend to conform to the traditionally paternalistic attitudes of society in general toward women. That such attitudes and tendencies have remained throughout the various law-enforcement levels in this country in spite of the rising rates of female crime puts them in the category of a prejudice.⁴⁸

⁴⁷ Adler Freda, ‘Sisters in Crime, Female Passivity’,[1975] Page 40

⁴⁸ Adler Freda, ‘Sisters in Crime, Female Passivity’,[1975] Page 49

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3.3 LINK BETWEEN OPPORTUNITY AND OFFENSE-CLASS

The concept of criminal behavior which is limited to often violent antisocial behaviour (murder, assault, robbery, etc) has yielded to egalitarian influences which are seeking to apply the same ethical standards to bank embezzlers as to bank robbers. *In the shorthand by which we concretize our concept into explicit descriptions this affluent form of misbehavior is designed "white-collar crime".* In the mode of its practice and in the class of its practitioners it contrasts sharply with traditional blue-collar crime.⁴⁹

To pursue these wealthy offenders one must travel horizontally or vertically from the grimy ghettos whose climate nourishes blue-collar crime but is inimical to the white-collar variety. Business theft, consumer fraud, embezzlement, anti-trust violations, and misfeasance of office are not crimes within the reach of the average criminal, for that matter. They can be perpetrated only by people occupying prestigious and protected positions in the ranks of industry, government, and the various professions.⁵⁰

The concept of white-collar crime contains five components: 1) it is a crime; 2) often a violation of trust; 3) perpetrated by a respectable member of the community who enjoys a; 4) High socio economic status; 5) and is in some way related to his occupation. In attempting to categorize such a diverse gamut of crimes as those called "white collar" some degree of ambiguity is unavoidable.⁵¹

⁴⁹ Adler Freda, 'Sisters in Crime, The Link Between Opportunity and Offense', [1975] Page 155

⁵⁰ Adler Freda, 'Sisters in Crime, The Link Between Opportunity and Offense', [1975] Page no.156

⁵¹ Adler Freda, 'Sisters in Crime, The Link Between Opportunity and Offense', [1975] Page no.158

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Frequent impediments to justice arise from the reluctance of an unaccustomed public to entertain the idea that its respected citizens are engaging in illegal activities or to finally label them “Criminals”.

But the least the spectacular nature of such transactions mislead with regards to the incidence of scope of White Collar Crime, it should be borne in mind that when we include such widespread and ordinary practices as unnecessary repairs, unreported income watering down milk, padding expense account etc. Many citizens who consider themselves, respectable and law abiding fall under the shadow of this crime.⁵²

In principle white collar crime may be understood to be that anti social deviancy which is native to upper class modes of behaviour in the same way that blatant robbery and physical assault are extensions of lower class modes. From this perspective they are separated only by means, not goals. Each group functions within its own range, generally limited in its deviancy as in its normalcy to the confines of its modus operandi.⁵³

The variety of opportunities that have opened for women have multiplied their access to a whole new range of illicit behaviours. It is not that women have replaced a deviant behaviour with another; they have merely added new ones to their repertoire. This is particularly true in the area of acquisitive offenses whereby a whole spectrum of white collar crimes have supplemented shop lifting, the traditional property offence. Shop lifting is an ancient art of females, one in which the goods have

⁵² Adler Freda, ‘Sisters in Crime, The Link Between Opportunity and Offense’, [1975] Page no.159

⁵³ Adler Freda, ‘Sisters in Crime, The Link Between Opportunity and Offense’, [1975] Page no.162

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changed, but not the techniques of stealing them.⁵⁴ *So frequent have such revelations of “unladylike” behaviour* become that they are replacing gossips as the scandal of choice for news paper reportage.⁵⁵

Women Criminals tapped the sources of wealth and power and status and have shown a not surprising affinity for its uses and abuses. In the future a greater proportion of this wealth and power will pass through feminine hands, and almost all of will be wielded responsibly. But it would be an unrealistic reversion to unrealistic politeness to believe that, for better or worse, *women may be more honest in criminal parlance than men.*⁵⁶

Epilogue

For all its considerable accomplishments, the chief effects of the **women’s liberation movement** are still potential, still unrealized, and even now an unfulfilled promise. From various advantageous platforms many of them launch their careers in burglary, larceny, auto theft, forgery, counterfeiting, and embezzling. *There were few activities, criminal which they initially did not embrace with avid interest and ample ability like murder, robbery, extortion, kidnapping initially but later on caught up with men and their deviancy.*

Although women have inhabited the earth as long as men, benign and tyrannical paternalisms have made her something of a stranger to herself. The best and the worst can be seen in female criminality and more are still to come and the shape of the final configuration is still amorphous in the current criminal justice system.

⁵⁴ Adler Freda, ‘Sisters in Crime, The Link Between Opportunity and Offense’, [1975] Page no.164

⁵⁵ Adler Freda, ‘Sisters in Crime, The Link Between Opportunity and Offense’, [1975] Page no.168

⁵⁶ Adler Freda, ‘Sisters in Crime, The Link Between Opportunity and Offense’, [1975] Page no.169

CHAPTER IV

PERSPECTIVES OF FEMALE CRIMINALITY

4.1 THE FEMALE OFFENDER

If we look in the strict sense, public punishment of a few “fallen” women as witches and whores has always been integral to enforcement of the boundaries of the good woman’s plays in the society. We have to examine the female offender in the contemporary criminal justice system.

There is another term gender responsive and gender neutral frequently used in the recent literature of women offenders to reflect salient distinctions between the risk and the treatment needs a woman and men. Gender responsive is like and adjective to risk, needs factors that have been identified for example- abuse and trauma, parental issues, relationship dysfunction, self efficacy, safety, depression, anxiety and others.

Undeniably, the most powerful and widely held belief concerning female criminality or women offender is that of a direct consequence of the women’s movement, with a dramatic upsurge in women’s criminal activity. It can also be termed as the shady side of emancipation-women’s crime.

Criminologists have been issuing warning signs regarding the liberated female crook and that there emancipation would result in a dramatic change in the character and frequency in the women’s crime.

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Looking at the definition of female criminal it is quite evident to mention that the deviant behavior of females and the coming of opportunity in hand with various backlashes of reasons make them enter the world of crime. This is essential aspect how we may define female as criminal.

I would like to extend my definition of women offender to that of a female who for the sake of money and vengeance can kill her daughter in law. Needless to mention, historically international theories are justifiable but the Indian scenario has another notable crime done by women is their involvement in victimizing their own family members especially husband i.e.; victimization of males.

The Indian perspective on understanding female criminality is far more different what I have discussed earlier in the rise of the new female criminal in comparison to the case stories of Indian women criminals.

We can also trace the female crook as traditionally female criminals involved in petty theft or prostitution (The Matriarch of Kamathipura- a case study of Mumbai, India) can be best example, to careful examination of the arrest of the females in serious and violent female crimes.

We may call it under reported or less researched, but the figures of arrest as per the NCRB data cannot justify both the quantitative and qualitative definitions of female criminality. In my small period of study it has been noticed that the arrest of women have been unreliable numbers as also the sections of Indian Penal Code imposed on them is done on a greater bias when it comes to framing of charges by the Magistrate or even if it is reported by the Police in their case diary and charge sheet. This is the

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dual face of the criminal justice system in India and therefore female criminality has under gone into an obnoxious paraphrase.

The truth is right from the 20th Century the pattern of female criminal behavior has been catching up in the commission of violent, masculine, male dominated, serious crimes and more fundamentally with times in white collar crimes.

It is our own perception and unclear mind that we don't go into the in depth analysis of female criminality, just because we consider women as weak and impoverished but that's not the case in my analysis. We underestimate the crime committed by women and hence are struck by the fact that the female contribution to serious crime is miniscule. Therefore, defining female criminal needs a vast study and definite too.

Even adult women are arrested in India for their truancy, drunk driving, forgery, illicit organized crime and specially that they have also entered the world of terrorism with hand in gloves to male perpetrators. *I would fail, in my presentation if I don't mention the Black Friday incident where wives of terrorist, namely, Reshma and Shabana Memon were grievously indulged in the terror attacks in Mumbai way back in 1993. So, how come we can frame women as vulnerable?*

The above pattern is not restricted to a small few, but has deep roots both in the international crime scenario and as well as in the Indian deviancy of women. It is pertinent to mention that, the relationship between attitudes toward the female's movement and female's crime fail to support the notion that as female critical about female's place they will become more delinquent. Indeed, such studies show that delinquent girls and adult female offenders are generally more traditional in their

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orientations and less supportive females' movement than are their conforming sisters and that support for the female's movement actually seems to inhibit girls' delinquency. Increasingly, explanations of the gender gap in delinquency and crime have been over estimated and there is no such thumb rule as of now rather the gender gap has embraced, what we may call the "over socialized" view of women as giving way to approaches that examine female deviance on the whole. Another relational pathway identified a combination of dysfunctional intimate relationship, that overtime appeared to get linked with certain factors like depression, anxiety, and substance abuse to the pathways of crime and it should not be linked with any sort of victimization while studying the conceptuality of female criminality.

"The influential qualitative model of Kathleen Daly has identified five prototypical pathways (a) Street Women-escape and girls fleeing out of abuse and violence, entering street life and often engaging in drugs, prostitution, or theft to survive; (b) Drug connected women involved a pattern of using and trafficking drugs, often collaborating with intimate partners or family member; (c) Harmed and harming women were described as experiencing extreme physical and sexual child abuse and neglect , followed by school and delinquency problems and presenting a hostile withdrawn demeanor and chronic adult criminality; (d) Battered women centrally reflected extreme victimization from violent partners, leading to criminal behaviour that was seen as unlikely apart from this relationships; and (e) "Other" women partly followed an "economic" pathway, often involving fraud, theft, and embezzlement and motives such as a "desire for more money", survival, greed, or economic gain."⁵⁷

⁵⁷ Brennan, Breitenbach, & Dieterich,(2008) Reisig et al. Pathway (2008) line no. 1-13

4.2 THE ANTHROPOLOGICAL ASPECTS ON THE FEMALE OFFENDER -*POSTULATES BY LOMBROSO & FERRERO*

4.2.1 The Born Criminal

Cesare Lombroso and William Ferrero applied that crime was biologically predisposed and recognizable by a physical stigmata to female criminality. The criminal was a primitive breed, recognizable by physical, atavistic qualities. Women were, on the whole less inclined to criminality because of constitutional and psychological factors. Women, in Lombroso's scheme of things, are less likely to be born a criminal type and are more likely to display the characteristics of an occasional criminal. This type only committed crime under the influence of a male or in a situation extreme temptation- but most of such female criminals are not entirely deficient in the moral sense. The small majority of female criminals whom Lombroso described as "born criminal" type tended to display greater criminal propensities and perversities from the psychological and behavioral standpoint than the male born criminal. In this sense, when the woman is bad or worse, she is really worse or more perverse than man. The criminal woman, said Lombroso, is a monster who surpasses man when she wants to be wicked, cruel or diabolical. As criminal, she is an exception among criminals and her perversity knows no bounds. Lombroso and Ferrero advocated the theory of Atavism, born criminal based on their study on the skulls of the female offender.⁵⁸

⁵⁸ Lombroso Cesare, Ferrero William, 'The Skull of the Female Offender,' [1898] Page no. 109-110

4.2.2 Manifestations drawn from the skull of the female offender as Born Criminal

“Cruelty-Another terrible point of superiority in the female born criminal over the male lies in there fined, diabolical cruelty with which she accomplishes her crime. To kill her enemy does not satisfy her, she needs to see him suffer and know the full taste of death. In short, we may assert that if female born criminals are fewer in number than the males, they are often much more ferocious.⁵⁹

Vengeance- Vengeance plays a principal part in the offences committed by women. The inclination to acts of revenge which has been noted even in the normal woman is carried in the criminal to an extreme. The psychic centres being in an excited condition, the smallest stimulus provokes a reaction out of all proportion to its cause.⁶⁰ Most often the hatreds and the vengeance of women are complicated.⁶¹

Love-Intense as are the erotic tendencies of the female born criminal, love is yet very rarely a cause of their crimes. Love, like hatred, is in their case only another form of insatiable egotism. In their love there is no altruism, no spirit of self-sacrifice: only the satisfaction of their own desires. Their passion of love is extraordinarily impulsive and casual. When they conceive a passion for a man they are impelled to gratify it instantly, even at the cost of a crime.⁶²

Greed and Avarice-Greed is a moving cause of crime in women, in whom it shows itself sometimes under a different form than in men. Among dissolute criminals,

⁵⁹ Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 150, 151

⁶⁰ Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 154

⁶¹ Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 156

⁶² Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 168

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indeed, who need much money for their orgies and their pleasures, and are too lazy to work for it, there is a great resemblance to the male criminal, who also desires to have large sums of money to waste.⁶³

Sentimentalism-If strong, true feelings are wanting to these women. Just because these women are moral lunatics and wanting in deep, true feeling, they fall easily into exaggerated sophistries.⁶⁴

Intelligence-The intelligence of female criminals varies much. Some are very intelligent, while others are not remarkable in this respect. Impulsive female criminals, who revenge themselves for a small offence by some act out of all proportion to its cause, or women of great physical strength, may have only average intelligence, but the ferocious criminals who commit a multiplicity of crimes are generally very astute.⁶⁵

Deliberation-Another proof of the frequent ability of born criminals is the deliberation (ability to act)with which women so often accomplish their crimes, and which, whether we regard it as an effect of weakness, or as suggested by the reading of romantic literature, is equally an evidence of intellect above the average. The means taken to accomplish an end, even a comparatively simple end, are often most complicated.⁶⁶

⁶³ Lombroso Cesare, Ferrero William, 'The Skull of the Female Offender,' [1898] Page no. 162

⁶⁴ Lombroso Cesare, Ferrero William, 'The Skull of the Female Offender,' [1898] Page no. 169

⁶⁵ Lombroso Cesare, Ferrero William, 'The Skull of the Female Offender,' [1898] Page no. 170, 171

⁶⁶ Lombroso Cesare, Ferrero William, 'The Skull of the Female Offender,' [1898] Page no. 175

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Instigation-The female born criminal does not always commit her crime herself. Often, unless she be endowed with masculine strength of muscle, or her intended victim be another woman, or her contemplated crime an insidious one, such as poisoning, her courage fails.⁶⁷ The female offender needs instigating influence.⁶⁸

4.3 FEMALE CRIME- OTHER RELATIONAL PREMISES

Theories about crime have been propounded from time to time many writers have explained the deviant behaviour of a person. We have discussed the anthropological (Biological School) in the discussion just before this, of Lombroso and Ferrero. There are other schools of thoughts, Psychological School as well as Sociological School which explain the deviant behaviour in terms of trades mental and related to society apart from the physical explained earlier. We will now enunciate deviant behaviour of female criminals as function of the social environment, the psychological schools, how they are labeled, disproportion between male and female criminality, collective conscience, differential association, the control factor, the role theory, the masculinity theory, among others as one which is learned through group associations. **Theories which define the deviant behavior of female and how and why they commit crime are describes below:**

4.3.1 W.I.THOMAS

“Thomas’s most important work in regard to female criminality is ‘The Unadjusted Girl’. Thomas lays emphasized on individualistic, psycho-physiological and socio-cultural approach. Thomas deals with female delinquency as a normal response under certain conditions, using assumptions *about the nature of women. He rejects*

⁶⁷ Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 178

⁶⁸ Lombroso Cesare, Ferrero William, ‘The Skull of the Female Offender,’ [1898] Page no. 183

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*economic causes as a possibility at all, denying its importance in criminal activity. Every human, he believed, has certain basics desires. The desire for new experience and the desire for response influenced criminality. A woman enters prostitution to satisfy her desire for excitement in response. For a woman, prostitution is in one form or another, a means to satisfy these needs.”*⁶⁹

4.3.2 OTTO POLLAK

“In his book, ‘The Criminality of Women,’ Pollak has challenged the so-called disproportion between male and female criminality. He claimed that women engage in hidden crimes like abortions, murders by poisoning, offences against children, etc. because of greater skill at deceit and cunning behavior *acquired through sexual socialization*. He asserted that during time of physical and biological change, there are chances for more crimes like shoplifting, arson, homicide and violation of rules of society when a female is menstruating. *Pollak’s major concern was the “masked” character of female criminality.*

This masked character is **achieved in three ways: firstly, female criminality is concealed by the underreporting of offences committed by women: secondly, by the lower detection rates of female offenders compared to male offenders: and thirdly, by the greater leniency shown to women by police and court.** Keeping in mind the masked character of female crime, Pollak advanced the theory of the “**hidden female criminal**” to account for what he considered unreasonably low official crime rates for women. A major reason for the existence of hidden crime lies in the nature of women. *Women are instigators more than they are perpetrators of criminal activity.”*⁷⁰

⁶⁹ Thomas W.I., ‘The Unadjusted Girl’, [1923] Page no 70-72

⁷⁰ Pollak Otto, ‘The Criminality of Women’, [1950] Page no 48

4.3.3 STRAIN THEORY

“The Social strain theory was also developed by American sociologist Robert K. Merton. Merton proposed a typology of deviant behavior, a classification scheme designed to facilitate understanding. Merton typology of deviance was based on two criteria: (1) a person’s motivations or adherence to cultural goals; (2) a person’s belief in how to attain her goals. According to Merton, there are five types of deviance based upon these criteria: conformity, innovation, ritualism, retreatism and rebellion.

Merton’s typology is fascinating because it suggests that people can turn to deviance in the pursuit of widely accepted social values and goals. Thus, deviance can be the result of accepting one norm, but breaking another in order to pursue the first. Merton argued that when individuals are faced with a gap between their goals (usually finances/money related) and their current status, strain occurs.

When faced with strain, people have five ways to adapt:

1. **Conformity:** Pursing cultural goals through socially approved means.
2. **Innovation:** Using socially unapproved or unconventional means to obtain culturally approved goals. Example: Dealing drugs or stealing to achieve financial security.
3. **Ritualism:** Using the same socially approved means to achieve less elusive goals (more modest and humble).
4. **Retreatism:** To reject both the cultural goals and the means to obtain it, then find a way to escape it.

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Robert K Merton's Deviance Typology



Figure no.3 Robert K Merton's Deviance Typology

5. Rebellion: To reject the cultural goals and means, then work to replace them. Explaining the Higher Rates of Offending among Lower Social Classes Merton developed his theory from a well-established observation from official statistics – that a higher proportion of acquisitive crime is committed by those from unskilled manual backgrounds (or ‘lower social classes’). According to Merton when society promoted material success as a ‘legitimate goal’, and encouraged self-discipline and hard work as the ‘legitimate means’ of pursuing that goal, with the idea that any individual, irrespective of their background could, with sufficient effort, achieve material success.”⁷¹

4.3.4 DIFFERENTIAL ASSOCIATION THEORY

“Dr. Edwin H. Sutherland emphasized that criminal behavior is learned in interaction with others, usually in small groups, and that criminals learn to favor criminal

⁷¹ Merton Robert, ‘Social Structure and Anomie’, ‘American Sociological Review’, [1938] Page no. 672-682

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behavior over noncriminal behavior through association with both forms of behavior in different degrees.

As Sutherland wrote, "When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns." He gave two explanations for criminal behavior. Situational and genetic or historical. Situational crime is crime on the basis of the situation that persists at the time of crime and genetic crime on the basis of criminal's life experiences. He himself used the second approach in developing the theory of criminal behavior. According to Sutherland's theory, criminal behavior requires socialization in to a system of values conducive to violating the law; thus the potential criminal learns "definitions" (the actions that define) that is favorable to deviant behavior. If these definitions of the criminal acts as acceptable are stronger than the definitions unfavorable to deviant behavior, then the person is likely to commit a criminal act.

Postulates of the Differential Association Theory-

- Criminal behavior is learned.
- Criminal behavior is learned in interaction with other persons in a process of communication.
- The influential aspect of the learning of criminal behavior occurs within intimate social groups.”⁷²

⁷² Sutherland Edwin , ‘Principles of Criminology’, [1947] Page no 61-65

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4.3.5 LABELING THEORY

“Labeling theory attributes its origins to French Sociologists Emile Durkheim in his 1897 book, “Suicide”. Durkheim found that crime is not so much a violation of a penal code rather it is an act that outrageous society.”⁷³ The labeling theory suggests that even in female criminality, they obtain labels from how others view their tendencies or behaviors. Labeling theory concerned itself mostly with very special roles that society provides for deviant behaviour, also in case of women offender which is called deviant roles, stigmatic roles or social stigma. Labelling theory argues that criminal and deviant acts are a result of labeling by authorities – and the powerless are more likely to be negatively labeled.

The labeling Theory of Crime is associated with interactionism – the key ideas are that crime is socially constructed; agents of social control label the powerless as deviant and criminal based on stereotypical assumptions and this creates effects such as the self-fulfilling prophecy, the criminal career and deviancy amplification.

“Howard Becker– “Deviancy is not a quality of the act a person commits, but rather a consequences of the application by others of rules and sanctions to an ‘offender’. Deviant behaviour is behaviour that people so label. Hence, female offences are not untouched by the stigma attached.”⁷⁴

4.3.6 HIRSCHI’S MODEL

“The sociologist Travis Hirschi has developed his own control theory that attempts to explain conforming, or lawful rather than deviant, or unlawful behavior. He stresses

⁷³ Durkheim Emile, ‘Suicide’, [1897]

⁷⁴ Backer Howard, ‘Outsiders’, [1963] Page no. 6-12 New York Free Press

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the importance of the individual's bond to society in determining conforming behavior. His research has found that socioeconomic class has little to do with determining delinquent behavior, and that young people who are not very attached to their parents or to school are more likely to be delinquent than those who are strongly attached. His explanation stresses four control variables, each of which represents a major social bond:

1. Attachment,
2. Commitment,
3. Involvement, and
4. Belief.

Attachment: How strong or weak is an individual's relationship with others? Do these others expect certain kinds of behaviour (such as obeying the law) from this individual? The stronger the attachment and the stronger the expectations, the more likely it is that the individual will conform.

Commitment: The more an individual commits his/herself to a particular lifestyle (for example, being married, being a parent, having a job), the more she has to lose if she becomes involved in crime (and so deviate from the lifestyle).

Involvement: This component comes down to time , the more time the individual spends engaging in law abiding behaviour, the less time she has to engage in law breaking behaviour.

Belief: This relates to upbringing. If an individual has been brought up to be law abiding, they are less likely to become involved in crime control. These variables

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explain the social bondage i.e. attachment to others in the society. Particularly, young people or even females are bonded to the society at several levels.”⁷⁵

4.3.7 PSYCHOLOGICAL THEORY

“This theory was propounded by Sigmund Freud stated that women who are not passive and content with their traditional roles as mothers and wives are maladjusted. Maladjusted women refuse or fail to internalize the values associated with the role in the society. Women convicts display emotional instability, insecurity, rejection or frustration. Encountering harsh living conditions and a large number of unfortunate experiences generally made it difficult for them to face realities of life. Stress is higher for women primarily due to blocked opportunities.”⁷⁶

“Sigmund Freud being the founder of psychoanalysis, has even suggested that criminality of either male or female may result from either an over active conscience or too weak conscience. In treating his patients, Freud noticed that those who were suffering from unbearable guilt committed crimes in order to be apprehended and punished. Once they had been punished, their feelings of guilt were relieved (a way of punishing themselves). He believed that the criminal suffers from a compulsive need for punishment to alleviate the guilt feelings. Three tenets still appeal to theorists:

- (i) The actions and behavior of a female adult are understood in terms of female childhood development.
- (ii) Behavior and unconscious motives are intertwined, and their interaction must be unraveled if we are to understand female criminality.
- (iii) Female criminality is essentially a representation of psychological conflict.”⁷⁷

⁷⁵ Hirchi Travis, ‘Causes of Delinquency,’ [1969] Page no. 30-32

⁷⁶ Freud Sigmund, ‘New Introductory Lecture on Psychoanalysis,’ [1933] Norton, New York

⁷⁷ Freud, Sigmund. ‘Beyond the pleasure principle’, [1920] Page no 1-64.

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4.3.8 MASCULINITY THEORY

“This theory comprises two ideas: crime is symbolically masculine and masculinity supplies the motive for a good deal of crime. The qualities demanded of the criminal—daring, toughness, aggression all exemplify maleness. As an explanation of female behaviour, masculinity theory expounds the unsuitability of crime for women, there by explaining their conformity. The masculinity theory of offending was first expounded by Talcott Parsons. Parsons offered an account of the greater delinquency of boys as compared to girls based on nuclear family. He stated that ‘The tendency of girls seems to be more law abiding than boys.’

Criminologists assume that crime for females is a form of expressions of gender role. The rise of the new female criminal, has given masculinity explanation from sociology with the liberation of women, crime was born for the female offender. The frustration and disappointment reflected in increased female delinquency which was the result of women fighting for their independence. The women liberation movement as per Freda Adler created new opportunities for women to commit crime outside their comfort area. The places that women were committing crime were now in the professional male area such as embezzlement in the workplace. Women offenders were taking risk and becoming more closely related to their male counter parts in crime. Women became assertive and aggressive in committing crime in the professional world just like men.”⁷⁸

⁷⁸ Parsons Talcott, ‘Family Structure and the Socialization of the Child, in Family, Socialization and interaction process’, [1955] Page no. 306

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4.3.9 MARGINALIZATION THEORY

“This theory explains the nature and etiology of female criminality. According to this theory the claim that more participation of females in workforce does not indicate improved economic condition or more gender equality”.⁷⁹

“The position of women is marginalized by less salary, unrespectful occupation and less secured job. This theory argues that the major causes of female crime are unemployment, poorly paid employment, inadequate welfare payments and the increasing number of female headed households with large number of children. Women are motivated to commit crime as a rational response to poverty and economic insecurity. Feminist theorists emphasized on the early childhood experience of women’s physical and sexual torture and relate this to female criminality.”⁸⁰

4.3.10 SOCIAL BOND THEORY

“Ram Ahuja has put forth an explanation from an Indian perspective for women’s crime. This perspective is primarily concerned with the pattern of family relationships through analyzing the structural problems of family organization and the types of functional problems in women’s families of procreation, crimes committed by women are examined in terms of maladjustment in interpersonal relationships within the family. This ‘family centered explanation’ or more broadly ‘the pressure of primary relation perspective can be explained through endogenous or exogenous factors. These factors show the family created provocation, temptation, strains and stresses in a woman’s life. These provocations or stresses produce a desire to deviate from social and/or legal norms thus, both personality system and characteristics like temperament,

⁷⁹ Lind-Chesney-Mind, ‘Women and Crime’ The Female Offender’, [1997] Page no. 78-96

⁸⁰ Siddique Ahmad, ‘Criminology, Penology and Victimology’, [2017] Page no. 164

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attitudes, frustrations, deprivations etc. and pressures of environment in which woman functions, contribute to female criminality.

The model of Ram Ahuja focuses on “strength of character”, “role conflict”, (role collision, role incompatibility, role confusion), “opportunity”, and “totality of situation” in family. Totality of situation includes varied situations in family taken together. Suppose a woman fails to get her husband’s love and affection (Situation S₁) and in-law’s care and support (Situation S₂), and has illicit relations with a person (Situation S₃), it will be the totality of the three situations together (S₁+S₂+S₃) that will lead her to criminality (say, either Personality P₁₊ or Personality P₂) will determine whether she will really commit murder (one type of behavior) or suicide (other type of behavior) or elope (third type of behavior) or continue to live with the family (fourth type of behavior).

Thus, the woman’s “Crime” (example-husband’s murder) will be the outcome of interaction between her personality system and totality of situations in her family. The crime will develop in interaction process overtime through a series of stages. In this process of spread of time, the “criminal behavior” will emerge not by the ‘past’ alone but by the ‘current’ situation and by triggering or precipitating circumstances too. Finally he is tried to explain the etiology of female crime in terms of ‘maladjustment’ in interpersonal relationships within the family.”⁸¹

⁸¹ Ahuja Ram, ‘Women and Crime in Crime and Corrections in India’, Page no. 126-127

4.4 CRIME AND THE ROLE OF CRIMINAL JUSTICE SYSTEM

“Criminal Justice System refers to the organization of government charged with enforcing law, adjudicating crime, and correcting criminal conduct and protects the rights of the citizens. It includes: Police, Prosecution, Court, Investigation agencies, Judges/Magistrate Lawyers. The criminal justice system is essentially an instrument of social control, a guardian of law; to punish the offender, to protector of the rights of the people.”

Women offender and the Criminal Justice System

“It is seen from the earlier studies that women offenders are themselves responsible for becoming victims of crime or deviant or aberrant behavior. This can be better understood with the help of an example of a woman who is criminally assaulted by her brother-in-law, frequently beaten by her husband, denied the legitimate share in her husband’s/father’s land and property by her kin, or forced by circumstances to help her husband in illegal economic pursuits. What happens when such a woman endeavors to free herself from the stultifying life her family imposes upon her? More often than not, the freedom and redressal are sought, may be unintentionally through behavior which ultimately is labeled as ‘crime’.”

“As the society demands changes in the way of maintaining social order, the techniques of social control are also adjusted to changed situations as no system of social control works perfectly. With the change over time, the functions of prison have also changed from custodial to coercive and to corrective. In early days, jails functioned on the principle of custodial care but modern jails function on the principles of rehabilitation and reformation.”

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“Many people believed that female offender if punished are dealt with greater leniency than male offender because they are considered more gender sensitive and other reason is modern punitive philosophy is based on Chivalry. Chivalry means treating others, especially women with courtesy, sympathy and respect. The chivalry theory states that women are treated more leniently than men by the criminal justice system. Police are less likely to charge women and the courts will tend to give women a lighter sentence, even when they have committed the same offences as men.”

“In the modern justice system women appear to be more favorably treated by the courts for the commission of the same offenses as men. Several writers have tested the, “chivalry” hypothesis by comparing differential sentences on women and men and also examining the language and behavior of participants in court proceedings.”

“It is argued that crime is an abnormal activity; the punishment should therefore be the same for the inmate whether the person is a male or a female so that there is no space for leniency for anyone and both male and female inmates are treated equally in the criminal justice system. It is an infringement of an established social order that calls for a stringent action irrespective of who the doer is. Many women offenders are likely to be incarcerated now than at any previous time in history and the criminal justice system appears to be more willing to imprison women. So there is a continuing question whether equality under the law is necessary for both men and women.”

“Double jeopardy occurs when women who are often subject to additional informal system of social control and social justice also face the formal legal apparatus of the courts. It is clear that women already experience sanctions other than those of official agencies.”

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Three major themes stand out as illustrating and these are:

- Chivalry, courts and police
- Prison and penal policies
- Philosophy and justice.”

“Since almost all female offenders are first offenders and criminal behavior is not part of their life organizations, their imprisonment and banishment from society fail to bring about the required change in attitudes and values towards society. The sentence has to be adjusted to the character and the treatment needs of the offenders and should taken into account the causal factors in their crimes. Thus, chivalry in short appears to be a concept which should be practiced by the courts and in modern times many courts are practicing it.”⁸²

The right to life and liberty guaranteed in the constitution is the primary source of criminal law (Article 21 of the Constitution of India). This right is then translated into Indian Penal Code, 1860, Criminal Procedure Code, 1973, and Indian Evidence Act, 1872. The Directive Principles of State Policy set down various responsibilities of the state. This is to ensure equal justice for all citizens and to further the guarantee of equality before the law, as provided in the Article 14 Constitution of India.

Conclusion- Hence, the criminal justice system plays a vital role in the identification of women criminals, and authentic adjudication without any leniency. So that the ultimate objective of reformative technique of prisoners and the guidelines laid down by the Supreme Court of India, notably in the above case can be followed in strict sense.

⁸² Vij Neha, ‘Journal of Humanities and Social Sciences, Vol. 21 Issue 5, Ver. 3 [May 2016] Pages. 1-3

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Another issue which is matter of grave concern is under reporting of cases and role of Police and Judiciary must be made accountable for assisting in the actual reporting of female criminals and send recommendations to law commission and NCRB. Decency of females must not be misrepresented which then leads to deviant behavior and ultimately transforming into delinquent acts. The 3 'D's have to be widely researched upon.

Further, in our study by taking a small sample (owing to paucity of time and other factors 'quote unquote') we have addressed the issues of female criminality with all who are involved in the Criminal Justice system including ADGC and Criminal Lawyers to decipher the causes of female criminality , the reasons women are in prisons , the unreported delinquent acts of women criminals with an added dimension of male victimization owing to 'maladjustment' in the Society or we may term as feeble nurturing right from puberty of females.

CHAPTER V

JUDICIAL PRONOUNCEMENT- CASE LAWS

5.1 RAJIV GANDHI ASSASSINATION CASE⁸³

Bench-

D.P Wadhwa J.

Facts of the Case-

On the night of 21.5.1991 a diabolical crime was committed. It stunned the whole nation. Rajiv Gandhi, former Prime Minister of India, was assassinated by a human bomb. With him 15 persons including 9 policemen perished and 43 suffered grievous or simple injuries. Assassin Dhanu an LTTE (Liberation Tigers of Tamil Elam) activist, who detonated the belt bomb concealed under her waist and Haribabu, a photographer, engaged to take photographs of the horrific sight, also died in the blast. As in any crime, criminals leave some footprints. In this case it was a camera which was found intact on the body of Haribabu at the scene of the crime. Film in the camera when developed led to unfolding of the dastardly act committed by the accused and others. A charge of conspiracy for offences under the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), Indian Penal Code (IPC), Explosive Substances Act, 1908, Arms Act, 1959, Passport Act, 1967, Foreigners Act, 1946, and the Indian Wireless Telegraphy Act, 1933 was laid against 41 persons, 12

⁸³ Indian Kanoon- <http://indiankanoon.org/doc/194120/> State of Tamil Nadu through Superintendent of Police, CBI, SIT Vs Nalini and 25 Others AIR 1999 SCC Date of Judgment 11.05.1999

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of whom were already dead having committed suicide and three absconded. Out of these, 26 faced the trial before the Designated Court. Three absconding accused are (1) Prabhakaran, (leader of LTTE) (2) Pottu Amman (Chief of Intelligence Wing of LTTE) @ Shanmuganathan Sivasankaran and (3) Akila @ Akilakka (Deputy Chief of Women Wing of LTTE,). The accused, which are put on trial and are appellants before us, are:

A-1 S. Nalini, A-2 T. Suthendraraja @ Santhan, A-3 Sriharan @ Murugan @ Thas @ Indu Master A-4 Shankar @ Koneswaran, A-5 D. Vijayanandan @ Hari Ayya and A-18 G. Perarivelan @ Arivu

In brief, he said there were five facets of conspiracy alleged by the prosecution against the accused, namely, (1) clandestine infiltration into India, (2) hiring of safe accommodation for the conspirators, (3) unauthorized wireless operation by them, (4) assassination of Rajiv Gandhi and others on 21.5.1991, and (5) harboring of offenders in order to escape from India and disappearance of evidence. **First Information Report of the crime was lodged at 1.15 a.m. on 22.5.1991.**

Judgment of the Case

As per the Supreme Court of India judgment, by Judge K. T. Thomas, the killing was carried out due to personal animosity of the LTTE chief Prabhakaran towards Rajiv Gandhi. While convicting the accused, four of them to death and others to various jail terms, the judgment stated that no evidence existed that any one of the conspirators ever desired the death of any Indian other than Rajiv Gandhi, though several others were killed. Judge Wadhwa further stated there was nothing on record to show that the intention to kill Rajiv Gandhi was to overawe the government. Hence it was held that it was not a terrorist act under TADA (Act). Judge Thomas further stated that

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conspiracy was hatched in stages commencing from 1987 and that it spanned several years. The special investigation team of India's premier special investigation agency Central Bureau of Investigation was not able to pinpoint when the decision to kill Rajiv Gandhi was taken. This is a case where all these Nalini, Santhan, Murugan and Arivu deserve extreme penalty. We confirm the award of sentence of death on them.

Latest Updates:

As on **July 21, 2020**, Nalini Sriharan, threat to end her life came after a co-prisoner, who was in a nearby cell, complained against her to authorities. The complaint of the co-prisoner was false and that she did not harass her.

As on **January 22, 2021**, another convict, Perarivalan, is aggrieved over not being provided with information relating to his mercy petition, had filed a petition under the “Life and Liberty” clause of the Right to Information Act seeking a copy of the Tamil Nadu Governor’s order.

Important Update: As on **May 20, 2021**, Tamil Nadu Chief Minister M. K Stalin has urged the President to release seven convicts in the above case. He also urged the convicts Nalini, Santhan, Murugan, Perarivalan, Robert Payas and P. Ravichandran be released immediately. Mr. Stalin pointed out that these seven persons have been undergoing the agony of imprisonment for about three decades and these seven persons have already suffered untold hardship and have paid a heavy price. In the present circumstances of Covid-19 pandemic, Courts are also recognizing the need to decongest prisons.

5.2 LICHHAMADEVI CASE⁸⁴

Bench-

G Oza J.

K J Shetty J.

Facts of the Case- This is an appeal under Article 134(1) (a) of the Constitution⁸⁵ from a Judgment of the Rajasthan High Court given on 20 November, 1983. Lichhamadevi the appellant was tried for an offence under Section 302 IPC for the murder of her daughter-in-law Pushpa, by putting her on fire using kerosene oil. Neighbours and the Government Doctor who treated Pushpa gave statements against Lichhamadevi in Sessions. A dying declaration was also given by the deceased Pushpa. But still she was acquitted in Jaipur City Court in 1977. She was given death sentence by Rajasthan High Court in 1985. Upon appeal by the State the High Court reversed the order of acquittal and sentenced her to death and hence the appeal in the Supreme Court.

Judgment of the case

Din Dayal, Lalit Kishore and Sushil Kumar are neighbours of the appellant. Their evidence is **mutually corroborating**. The High Court has accepted his version and we have no reason to reject it. Dr. Goel himself has treated the victim. It was a communication by the patient to the Doctor who treated. He is a Government Doctor on duty in the hospital at that time. **The statement of Dr. Goel is corroborated by**

⁸⁴ Indian Kanoon- <http://indiankanoon.org/doc/1040089/> Lichhamadevi Vs State of Rajasthan AIR 1988 SCC 1785 Date of Judgment: 02.08.1988

⁸⁵ Article 134 of Constitution of India – Appellate Jurisdiction of Supreme Court in Criminal Matters and clause 1 (now) deals with death sentences given by High Courts either by conviction or by reversal of acquittal of the subordinate Court.

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the recorded by Sop Singh, the first Investigating Officer. The Court must give special reasons for awarding death sentence in any given case. **Special reasons mean special facts and circumstances obtained in the case justifying the extreme penalty. It was observed that a balance sheet of “aggravating and mitigating circumstances” has to be drawn up and in doing so the mitigating circumstances has to be accorded full weightage.**

This is certainly a case "being put on fire by someone". When there are two opinions as to the guilt of the accused, by the two Courts, ordinarily the proper sentence would be not death but imprisonment for life. Apart from that, there is no direct evidence that the appellant had sprinkled kerosene on Pushpa and lighted fire on her. There must have been other persons also who have combined and conspired together and committed the murder, it is unfortunate that they are not before the Court. From the judgment of the High Court, it is apparent that the decision to award death sentence is more out of anger than on reasons. The judicial discretion should not be allowed to be swayed by emotions and indignation.

In the result, we allow the appeal in part, set aside the death sentence awarded to the appellant, and instead sentence her to imprisonment for life.

5.3 PRIYA PATEL CASE⁸⁶

Bench-

Arijit Pasayat, J.

S.H. Kapadia, J.

Facts of the Case-Complaint was lodged by the prosecutrix alleging that she was returning by Utkal Express after attending a sports meet. When she reached her destination at Sagar, accused Bhanu Pratap Patel (husband of the accused appellant) met her at the railway station and told her that her father has asked him to pick her up from the railway station. Since the prosecutrix was suffering from fever, she accompanied accused Bhanu Pratap Patel to his house. He committed rape on her. When commission of rape was going on, his wife, the present appellant reached there. The prosecutrix requested the appellant to save her. Instead of saving her, the appellant slapped her, closed the door of the house and left place of incident. On the basis of the complaint lodged, investigation was undertaken and charge-sheet was filed. While accused Bhanu Pratap Patel was charged for offences punishable under Sections 323 and 376 IPC the appellant, as noted above, She (wife of Bhanu Pratap Patel) was charged for commission of offences punishable under Sections 323⁸⁷ and 376(2) (g)⁸⁸ IPC. But the wife (appellant) was involved in tandem in the commission of the crime.

⁸⁶ Indian Kanoon - <http://indiankanoon.org/doc/1555191/> Priya Patel Vs State of M.P & Anr AIR2006 SCC S.L.P. (Crl.) No. 68 of 2006 Date of Judgment 12.07.2006

⁸⁷ Punishment for voluntarily causing hurt

⁸⁸ Punishment for gang rape and common intention for gang rape

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Judgment of the Case

The revision filed before the High Court questioned legality of the charge framed so far as the appellant is concerned, relating to Section 376 (2)(g) IPC. It was contended that a woman cannot be charged for commission of offence of rape. The High Court was of the view that though a woman cannot commit rape, **but if a woman facilitates the act of rape, Explanation-I to Section 376(2) comes into operation and she can be prosecuted for "gang rape"**. A woman cannot be said to have an intention to commit rape. Therefore, the counsel for the appellant is right in her submission that the appellant cannot be prosecuted for alleged commission of the offence punishable under Section 376(2) (g).

The residual question is whether she can be charged for abetment 120B⁸⁹ of IPC. This is an aspect which has not been dealt with by the Trial Court or the High Court. If in law, it is permissible and the facts warrant such a course to be adopted, it is for the concerned court to act in accordance with law.

⁸⁹ Punishment for Criminal Conspiracy

5.4. KIRANJIT AHLUWALIA CASE⁹⁰

Facts of the Case-

The appellant was a 36 years old Indian woman named Kiranjit Ahluwalia, who entered into an arranged marriage with Deepak Ahluwalia. She had suffered many years of physical, psychological and sexual abuse from her husband. On the night of 8th May 1989, the appellant tried to talk to her husband about their relationship, but he refused to entertain any conversation with that regard. The appellant fretted upon her husband's refusal to speak to her.

She had brought some caustic soda and a can of petrol a few days earlier and she mixed these two substances to form napalm. She filled this into a bucket to make it easier to carry and threw it in the husband's bedroom; she lit a candle from the gas stove and threw it into the room. This set her husband ablaze, who shouted for help. The neighbours called the fire officers to douse the flames, who took him to the hospital. He sustained severe burns from the incident and **succumbed to his injuries on 15 May 1989.**

The appellant was indicted for murdering her husband and the Crown Court at Lewes convicted her for murder on 7 December 1989 after trial. A punishment of life imprisonment was given to her by the judges. She appealed against this conviction and sought to admit fresh medical evidence.

⁹⁰ C.Tripathi, 'Case Analysis', International Journal of Legal Developments and allied issues, [2018] Volume 4 R. Vs Ahluwalia [1992] 4 All ER 889

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Judgment of the Case

The Court agreed to accept fresh medical evidence in the interest of justice and held that the appellant's mental accountability for her actions was diminished. *It said that the fact that the appellant was held guilty of murder without considering the mitigating factors was unsafe and unsatisfactory.* Thus, it allowed for an appeal and ordered a retrial.

After a proper retrial, Kiranjit Ahluwalia was held for manslaughter instead of murder.

5.5. SATNI BAI CASE ⁹¹

Bench-

P. Sathasivam J.

H.L. Dattu J.

Facts of the Case - A wicked mother is facing life sentence having been convicted under Section 302⁹² of the Indian Penal Code for killing her own son with an axe by the Court of First Additional Judge, Ambikapur in Case no. 366 of 1996. On appeal, the conviction is upheld by the Division Bench of the Chhattisgarh High Court. The appellant, Satni Bai is the mother of the deceased. She belongs to a tribal community. She has filed this appeal from prison, where she is undergoing her sentence of life imprisonment. She is represented by amicus curiae in this appeal.

Judgment of the Case

Since the appeal filed against the judgment and order of the trial court is dismissed by the High Court, the accused is in appeal before us. We have heard amicus curiae for the appellant and the learned counsel for the State. The learned amicus-curiae submitted that the evidence on record does not establish the case of homicide and that at any rate the chain of circumstances is not so complete as to lead to the hypothesis of guilt of the accused.

⁹¹ Indian Kanoon - <http://indiankanoon.org/doc/1148368/> Satni Bai Vs State of MP (Now Chhattisgarh) AIR 2010 Criminal Appeal No. 212 of 2010 (Arising out of S.L.P. (Crl.) No.5813 of 2007) Date of Judgment 29.01.2010

⁹² Punishment for Murder

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It has been consistently laid down by this Court, that, when a case rests only on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person. The principles that would emerge from these decisions is that conviction can be based solely on circumstantial evidence, but it should be tested on the touchstone of law relating to circumstantial evidence laid down by this Court.

In the present case, the appellant was found standing near the dead body of her son with a bloodstained axe in her hand. The normal reaction for any mother would have been to go hysterical and clutch the body of her son. But, what is the reaction of a mother in the present case, as stated by prosecution witnesses in their evidence, which came near the scene of occurrence on hearing the cries of Anita and Sumitra, that the accused tried to flee away from the scene of the crime before being restrained. This kind of reaction and lack of remorse would not have been forthcoming had she been innocent. For all the reasons stated supra, we have no hesitation to agree with the findings of the Division Bench of the High Court holding the appellant guilty of the offence under Section 302 I.P.C. accordingly, the appeal fails and it is dismissed. Hence, she has to undergo rigorous life imprisonment.

5.6. SR. SEPHY CASE⁹³

(Related to murder of Sister Abhaya @ Beena Thomas)

Bench-

K Sanil Kumar J.

Special CBI Court

Facts of the Case- Sister Abhaya, a Catholic sister, was found dead in water well in St Pius X Convent in Kottayam on 27 March 1992. Investigation into this death is by far the longest running murder investigation in the State of Kerala. The local police which investigated the case initially closed it with a theory of suicide. A case of unnatural death was registered based on a statement given by Sister Leissue, Mother Superior of the Convent.

On April 13, the Crime Branch wing of state police took over the probe, and, on January 30, 1993, submitted a final report which tried to strengthen the suicide theory, with claims of psychological illness of the deceased. Following popular pressure and a legal battle launched by **Jomon Puthenpurackal**, a human-rights activist who established and led the “Sister Abhaya Case Action Council”, the High Court of Kerala transferred the investigation to the Central Bureau of Investigation in 1993.

The **first team of CBI failed** to find the reason of death and, **a second-team was set up, which concluded that it was indeed a murder**, but there was not enough evidence leading to the murderer. *The conclusion of “homicide” was reached mainly based on the medical opinion given by three doctors, as against the opinion given by*

⁹³ Central Bureau of Investigation, ACB, Cochin Vs. Father Thomas Kottoor & Sister Sephy SC No. 1114/2011 C.P.No.2/2009 of CJM, Ernakulam In R.C No. 8 (S)/1993/CBI/ KER

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*Dr C Radhakrishnan, who conducted an autopsy on the body of Abhaya. This report was also not accepted by the court. As the court rejected the second final report, the CBI continued the probe under another officer, R R Sahay. In another final report on August 25, 2005, the CBI stated that “further investigation conducted, at the behest of the court, has not indicated involvement of any person in the death of Sister Abhaya” and a request was made that the “case be treated as closed as untraced”. **The court did not accept the probe and the investigation continued.***

On September 4, 2008, the High Court handed over the investigation to the CBI's Kerala unit in Kochi. By then, the CBI had approached the judiciary to close the case four times for want of evidence. In early November 2008, the High Court handed over the case to the state unit of CBI, and gave a three-month period to complete the probe. The new team, led by Deputy Superintendent of Police, Nandakumaran Nair, had recorded the statement of Sanju P Mathew, who had been residing next to the convent when Abhaya died. Sanju, in his statement as per Section 164 of CrPC said he had seen Kottoor in the convent hostel campus on the night of March 26, 1992, a day before Abhaya was found dead. Based on this statement, the CBI on November 19, 2008, arrested Kottoor, Puthrikkayl and Sephy.

Judgment of the Case

On 22 December 2020, a special CBI court in Kerala's Thiruvananthapuram delivered its verdict in the 28-year-old murder case as it held **Father Thomas Kottoor and Sister Sephy guilty. They were sentenced to life imprisonment and imposed a fine of 5 lakh each.**

5.7 SHAKUNTALA AND LAXMAN KUMAR CASE⁹⁴

Bench-

Misra Rangnath, J.

Sen Amarendra Nath, J.

Judgment of the Case

These two appeals are by special leave. The Delhi Administration has preferred Criminal Appeal No. 93/84 and the Indian Federation of Women Lawyers and others have preferred the other Criminal Appeal. Both are directed against the same judgment of the Delhi High Court acquitting the respondents of a charge of murder of one Sudha by setting fire to her. The Trial court had accepted the prosecution case and considering it to be one of the atrocious dowry deaths, had sentenced each of the respondents to death. The reference made by the trial Judge was discharged by the High Court and the appeal preferred by the respondents was allowed. The three respondents are Shakuntala, the mother and two of her sons, Subhash Chandra and Laxman Kumar.

Despite the High Court turning down the order of the Trial Court, the State filed appeals along with Indian Federation of Women Lawyers before the Hon'ble Supreme Court of India against the judgment of the Delhi High Court acquitting the respondents. The Supreme Court considered the facts of the trial court categorically correct where the female Mother-in-law of Sudha the deceased was mainly involved the murder and dowry death and pointed her as the killer along with her son Laxman. The Supreme Court awarded life imprisonment to Shakuntala and Laxman, holding them responsible for killing Sudha by setting her on fire.

⁹⁴ Indian Kanoon - <http://indiankanoon.org/doc/433126/> State Delhi (Administration) Vs Laxman Kumar & Ors AIR 1986 SCC 250 SCR Supl. (2) 898

5.8 RENUKA BAI ALIAS RINKU ALIAS RATAN CASE⁹⁵

Bench

K.G. Balakrishnan, J.

G. P Mathur, J.

Facts of the Case- Renuka Shinde and Seema Gavit groomed by their late mother Anjana were charged along with their mother with the kidnapping of 13 children and the murder of 10 of them. They were convicted by the Supreme Court in 2006 of five of those murders besides the kidnappings. President rejected their mercy petition. According to the sisters' Defence counsel; the murders had been committed by their mother, who died two years after their arrest in 1996.

The reason for kidnapping the children was to take them to crowded places where one of them would try to pick people's belongings. If the thief was caught, the person carrying it would either try to evoke sympathy through the child, or create a distraction by hurting it. Santosh (kidnapped child) eventually became the victim of the first of the murders for which they would be convicted. To stop him crying, Anjana banged his head against an electric pole. They disposed of his body near an old rickshaw heap.

“They very cleverly executed their plans of kidnapping the children and the moment they were no longer useful, they killed them,” a bench of K G Balakrishnan and G P Mathur observed while confirming the death penalty. “They had been a menace to the

⁹⁵ Renuka Bai Alias Rinku Alias Ratan & Anr Vs. State of Maharashtra AIR 2006 CrI. Appeal No. 722 of 2005 Date of Judgment 31.8.2006

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society and the people in these cities were completely horrified and they could not send their children even to schools. The appellants had not been committing these crimes under any compulsion but they took it very casually and killed all these children least bothering about their lives or agony of their parents.” They were arrested on 19 November 1996.

Judgment of the Supreme Court on Criminal Appeal⁹⁶

Going by the details of the case, we find no mitigating circumstances in favour of the appellant, except for the fact that they are women. Further, the nature of the crime and the systematic way in which each child was kidnapped and killed amply demonstrates the depravity of the mind of the appellants. **We do not think that these appellants are likely to be reformed.** We confirm the conviction and also the death penalty imposed on them. The stay of execution of the capital punishment imposed on these appellants shall stand vacated and the authorities are directed to take such further steps as are necessary to carry out the execution of capital punishment imposed on these appellants. **In 2017 both sisters (first ever women to be hanged in independent India) made a bid to avoid their execution. To date, they have not been hanged.**

⁹⁶ Appeal (crl.) 722 of 2005 SCC

5.9 SHABNAM ALI CASE⁹⁷

Bench-

H.L Dattu, C.J,

S.A Bobde J,

Arun Mishra, J

Facts of the Case- On the intervening night of 14-4-2008/15-4-2008, eight persons of the family were present at the residence of Master Shaukat Ali (the deceased father); besides himself; his wife Smt Hashmi (the deceased mother) their daughter Shabnam (the appellant-accused); their younger son Rashid (the deceased younger brother); their minor niece Rabia (the deceased cousin); their elder son Aneesh Ahmad and his wife Anjum (the deceased couple) along with their 10-month-old son Arsh. At about 2.15 am on the fateful night, upon hearing the cries of the appellant-accused Shabnam, their neighbour Lateef Ullah Khan along with other neighbors reached the house. Lateef Ullah Khan entered the house and found Shabnam lying unconscious near the dead body of her deceased father, whose neck was cut and also discovered the dead body of the deceased younger brother with slit throat. Further, in another room, Lateef Ullah Khan discovered the dead bodies of all the deceased. Immediately thereafter, Lateef Ullah Khan raised an alarm gathering the neighbors and informed the investigating authorities of the incident.

Accordingly, Case Crime No. 880 of 2008 was recorded on the basis of information received from Lateef Ullah Khan, and an FIR was registered under Section 302 IPC against unknown persons for the murder of seven members of the family, in Police

⁹⁷ www.casemine.com Shabnam Vs. State of Uttar Pradesh AIR 2015 SCC

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Station Hasanpur. **However, Shabnam Ali was the main accused who in connivance with her boy friend committed the dreaded crime of the seven family cold blooded murders.**

In the order of sentence, the **trial court** has observed that the crime committed by appellant-accused is enormous in proportion. They are convicted of multiple successive murders of seven persons of co-accused Shabnam's family with death sentence. The aggrieved appellant Shabnam Ali and Salim went to **High Court** which has disposed of the said appeal and the High Court has concluded that the scale of aggravating and mitigating circumstances is heavily tilted towards the aggravating circumstances in the present case and hence death sentence stands.

Judgment of the Supreme Court

Leave granted in all the special leave petitions. By the impugned judgment and order, the High Court has confirmed the judgment of conviction, passed by the learned Sessions Judge in Sessions Trial No. 293 of 2008, whereby and where under the learned Sessions Judge has convicted the appellant-accused for the offence under Section 302⁹⁸ read with Section 34⁹⁹ of the Penal Code, 1860 and sentenced them to death. At the outset, it would be pertinent to notice that the learned Amicus Curiae, Shri Dushyant Parashar, appearing for the two appellant-accused has limited his submissions only to the question of sentence. Therefore, the scope of these appeals stands restricted to the determination of appropriate sentence for the offence committed by the appellant-accused. **Hence, the death sentence stands.**

⁹⁸ Supra note 92 at 76

⁹⁹ Acts done by several persons in furtherance of common intention- When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

CHAPTER VI

PERSPECTIVES OF MALE VICTIMIZATION- ABUSE OF LAW BY FEMALES

Prologue- It is imperative now to realize that the harassment can happen to anyone despite age, gender identity, religion, and attitude. Male Victimization is a long too time which society and Courts should take into consideration. Why are we only looking towards women being victimized, it is now we should look at men getting into harassment and many cases , women abet them to commit suicide as there is no law in support of men. Although, in the Indian constitution, under Article 14 Right to equality is mentioned, but issues related to men are not given enough recognition as compared to issues related to women.

6.1 Persecution of Males

At the Workplace

“The sexual harassment act for workplace lays down principles, rules, and remedies for women who are sexually harassed at the workplace. This act was specifically made for women, but there is no remedy given for men if they are sexually harassed at the workplace. Men are considered as mards in India and the fear of getting taunted, insulted, and mocked by their coworkers. Many might wonder how this can happen, a man being sexually harassed by a woman is deemed so unlikely that they almost think its bluff and that cannot be true, they think it’s a myth. There are barely any cases that have been filed and reported on sexual harassment on men in India but

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with growing technology and growing education with global access to information and social media people are coming out of their shells and coming to a better understanding that talking about their experiences is not only going to uncover the tragedy but also is going to set them free emotionally, physically and mentally.”

Harassment Based On the Misuse of Sec 498A¹⁰⁰ of IPC

“Sexual orientation segregation is biased against men. Specifically, Section 498A, the demonstration that condemns remorselessness against ladies by spouse and his family members. Men's privileges activists, for example, the Spare the family establishment in India contend that the law is frequently abused by ladies.

Men in India can't profit from a comparative lawful solution for shielding themselves from abusive behavior at home from either men or ladies. For men, even a straightforward help of having a male or female assailant avoid them “a limiting or insurance request is not managed by the current law. In 2016, this segregation was evacuated by the preeminent court itself.” Justices Kurian Joseph and Rohinton F Nariman controlled on 6th, October 2016 that this arrangement disappointed the target of the enactment since culprits and abettors of aggressive behavior at home can be ladies as well.

Cruelty against Men

“The definition of cruelty differs from case to case as the judge has to take into consideration the mental distress, the injuries faced, complaints and taunts, and many more things. The cruelty definition is subjective and there is no exact definition for

¹⁰⁰ Husband or relative of husband of a woman subjecting her to cruelty

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the formula of cruelty. Cruelty in one case may not be cruelty in other cases. Case laws which constitute the grounds of cruelty against husbands in India.”

“Few Caselets to explore-

Case of Lucknow, UP - A thirty years old man, **Pushkar Singh**, resident of Jankipuram Sector C, Lucknow (Uttar Pradesh), committed suicide because of the harassment by his wife. In his suicide letter, he stated that he was sent to jail after a false dowry case was lodged against him by Vinita and her family, who had demanded Rs 14 lakh as compensation. It was his mistake to marry her and he is repenting it by **sacrificing his life**.¹⁰¹

Case of Bihar - Under the case, **Arnesh Kumar v. the State of Bihar**¹⁰², the wife claimed she was demanded dowry and as she could not fulfill the demand she was thrown out of her matrimonial house. The husband and his family were taken into custody including **his aged grandparents**. Under this case, the Court laid down some guidelines that should be followed by the police officer while arresting under Section 498A IPC or Section 4 of the Dowry Prohibition Act, 1961, based on a reasonable satisfaction concerning the genuineness of the allegation. Taking precedence in **Sushil Kumar Sharma v. Union of India**¹⁰³ which is one of the historical cases, the Supreme Court held Section 498A as legal terrorism.

In **Satya v/s Siri Ram**¹⁰⁴, the wife terminated her pregnancy twice without the consent or informing her husband. So, the court held that if a wife deliberately and

¹⁰¹ <https://www.thequint.com/news/india/stories-male-victims-domestic-violence-india>

¹⁰² AIR (2014) (8) SCC 273

¹⁰³ (2005) (6) SC 266

¹⁰⁴ AIR 1983 P H 252

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consistently refuses to satisfy her husband's natural and legitimate craving to have children, and the deprivation reduces him to despair and affects his mental health, the wife is guilty of cruelty.

In Narendra v. K. Meena¹⁰⁵, the husband was consistently being compelled by his wife to live separate from his family members but in the family, he was the only person earning and who used to maintain the family. While the main interest of the wife was to spend the husband's whole income. She also made a fake allegation on the husband of him having an external affair with their maid. She also attempted to commit suicide without any reasonable ground by burning herself after pouring kerosene oil.

“In a study on **Domestic Violence** in 2015 by Save Indian family Foundation (SIFF), it was found out that about 98.2% of men had faced serious domestic violence from their wives and in-laws. Physical, verbal, economical, sexual, mental, emotional, and financial abuses are the violence that men face.”

Conclusion: There should be laws made under the Indian penal code to protect men against harassment. Despite all gender biases, we cannot ignore the fact that men also get harassed. People should have the same kind of interest in men's harassment matters. There should be more NGOs, help centers and movements to help the men who face harassment. Even if laws are brought up, society should go in hand with the government to bring in light the matters of men's harassment. Men victims should also be given equal justice to the law.

¹⁰⁵ AIR 2016 Civil Appeal No. 3253 of 2008 SCC

6.2 Socio-cultural and Legal Aspects of Violence against Men

“The term “domestic violence” includes a broad range of violent acts committed by one member of a family or household against another. It often refers to the mistreatment of a child or spouse, and includes not only physical harm but also threats and verbal, psychological, and sexual abuse. The relationship of the abuser to the victim is the key distinction between other assault crimes and domestic violence. In India, domestic violence is always believed to be inflicted on women. However, during personal interactions with many males in society and in the organized setups such as industries and offices, it was observed that men also suffer from domestic violence. Due to stereotyped gender roles, it is hardly believed by society that a woman can inflict violence on men. Many courts also commented on false allegations of domestic violence by women. Men are still not ready to speak of this violence against them and they are ignorant about any legal help to avoid this.”

“Domestic violence was recognized as a criminal offense in India in 1983. The offense is chargeable under section 498A of the Indian Penal Code. This violence is not always inflicted by the female partner/wife but many a time by a male relative of the wife attacks or threatens the man. When physical violence and threats against men by wife’s relatives are taken into account, it is really difficult to assess how crores of men are facing domestic violence in India.”¹⁰⁶

¹⁰⁶ Deshpande Sanjay , ‘Sociocultural and Legal Aspects of Violence Against Men.’, [2019] SAGE, Journal of Psychosexual Health

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Types of Crime Committed Against Men in India

“At home or at the workplace to avoid punishments or to get some rewards, men too can be involved in sexual activity by force. In many states of India, a young man with good qualifications and income is abducted and forced to marry without his consent. False rape and other charges such as molestation are also common. This is true regarding cases against men under 498A Cruelty (domestic violence) and false dowry cases, and the same was expressed by various courts during their proceedings.”

Sociocultural and Psychological Dimensions of Violence against Men

Sociocultural

“An earning spouse with education up to graduation was found to be the risk factor for bidirectional physical violence. Caste and socioeconomic status were not found significantly associated with violence against men. It was observed that the couples where the spouse is earning and educated up to graduation, the physical violence can be committed by both the spouses against each other.”

Psychological

“Many women have serious anger management issues and because of this they become aggressive, and a verbal or physical abuse takes place. Women facing stress at workplace have frustration and anger due to no fulfillment of expectations and thus also can indulge in violent behavior. Financial constraints due to husband’s poor income and/or more income by wife may also be one of the factors leading to violence.”

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Reasons for Underreporting

“In a male-dominated society, men feel that it is shameful to be beaten by a woman and they do not report the violence. The pressure from family also prevents them from taking any legal action, and they are also afraid of getting trapped in false accusation under 498A. When men report domestic abuse and violence, people do not believe them. Also, when these men try to complain about these problems, within marriage and family, no one takes them seriously. Many men are ashamed of talking about and sharing that they are beaten by their wives. The probable reasons for underreporting include belief and hope that things would get better, fear of losing social respect and position, protection, love toward their children and family, and fear of getting blamed.”

Other Laws and Remedies in Favor of Women

“Adultery considers man as a culprit. There is no law under which a man can lodge a complaint against his wife or in-laws. In the case of divorce and child custody laws, a woman is looked at more sympathetically and is considered as a victim. The same is true regarding the maintenance after divorce. The number of false allegations on men regarding rape and sexual harassment is increasing.”

Conclusion

The family structure and society are changing, and the same is true with the norms and values regarding gender violence. Men also are physically and mentally harassed by their spouses and in-laws. Hence, their problems must be recognized as a social and public health issue, and appropriate strategies and interventions should be implemented.

6.3 Declaratory cases of men who faced Domestic Abuse

“A man being subjected to domestic violence seems unbelievable to us as a society, primarily due to the extreme gender stereotypes that we have inherited for centuries. When a man goes public about facing domestic violence, abuse or harassment at the hands of his wife, not only is his ‘*mardaangi*’ (masculinity) questioned, but he is also ridiculed for not being able to stand up to ‘*ek aurat*’ (a woman). Both of these biases are dangerously problematic. They are fruits of the same patriarchal order that devalues women and whatever is considered ‘feminine.’ Like every other law, the IPC Section 498A made to protect women against domestic violence has also been misused by some to settle scores or extort money.

Men who have reported their own experiences of harassment and violence – ironically, say the law against domestic violence has been used against them by the wife’s family. Sonu Sharma, Akbar Ali, Gurvinder, Jitesh Sachdev, Lokesh Yadav.

Sonu Sharma, a 27 years old got married in 2016. He says things went from bad to worse for him on 7 January 2017, when his six-month-old baby accidentally fell off the bed. “My six-month-old baby fell off the bed and was bleeding from his mouth and nose. I told my wife that we have to rush him to a hospital, but she said that she can't, it's my baby and I should take him and that she wants to return to her parents. She called her family, told them that I had hit her and asked them to come pick her up,” he said. After that, the woman’s family members got some goons and started misbehaving with Sharma’s family, he alleged.

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Akbar Ali, a 32 years old, ‘in the third month of marriage, my wife went to her parents' house for Eid and did not return. She then called me to tell me that her parents have put her under house arrest and asked me to pick her up. When I reached there, they threw me out of the house. I moved the court and the court issued a warrant summoning her family and her to the court. But she lied in the court that I used to hit her and that is why she returned to her parents' house,’ Ali said. ‘I have a 3-year-old daughter. But in three years I have lived with her for just one year. They said that if I give Rs 20 lakh, I can take my daughter with me. She threatened me that if I don't, she will not settle the divorce and make my life hell.’

Gurvinder, a 37 year old, has also come forward and said he was blackmailed while his wife was having an affair. ‘I realized that she was having an affair with someone since before marriage and she was continuing it after marriage. When I questioned her, she said that I was the ‘bank balance. After 10-15 days, I got a summon saying that I had subjected her to domestic violence and that I used to hit her and demand dowry. The demands for money keep pouring in, he said’.”¹⁰⁷

“**Devendra Kumar**, a 28 years old, died on 28th April 2021, in Agra UP **acid attack victim**. A 25 years old married woman allegedly threw acid on Devendra, leading to his death hours later in Agra because his marriage had been fixed with some other girl. They both were in a relationship from several years as quoted by Police officials and in anger the women (name undisclosed) took a nasty step and killed her lover. The woman was already married and has a daughter of 8 years old who lives with her father separately.”

¹⁰⁷ Ranjana Eshwar, ‘Stories Male Victims Domestic Violence’, [2019] The Quint, All the cases are reported on the Quint with their Videos

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Jitesh Sachdev, 33 years old said that while he and his wife both approached the police, the cops registered her case but not his. “Six months after we separated, she started contacting me again. She re-entered my house through my mother. Then her family members started threatening me. Later, a false complaint of domestic violence was filed against me. I then told the police that I will take a rented apartment and we started living separately there. But then her family's demands started increasing,” he said. “Once they held me by my neck and my collar and tried to thrash me but I managed to resist. Both of us dialed 100 at that time and eight policemen entered my house. The police took her statement but not mine. The police laughed to my face and said that I can't take care of my wife.” Sachdev said that while one cop had threatened him, a woman police officer said, “he looks like a crook,”

“**Lokesh Yadav**, a 33 years old, “I was told that the girl is fully educated. I realized within two weeks of marriage that she had failed class 9. When I confronted her father about this, he told me it was a very small thing and I was blowing it out of proportion,” he said. “She then started telling the entire community that I hit her and abuse her, which I never did. She threatened that she will lodge a false case against all my relatives who had come to the wedding. Moreover, she alleged that we had taken 21 lakh as dowry, which I never did,” said teary eyed Yadav. “I went to file a complaint with the police, the police said that I must be the one hitting my wife and harassing her. The policeman took me to a corner and asked me if I would stay with her or not. He slapped me, threatened me and said I will stay with her or else.”¹⁰⁸

¹⁰⁸ Source: The Times of India April 29, 2021

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“**Anurag Tiwari**, aged about 30 years, resident of Hardoi, UP committed suicide due to harassment by his wife, mother in law and also brothers in law (as per his recorded video on social media, even confirmed by the Circle Officer of Kotwali, Hardoi). He married to Pranjali about one and a half years back in 2019, and had a child of seven months old. According to his video, he became parentless in 2008, and brought up his brothers and sisters also. He never got love from anyone, but he claimed to have loved his wife and child. But unfortunately wife and her family coerced him to commit suicide by coming under a train. Until his marriage he claimed to be a happy person but just after marriage he got into stress and trauma which led him to commit suicide.”¹⁰⁹

6.4 Men-Victim of Sexual Assault

“We live in a 21st century where men and women is treated equally, enjoys equal freedom of speech and expression. As for the upliftment of the women in the society our constitution gives certain privileges to women so that she can cope up with the male dominant society. But, with the passage of time crime escalates day by day. Assault, rape, murders and many more crimes take place every day. The victim can be anyone; it may be women or men. The rating of assault on women is higher than men but we cannot deny the fact that men also face the same trauma and assault as the women face.”

Meaning of Assault

“An assault is the act of inflicting physical harm or unwanted physical contact upon a person, a threat or attempt to commit an action. So, what is Male Molestation exactly?

¹⁰⁹ Source: Video of social media and CO Kotwali, Hardoi

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According, to an organisation that acts as a helpline for male survivors, “Many things qualify as 'unwanted sexual experiences', even if at the best a boy or man was grateful for the attention. It could include an experience that a man may not be ready to label as sexual abuse or sexual assault, or even understand how it might have been.”

There are a lot of myths around male rape and molestation which is why men don't report the abuse. The common myths are that sexual abuse does not select men and questions the masculinity of the person. Also, that women cannot practically rape men is among the top myths associated with male rape. This is why males often spend years before they even acknowledge a violation has taken place. Common Reaction men and boys who have been sexually assaulted may experience the same effects of assault as other survivors, and they may face other challenges that are more unique to their experience. Some men who have survived sexual assault as adults feel shame or self-doubt, believing that they should have been “strong enough” to challenge the perpetrator. The normal physiological responses (which men face as a biological matter of fact like ejaculation) do not in any way imply that you wanted, invited, or enjoyed the assault. If something happened to you, know that it is not your fault and you are not alone.”

“Men who were sexually abused as boys or teens may also respond differently than men who were sexually assaulted as adults. The following experiences shared by men and boys who have survived sexual assault, are anxiety, depression, post-traumatic stress disorder, flashbacks and eating disorders. Withdrawal from relationships or friendships and an increased sense of isolation.”

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“Rape of Males, Sexual assault or abuse is unwanted sexual activity with perpetrators using force making threats or taking advantage of victims not able to give consent. A significant proportion of victims of rape or other sexual violence incidents are male. The rape of males in India is commonly underreported. For this reason, some activists and research organizations, argued that the phrasing of rape laws should be gender-neutral. It has also pointed out that several of those who are arrested under this law are women themselves, i.e., female relatives of husbands. Swarup Sarkar, a spokesperson of Save Indian Family Foundation (SIFF), has said that men with low incomes are rarely targeted and most victims of misuse are well-off. He has claimed that these laws assume that women are always truthful, and don't place much importance on evidence. An Indian court has termed misuse of these laws, legal terrorism. Almost of a quarter of people arrested under Section 498A of IPC i.e.; Cruelty, are women, mostly mothers and sisters of the accused husband.”¹¹⁰

Conclusion

It is a general phenomenon that women are victims of rape or sexual assault. It is agreed in the general context. But when we study cases like mentioned above or organizations which are dealing in the abuse by females either against females or males especially husbands it becomes imperative and pertinent to understand that the assault by females are more dangerous and lethal. Underreported cases are many which we have discussed in the research and the concluding remark is that assault on men must be dealt in an organized manner so that Justice for Men prevails.

¹¹⁰ Slathia Harshini , ‘www.legalservicesindia.com/legal/article-4443-men-victim-of-sexual-assault’

6.5 Amarjit Kaur Case¹¹¹

Jaishree Thakur J.

Punjab and Haryana High Court

Facts of the Case with Judgment –

In this case it was vehemently stated that **“it has become a common practice to use the provisions of Section 498-A IPC as a weapon rather than shield by disgruntled wives”**.

The Bench stated that, “The simplest way to harass is to get the relatives of the husband roped in under this provision; no matter they are bed ridden grandparents of the husband or the relatives living abroad for decades”.

Facts in brief

“Complainant got married with Jaswant Singh on 05.08.1989. In the complaint it was averred that marriage was solemnized lavishly and a sum of Rs.4 lakhs was spent thereon apart from giving dowry articles, gold ornaments and other luxurious items. The complaint was made against the husband Jaswant Singh, Amarjit Kaur alleged to be second wife of Jaswant Singh, father-in-law Dilbagh Singh, mother-in-law Charan Kaur, brother-in-law Ranjit Singh and the sister-in-law Amarjit Kaur.

On 24.07.1993, the complainant gave birth to a girl child namely Manjinder Kaur at Nawanshahar and entire expenses of the delivery were borne by parents of the

¹¹¹ Bhandari Rishabh, Latest Laws.com [2020] Amarjit Kaur & Ors Vs. Jaswinder Kaur & Ors CRM-M No.13517 of 2018 Date of Judgment 15.05.2020

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complainant. It was alleged that after the birth of girl child, the mother-in-law raised a demand of Rs.5 lakhs. The husband and petitioners herein along with mother-in-law taunted the complainant for not giving birth to a male child. Complainant further alleged that on 24.01.2008, husband of the complainant at the instance of his family members turned her out of matrimonial home and on 23.02.2008 also left the daughter with the complainant at Jalandhar and threatened her of dire consequences if she made a complaint against him. When complainant came to know that her husband solemnized a second marriage with one Amarjit Kaur (who was made accused No.2 in the complaint) without taking any divorce from her. She filed a petition under Section 125 Cr.P.C. and also an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Later, Criminal Complaint No. 31861/13 dated 06.09.2012 and the summoning order was passed by Sessions particularly as proclaimed offenders.

Final Judgment of High Court of Punjab & Haryana

Petitioner filed petition under Section 482 Cr.P.C. seeking to quash Criminal Complaint No.31861/13 dated 06.09.2012 and the summoning order dated 06.12.2016 whereby petitioners herein have been summoned to face trial under Sections 498-A, 506, 120-B IPC and order dated 04.08.2017 declaring the petitioners as proclaimed offenders. The High Court relied on the fact that the, “Petitioner No.1 is the sister-in-law of the complainant, who got married on 04.02.1989 and has been residing in her matrimonial home since then and therefore, there is not even a remotest possibility that husband of the complainant was used to give beatings to her at the instance of petitioner No.1. Petitioner No.2 was born on 12.07.1979 and was 11 years of age in March, 1990 when the complainant alleged that she was given beatings by her

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husband at the instance of petitioner No.2. Moreover, he had left for Canada in March, 1996 and is residing there since then. Similarly, petitioner No.3 aged 74 years had left for Canada in 1996 and is residing there since then with petitioner No.2.”

- i. The complainant has failed to make out a prima facie case against the petitioners regarding allegation of inflicting physical and mental torture to the complainant or demanding dowry from her.

- ii. The complaint does not disclose specific allegation against the petitioners except casual reference of their names that husband of the complainant gave her beatings at the instance of petitioners.”

Conclusion

The Hon’ble High Court relied on the judgment of Hon’ble Supreme Court in Geeta Mehrotra Vs. State of U.P. (2012) 10 SCC 741 and quashed the FIR registered against the unmarried sister of the husband on the ground that prima facie case was not attracted against her in the absence of specific allegations. The Court further stated that the case in hand is a sheer abuse of process of law and therefore, is a fit case to exercise the jurisdiction of this Court under Section 482 Cr.P.C. and therefore the subsequent proceedings including the orders were quashed.

CHAPTER VII

PRIMARY STUDY

DATA ANALYSIS OF WOMEN PRISONERS

7.1 DEMOGRAPHIC PROFILE OF UNDER TRIALS

Introduction

This Chapter presents an overview of the demographic characteristics of the under trial female prisoners who have been investigated for this study.¹¹²

7.1.1 Age

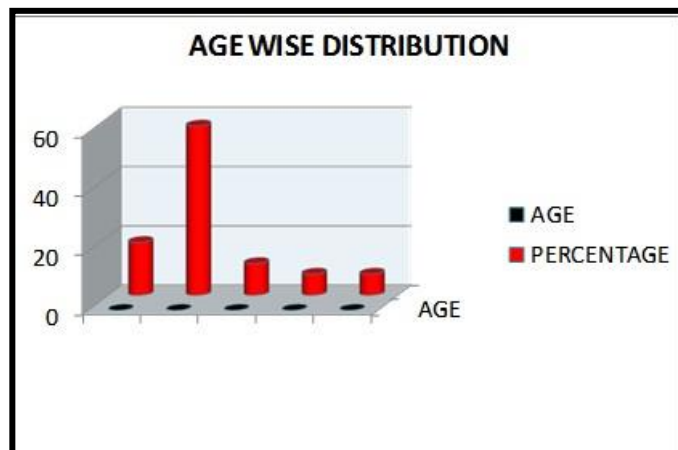
Table 7.1.1

Respondents. n=28

<i>Age (in Years)</i>	<i>Frequency</i>	<i>Percentage</i>
19-29	05	17.85
30-39	16	57.14
40-49	03	10.71
50-59	02	7.15
60 and above	02	7.15
Total	28	100.00

¹¹² Source, 'Lucknow Jail- Women Cell P.S Gosainganj, Lucknow, 'Through Advocate Sanjay Kumar Bharti, Jail Visitor, Lucknow Jail and one personal visit

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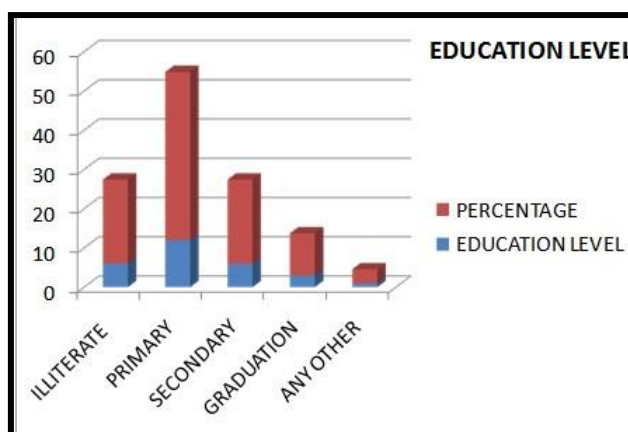


7.1.2 Education

Table 7.1.2

Respondents. n=28

<i>Level of Education</i>	<i>Frequency</i>	<i>Percentage</i>
Illiterate	06	21.42
Primary	12	42.85
Secondary	06	21.42
Graduate	03	10.73
Any Other	01	3.58
Total	28	100.00



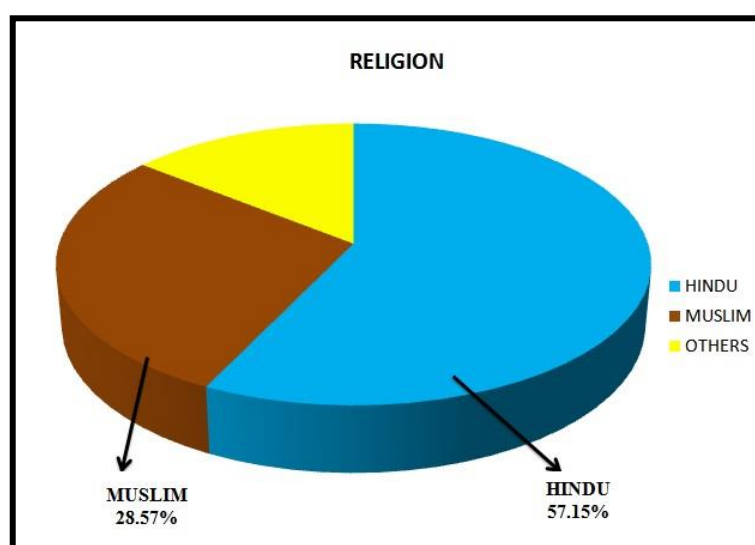
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7.1.3 Religion

Table 7.1.3

Respondents. n=28

<i>Religion</i>	<i>Frequency</i>	<i>Percentage</i>
Hindu	16	57.15
Muslim	08	28.57
Others	04	14.28
Total	28	100.00



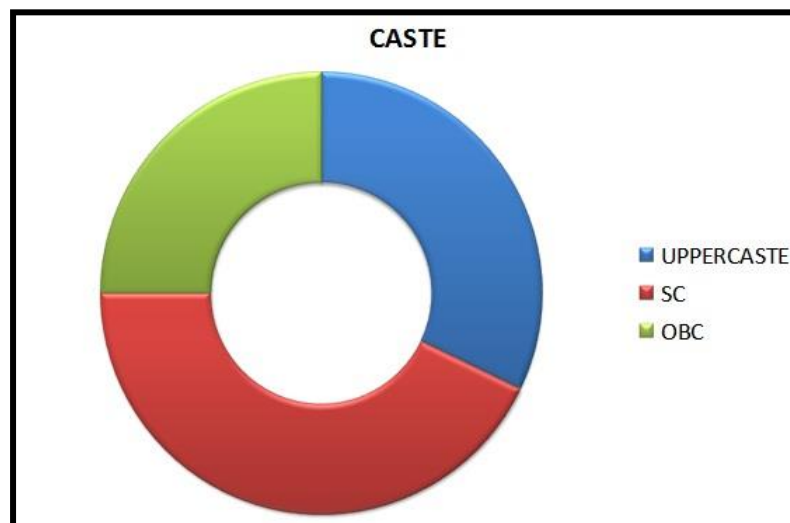
7.1.4 Caste

Table 7.1.4

Respondents. n=28

<i>Caste</i>	<i>Frequency</i>	<i>Percentage</i>
Upper Caste	09	32.15
SC	12	42.85
OBC	07	25.00
Total	28	100.00

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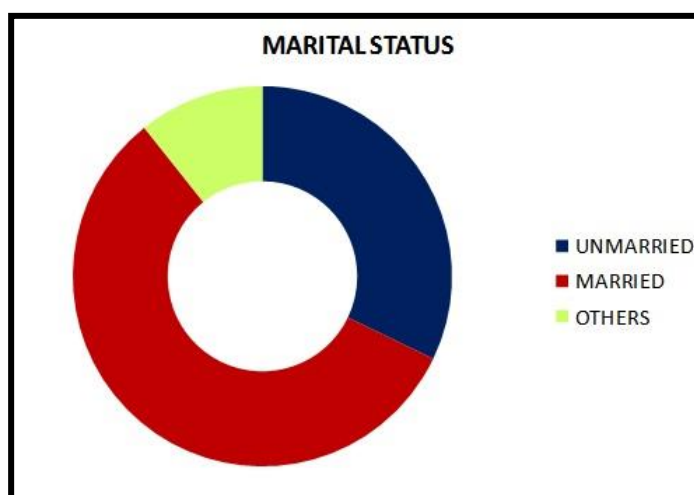


7.1.5 Marital Status

Table 7.1.5

Respondents. n=28

<i>Marital Status</i>	<i>Frequency</i>	<i>Percentage</i>
Unmarried	09	32.14
Married	16	57.14
Others	03	10.72
Total	28	100.00



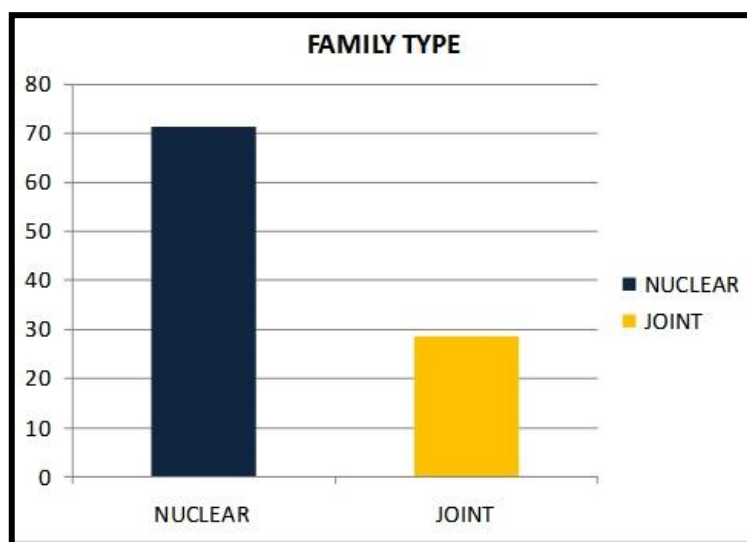
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7.1.6 Family Type

Table 7.1.6

Respondents. n=28

<i>Type of family</i>	<i>Frequency</i>	<i>Percentage</i>
Nuclear	20	71.43
Joint	08	28.57
Total	28	100.00



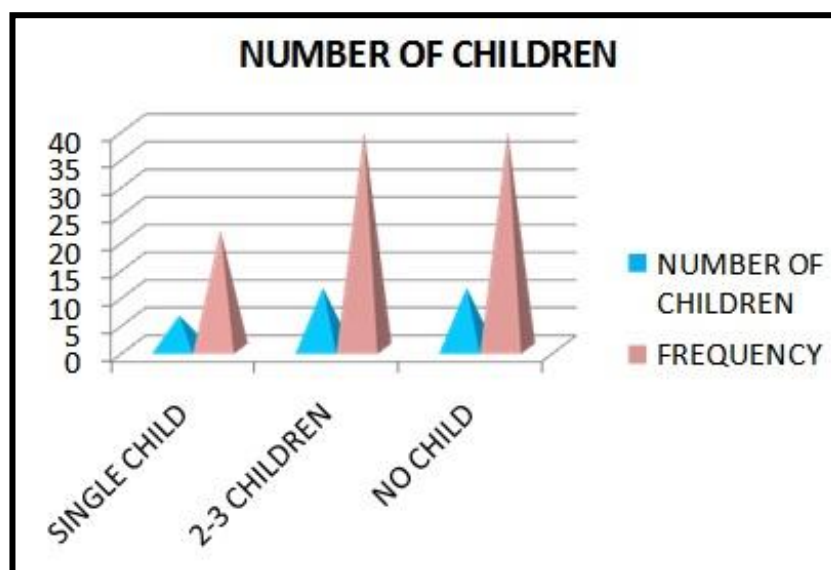
7.1.7 Number of Children

Table 7.1.7

Respondents. n=28

<i>Number of Children</i>	<i>Frequency</i>	<i>Percentage</i>
Single child	06	21.42
Two –three children	11	39.29
No child	11	39.29
Total	28	100.00

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7.2 NATURE AND CAUSES OF CRIME

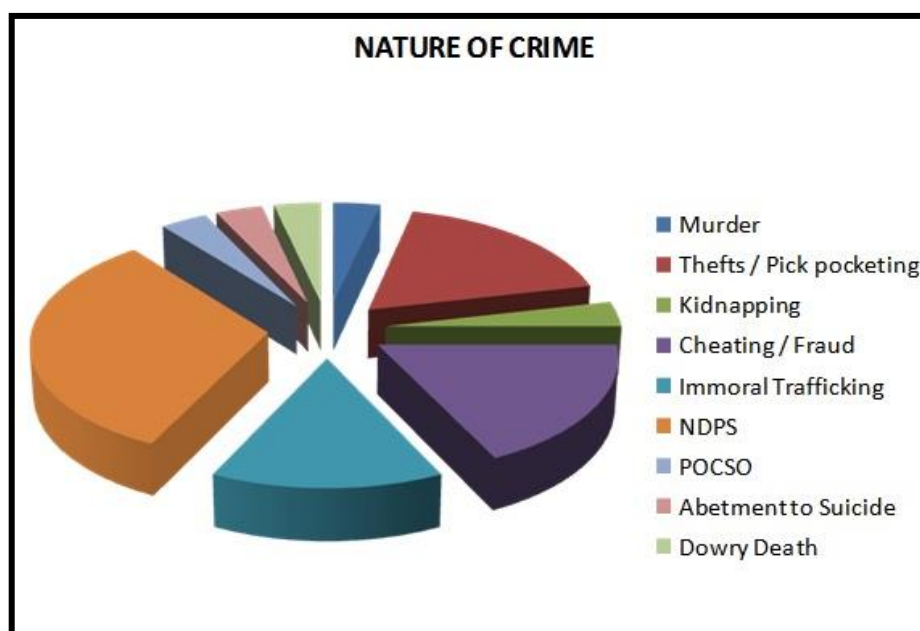
7.2.1 Major Crimes-

Table 7.2.1

Respondents. n=28

<i>Crime</i>	<i>Frequency</i>	<i>Percentage</i>
Murder	01	3.57
Thefts / Pick pocketing	05	17.86
Kidnapping	01	3.57
Cheating / Fraud	05	17.86
Immoral Trafficking	04	14.28
NDPS Act	09	32.15
POCSO Act	01	3.57
Abetment to Suicide	01	3.57
Dowry Death	01	3.57
Total	28	100.00

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Data Interpretation and Analysis of Major Crime-

Drug trafficking (NDPS), Immoral trafficking, Cheating and fraud, theft and pick pocketing are the major prominent crime activities in which females are involved.

NDPS is maximum with 33 percent and occupies the first place while, immoral trafficking is 14 percent approximately while theft /pick pocketing and cheating and fraud occupy 18 percent each respectively.

Considering the total female crime picture, the above mentioned prominent crimes cover majority of the pictures. This means that in these three activities, women are getting involved to the maximum.

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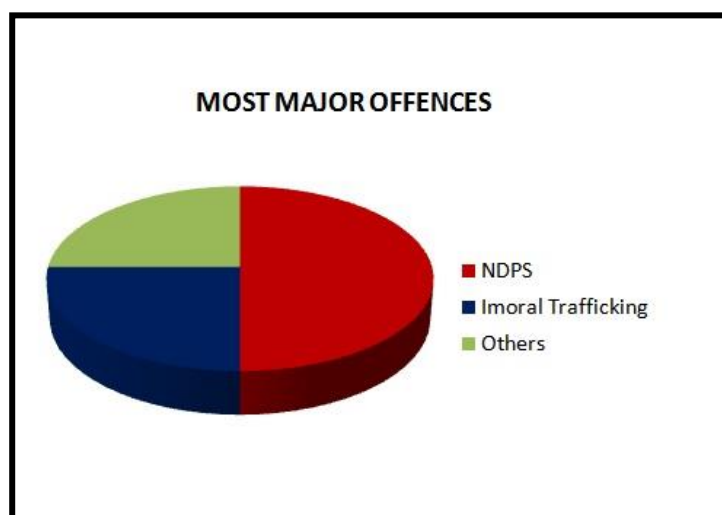
The other crimes like kidnapping, murder, abetment to suicide, dowry etc have comparatively with little share in the crime picture. Female are usually trained to be passive, domesticated and non-violent most of the time. Hence these women thus shrink from violence and do not possess the necessary technical ability or strength to engage in crimes of violence, armed robberies, gang fight etc. So it is observed that different expectation of standard behavior appeared to be important in the genesis of women’s crime. For statistical purpose, the crimes committed by under trials are classified into three broad categories, based on the nature of offences. Hence, NDPS act immoral trafficking, frauds, thefts and cheating come in this category of offences as per the report of women under trials placed in Lucknow jail.

7.2.2 Most Major Offences

Table 7.2.2

Respondents. n=28

<i>Other offences</i>	<i>Frequency</i>	<i>Percentage</i>
NDPS	14	50
Immoral Trafficking	07	25
Others	07	25
Total	28	100



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Data Interpretation and Analysis- Out of the total respondents in the present study most of them were involved in offences particularly theft and pick-pocketing, cheating and fraud (more impersonation in sale deed frauds as per the report) which constitutes major proportion out of the total crime

In other offences NDPS and Immoral Trafficking account for maximum by women even if we segregate the crime in other offences apart from against property and person like against Husband's, their family members, neighbours or extortion mainly in property related crimes with some percentage of female's who eye on various property of family or Husband and in connivance with others commit crime particularly conspiracy.

The reasons for such crimes in case of women can be assigned to the conventional roles they are expected to play. A woman normally manages household affairs and therefore, the possibility of getting tempted into the crimes against property and other offences is due to the low economic means sometimes also and availability of big purse, which they do without being easily caught. This has also happened in white collar especially embezzlement in organization. **Cyber frauds among frauds as a crime are on the upsurge these days by females in particular.**

Again going by the previous analysis domestic servants are also house wives and hence, they observe things, articles in their day to day life, temptation plays its role and they get involved in criminal activity of stealing.

The third category of offences against person is generally abetment to suicide of husbands by house wives and females involved in the categorically mentioning of the

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involvement in killing daughter in law for want of dowry which is instigated, participated mostly by women. In body offences murder and kidnapping is on an increasing rate with involvement up to instigation and conspiracy.

7.2.3 Nature of Involvement

Table 7.2.3

Respondents. n=28

<i>Nature of Involvement</i>	<i>Frequency</i>	<i>Percentage</i>
Offences Committed Alone	12	42.85
In Associations with Others	16	57.15
Total	28	100.00

Analysis- The above indicates that nearly half of the respondents committed crime without taking anybody's help. And majority of the crimes with the help of others. This data shows the nature of criminal act of the respondents.

7.2.4 Nature of Criminality

Table 7.2.4

Respondents. n=28

<i>Nature of Criminality</i>	<i>Frequency</i>	<i>Percentage</i>
First time Offender	16	57.14
Occasional	02	7.14
Recidivism	10	35.72
Total	28	100.00

Analysis- Only few respondents were occasional while first time offenders are more in commitment of crime which can be an act of pressure of situation. Recidivism holds second place in hence needs no explanation.

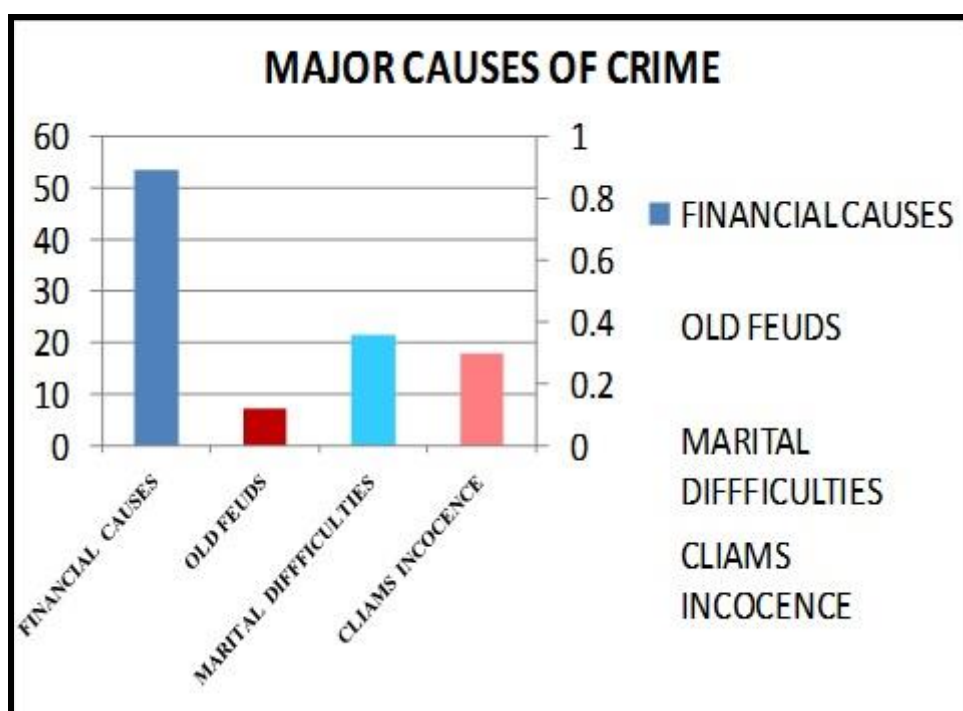
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7.2.5 Major Causes of Crime

Table 7.2.5

Respondents. n=28

<i>Major Causes of Crime</i>	<i>Frequency</i>	<i>Percentage</i>
Financial Causes	15	53.57
Old Feuds/Disputes	02	7.14
Marital Difficulties	06	21.43
Claims Innocence	05	17.86
Total	28	100.00



Analysis- The crimes have been classified into four groups on the basis of their motives: economic, sexual, and political and vengeance. But it cannot be maintained that all crimes are committed only with one motive. The table above shows the

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responses of the respondent regarding the motivation to commit crime. It is observed that, in case of majority of the respondents, financial cause is the major motivating factor. In connection with the analysis there was curiosity to see whether there were any disparities in opinions particularly few claimed innocence. Some dealt with old feuds. This is slightly against the concept of recidivism or even first time offenders which was high. It is noted that among all the factors motivating the respondent to criminality, the economic factors are prominent.

Society tends to view the problem of female criminality with greater concern and anxiety. This problem has been created because of the rapid transformation of a traditional society to modernity. Today, there are discrepancies between the cultural goals and the institutional means prescribed by the social structure to achieve them.

The gap between the two creates frustration and aggression amongst the individuals, which leads to deviant behavior as in our case have been the females. In the study of female offenders the starting point for discussions which we looked into was situational and environmental variables compelling women to commit crime.

The leading cause of female crime has been financial or economic but maladjustment, role conflict, social and personal disorganization, opportunity, materialistic attitude have also played a pivotal role in the committing of female offences.

The pattern of crime can be finally seen with the type of arrests in NDPS, immoral trafficking, cheating, impersonation, theft followed by abetment and conspiracy in murder and kidnapping.

7.3 RESPONDENTS' ATTITUDES AND FEELINGS TOWARDS OFFENCE, PRISON AND SOCIETY

Prologue

Today, female share in crime has increased considerably. Poverty, strains of urban life, lack of adequate amenities, is some of the earliest factors to have been identified as having a bearing on female crime and delinquency. Low economic level among female or male offenders is neither a surprise nor improbable in a country like India. On the other hand, family is considered as the most important factor contributing to criminal behavior in the life of female criminals. Family structure, maladjustments, shortage of money and other issues as discussed earlier lead to stresses and strains. Therefore we have tried to study a small part of attitudes and feelings of the respondents towards offence, prison and society through the analytical information provided to me.

7.3.1 Feelings about the Offence

If you look at the data in the above analysis majority of them neither felt it right as if it had not spoilt their life nor did they feel guilty. One third of the respondent have expressed the view that they have done wrong while a major chunk of first time offender and habitual offender felt the crime to be right. They felt that there was no other way to survive.

Nearly half of the respondents in major crimes felt that they had not done any offence mostly because as a fair means far existence it was not possible other than the option to get what you want without bothering about the means.

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7.3.2 Response to Arrest and Custody

Out of the total sample and data available, almost 75 percent of the respondents felt that decision about their arrest and custody was unjustified. They should be released on probation/parole and allowed to live in their homes, because arrest and custody affects their family life. It is true that, the imprisonment of a woman is dysfunctional to her family and particularly to her children in the sense that the family has to face a dual crisis. The crisis of the absence of a member due to imprisonment and on the other hand, the social stigma of the family due to its member's criminality, both causes her family to suffer social and psychological deprivation. But society demands changes in the way of maintaining social orders. Prisons are concerned simply with holding prisoners while they wait for trial under judicial custody.

7.3.3 Feelings towards Prison Custody

Imprisonment cannot be pleasing to anyone. The respondents stay in prison and her perceptions, concerning that experience were an essential part of the study. Majority of the respondents stated that, it is forced separation from their family. Few also felt it was a rejection by society or a restriction on their freedom or felt that they had lost their livelihood. However, forced separation from family was the overwhelming factor. This gives an insight into respondent's psychological and emotional background and also shows the attachment of respondents towards their family.

7.3.4 Attitudes towards Prison Authorities

In the present study an attempt was made to observe the attitude of the respondent towards prison authorities viz; jailor, mahila rakshak, mahila hawaldar and incharge of Nari Bandi Niketan. There is no direct contact between the respondents and superintendent. 1/3rd of the respondents had cordial relations with the prison

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authorities whereas few were reluctant. They express their opinion that prison authorities should behave properly and humanely. Almost half of them were found to be indifferent.

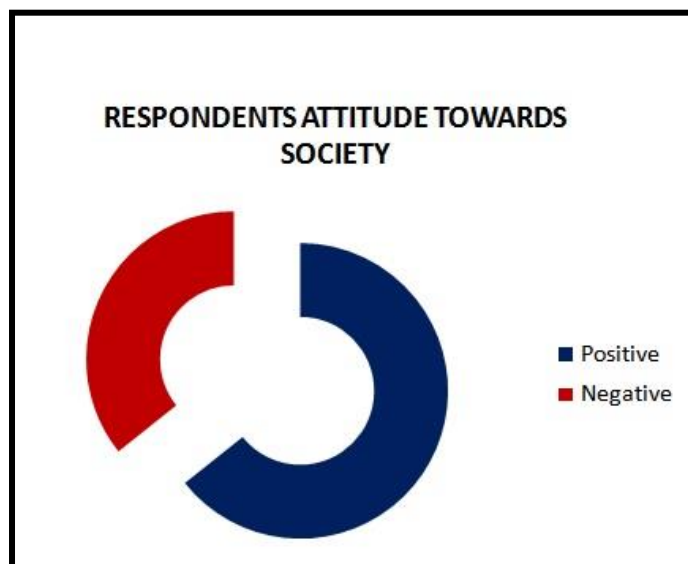
Among 28 respondents who did respond among maximum contacted, more than 85% felt that they did not find any difference in treatment by prison authorities while a small chunk replied negatively. According to these respondents felt that money can purchase everything. From their point of view, prison authorities paid more attention to those prisoners who are willing to pay for more facilities.

7.3.5 Respondent's Attitudes towards Society / outside World

Table 7.3.5

Respondents. n=28

<i>Attitudes</i>	<i>Frequency</i>	<i>Percentage</i>
Positive	18	64.29
Negative	10	35.71
Total	28	100.00



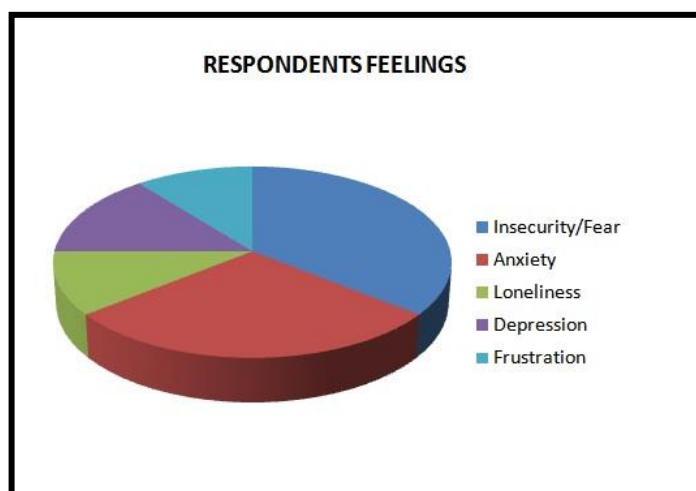
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Analysis- Although the majority had positive attitude but very close to them had negative attitude. The cause which they answered was the society’s criticism of their offences and rejection. It is observed that they had lost faith in everyone and described the people in the society as **bad and cruel**.

7.3.6 Respondent’s Feelings

Table 7.3.6 Respondents. n=28

<i>Respondent’s Feelings</i>	<i>Frequency</i>	<i>Percentage</i>
Insecurity/ Fears	10	35.71
Anxiety	08	28.57
Loneliness	03	10.72
Depression	04	14.28
Frustration	03	10.72
Total	28	100.00



Analysis- Undertrial female criminals continue to suffer from emotional disturbances. Emotional instability is a uniform feature seen in the prisoners. The result indicates that insecurity, fears and anxiety are highly significant in criminals.

CHAPTER VIII
PRIMARY STUDY
DATA ANALYSIS OF LAWYERS, JURIST,
POLICE & GOVERNMENT COUNSEL

Criminal Justice System- Data Analysis of, Lawyers, Jurists, Government Counsel, and Police will be done on the basis of demographic, general crimes, hard core crimes, agreement scale and male victimization.

8.1 DEMOGRAPHIC PROFILE OF LAWYERS

8.1.1 Age of the Respondents

Table no. 8.1.1

Respondents. n=30

<i>Age</i>	<i>Frequency</i>	<i>Percentage</i>
21-34	02	6.67
35-45	12	40
46-59	15	50
60 and above	01	3.33
Total	30	100.00

8.1.2 Gender of the Respondents

Table no. 8.1.2

Respondents. n=30

<i>Gender</i>	<i>Frequency</i>	<i>Percentage</i>
Male	25	83.33
Female	05	16.67
Total	30	100.00

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8.1.3 Experience of the Respondents

Table no. 8.1.3

Respondents. n=30

<i>Experience in years</i>	<i>Frequency</i>	<i>Percentage</i>
10-20	14	46.67
20-30	15	50
30-40	01	3.33
Total	30	100.00

8.1.4 Educational Qualification of the Respondents

Table no. 8.1.4

Respondents. n=30

<i>Educational Qualification</i>	<i>Frequency</i>	<i>Percentage</i>
Graduate	26	86.67
Post-Graduate	03	10
Any Other	01	3.33
Total	30	100.00

8.2 ANALYSIS OF DATA

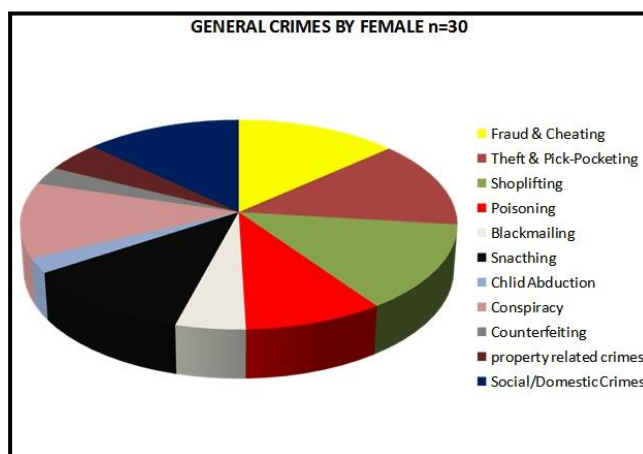
8.2.1 Awareness on General Crimes by Female

Table no. 8.2.1

Respondents. n=30

<i>General crimes by female</i>	<i>Frequency</i>
Fraud & Cheating	29
Theft & Pick-Pocketing	29
Shop Lifting	29
Poisoning and Intoxicating	20
Blackmailing	10
Snatching	25
Child Abduction	05
Conspiracy	25
Counterfeiting	06
Property related Crimes	10
Social / Domestic Crimes	28

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Analysis - It is apparently observed that the Lawyers are in consensus in most of the general crimes with 29 of them have mostly reported to have experienced female criminality with 10 of them who have responded for blackmailing and property related crimes and to utmost surprise 6 senior lawyers have seen females indulging in **counterfeiting** of Government papers along with male counter parts.

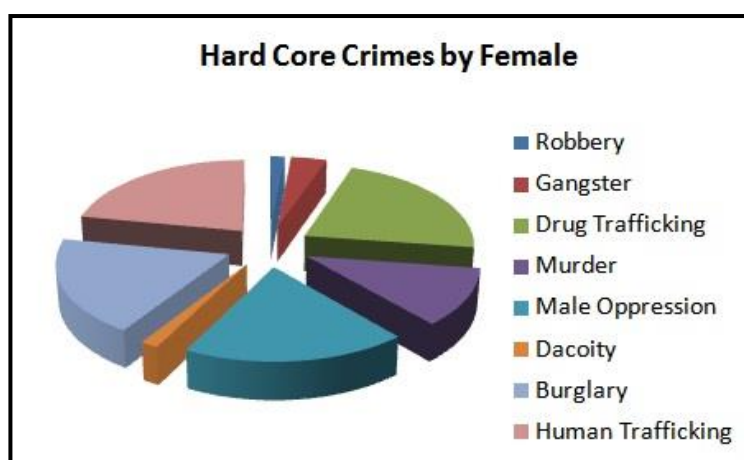
8.2.2 Awareness on Hard Core Crimes by Female

Table no. 8.2.2

Respondents. n=30

<i>Hard Core Crimes</i>	<i>Frequency</i>
Robbery	02
Gangster	05
Drug Trafficking (NDPS)	29
Murder	15
Male Oppression & Victimization	25
Dacoity	02
Burglary	25
Human Trafficking	29

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Analysis - In hard core crimes majority of the females are involved in NDPS Act and Immoral Traffic Prevention Act. In male oppression and victimization 25 lawyers have responded positive with house wives or other females in relationship falsely implicate males/ husband with fake charges particularly in Section 498A¹¹³ of IPC, Section of ¾¹¹⁴ of DP Act, and Section 376¹¹⁵ of IPC by misusing these provisions. In dacoity, robbery and gangster females generally tend to involve with male counterparts which has also been reported by lawyers although they are few of them.

8.2.3 Aspirational Career of Females

Table no. 8.2.3 Respondents. n=30

<i>Aspirational Career of Females</i>	<i>Frequency</i>	<i>Percentage</i>
Good	11	36.67
Bad	18	60.00
Can't say	01	3.33
Total	30	100.00

¹¹³ Husband or relative of husband of a women subjecting her to cruelty

¹¹⁴ Section 3- Penalty for giving and taking dowry & Section 4- Penalty for demanding dowry

¹¹⁵ Punishment for rape

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Analysis- The respondents who have said is because of they believe it leads to domestic violence improper family life and children are sufferer and mostly leads to separation.

Those 11 respondents who said goods generally feel that due to inflation and high cost of living these days both the couple should work. So aspiration by and large is not very decisive.

According to few lawyers when both are well educated ego clash and competitiveness increases leading to matrimonial disputes, communication gap and criminal cases in some situation enhance.

8.2.4 Opinion on kind of Male Victimization

Table no. 8.2.4

Respondents. n=30

<i>Opinion on kind of Male Victimization</i>	<i>Frequency</i>
False Cases on Dowry related matters	28
False Cases on Property related matters	18
False Cases on Domestic Violence related matters	29
False Cases on Cruelty and Sexual Harassment related matters	29
False Cases on POCSO	11
Can't Say	01

Analysis- The respondents generally believe that males are victimized using which females do on false grounds particularly most of them agree that the domestic violence, dowry related, cruelty and sexual harassment with 498A and fake cases including juvenile.

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8.2.5 Agreement and Disagreement of Respondents- Attributes scale

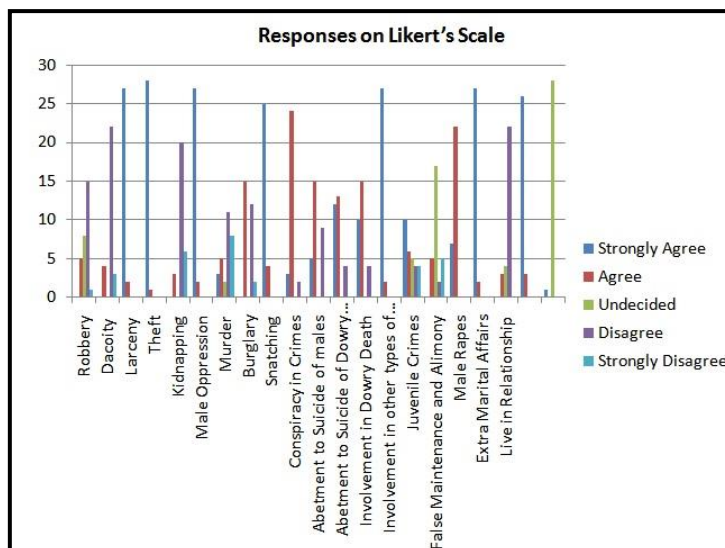
Table no. 8.2.5

Respondents. n=30

ATTRIBUTES OF CRIME	1 Strongly Agree	2 Agree	3 Undecided	4 Disagree	5 Strongly Disagree
Robbery		05	8	15	01
Dacoity		04		22	03
Larceny	27	02			
Theft	28	01			
Kidnapping		03		20	06
Male Oppression	27	02			
Murder	03	05	02	11	08
Burglary		15		12	02
Snatching	25	04			
Conspiracy in Crimes	03	24		02	
Abetment to Suicide of Males	05	15		09	
Abetment to Suicide of Dowry Death	12	13		04	
Involvement in Dowry Deaths	10	15		04	
Involvement in other types of family Crimes	27	02			
Juvenile Crime	10	06	05	04	04
Marital Rape		05	17	02	05
Property related Crimes	07	22			
False Maintenance and Alimony	27	02			
Male Rapes		03	04	22	
Extra Marital Affairs	26	03			
Live in Relationship	01		28		

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**Self explanatory Chart of Agreement and Disagreement on the basis of Rensis
Likert's Scale**



8.2.6 Analysis on Laws in support of Male to prevent their Victimization. n=30

<i>Respondents who agree for the Laws</i>	<i>Frequency</i>
Yes	22
Not Required	07

Analysis- 22 respondents feel there should be a Men's commission and protection should be given separately to males on false victimization *through legislation*.

8.3 DEMOGRAPHIC PROFILE OF JURISTS

8.3.1 Age of the Respondents

Table no. 8.3.1

Respondents. n=07

<i>Age</i>	<i>Frequency</i>
21-34	01
35-45	03
46-59	03
Total	07

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8.3.2 Gender of the Respondents

Table no. 8.3.2 Respondents. n=07

<i>Gender</i>	<i>Frequency</i>
Male	03
Female	04
Total	07

8.3.3 Experience of the Respondents

Table no. 8.3.3 Respondents. n=07

<i>Experience in years</i>	<i>Frequency</i>
Less than 10	01
10-20	03
20-30	03
Total	07

8.3.4 Educational Qualification of the Respondents

Table no. 8.3.4 Respondents. n=07

<i>Educational Qualification</i>	<i>Frequency</i>
Graduate	05
Post-Graduate	02
Total	07

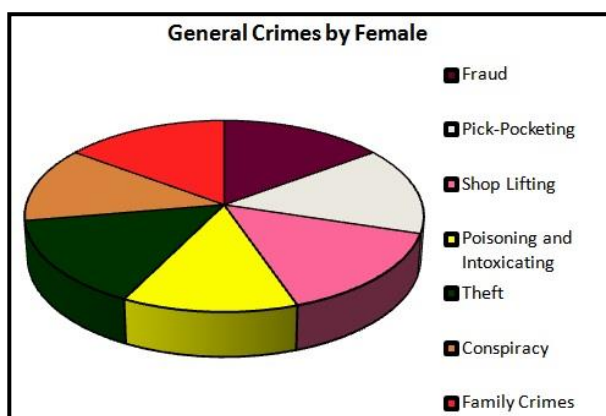
8.4 ANALYSIS OF DATA

8.4.1 Awareness on General Crimes by Female

Table no. 8.4.1 Respondents. n=07

<i>General crimes by female</i>	<i>Frequency</i>
Fraud	07
Pick-Pocketing	07
Shop Lifting	07
Poisoning and Intoxicating	06
Theft	07
Conspiracy	06
Family Crimes	07

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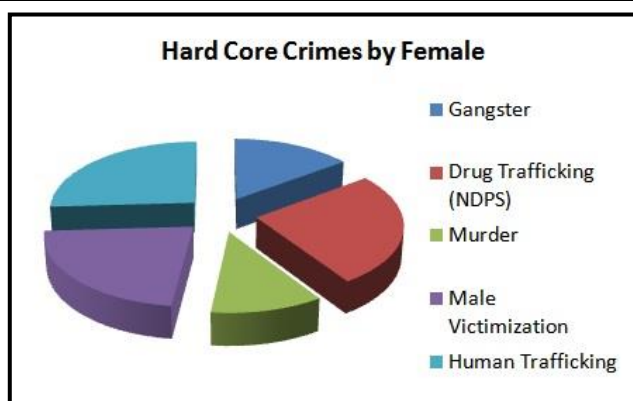
Analysis- Mostly all of the jurists have opined that the females are growing in criminal acts of fraud and cheating, shop lifting, poisoning and intoxicating, conspiracy in bigger crimes and family oriented crimes.

8.4.2 Awareness on Hard Core Crimes by Female

Table no. 8.4.2

Respondents. n=07

<i>Hard Core Crimes</i>	<i>Frequency</i>
Gangster	04
Drug Trafficking (NDPS)	07
Murder	03
Male Victimization	06
Human Trafficking	07



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Analysis- Out of the 7 respondents NDPS and human trafficking have been agreed by all in the female criminality. 6 have very closely responded to male victimization which goes unreported according to them.

8.4.3 Opinion on kind of Male Victimization

Table no. 8.4.3

Respondents. n=07

<i>Opinion on kind of Male Victimization</i>	<i>Frequency</i>
False Cases on Dowry related matters	06
False Cases on Domestic Violence related matters	07
False Cases on Cruelty and Sexual Harassment related matters	06

8.5 DEMOGRAPHIC PROFILE OF POLICE

8.5.1 Age of the Respondents

Table no. 8.5.1

Respondents. n=10

<i>Age</i>	<i>Frequency</i>
21-34	02
35-45	01
46-59	06
60+	01
Total	10

8.5.2 Experience of the Respondents

Table no. 8.5.2

Respondents. n=10

<i>Experience in years</i>	<i>Frequency</i>
Less than 10	02
10-20	01
20-30	06
40+	01
Total	10

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8.5.3 Educational Qualification of the Respondents

Table no. 8.5.3 Respondents. n=10

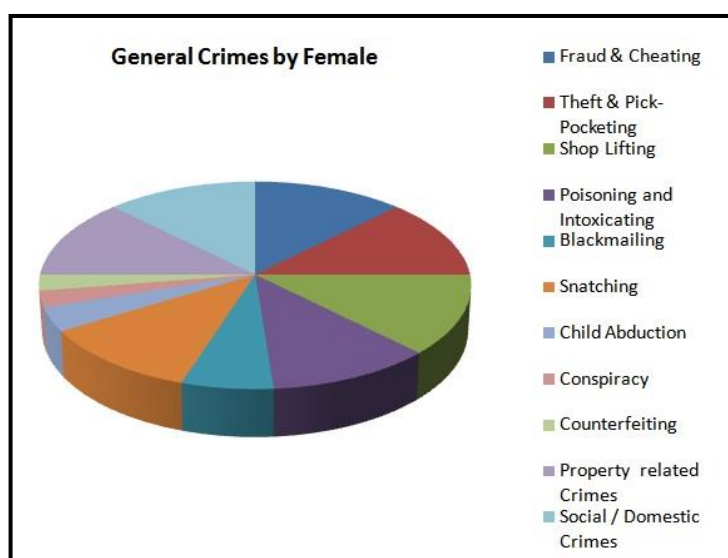
<i>Educational Qualification</i>	<i>Frequency</i>
Graduate	08
Post-Graduate	02
Total	10

8.6 ANALYSIS OF DATA

8.6.1 Awareness on General Crimes by Female

Table no. 8.6.1 Respondents. n=10

<i>General crimes by female</i>	<i>Frequency</i>
Fraud & Cheating	10
Theft & Pick-Pocketing	10
Shop Lifting	10
Poisoning and Intoxicating	09
Blackmailing	05
Snatching	09
Child Abduction	03
Conspiracy	02
Counterfeiting	02
Property related Crimes	10
Social / Domestic Crimes	10



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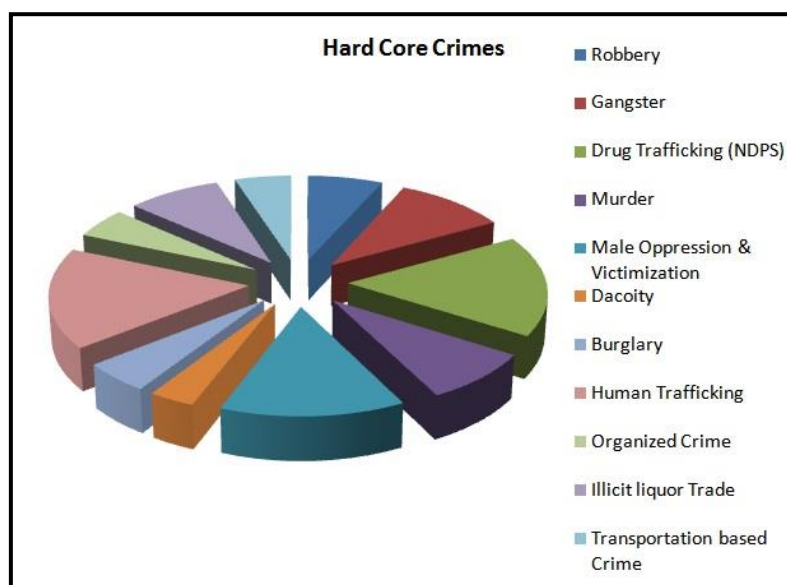
Analysis -Fraud & Cheating, Theft & Pick-Pocketing, Shop Lifting, Poisoning and Intoxicating, Property related crimes and Social/domestic crime is the response of Majority.

8.6.2 Awareness on Hard Core Crimes by Female

Table no. 8.6.2

Respondents. n=10

<i>Hard Core Crimes</i>	<i>Frequency</i>
Robbery	04
Gangster	06
Drug Trafficking (NDPS)	10
Murder	05
Male Oppression & Victimization	08
Dacoity	02
Burglary	03
Human Trafficking	10
Organized Crime	03
Illicit liquor Trade	05
Transportation based Crime	03



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Analysis- Majority of the respondents have opted for NDPS, human trafficking and male victimization in the category of hard core crimes. Male victimization is hard core crime because of the fake and false criminal cases which are made by police on the coercion of female offenders and even ask to add additional cognizable offences.

8.6.3 Agreement and Disagreement of Respondents- Attributes scale

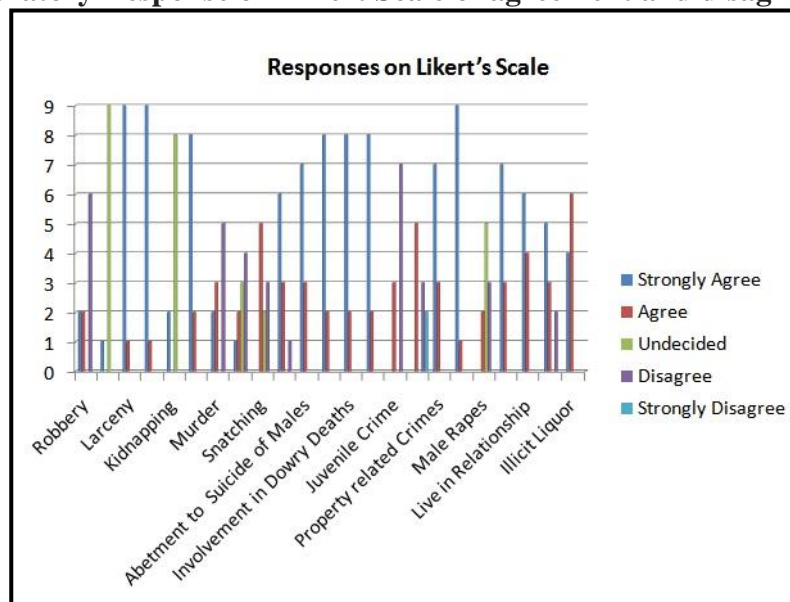
Table no. 8.6.3

Respondents. n=10

ATTRIBUTES OF CRIME	1 Strongly Agree	2 Agree	3 Undecided	4 Disagree	5 Strongly Disagree
Robbery	02	02		06	
Dacoity	01		09		
Larceny	09	01			
Theft	09	01			
Kidnapping	02		08		
Male Oppression	08	02			
Murder	02	03		05	
Burglary	01	02	03	04	
Snatching		05	02	03	
Conspiracy in Crimes	06	03		01	
Abetment to Suicide of Males	07	03			
Abetment to Suicide of Dowry Death	08	02			
Involvement in Dowry Deaths	08	02			
Involvement in other types of family Crimes	08	02			
Juvenile Crime		03		07	
Marital Rape		05		03	02
Property related Crimes	07	03			
False Maintenance and Alimony	09	01			
Male Rapes		02	05	03	
Extra Marital Affairs	07	03			
Live in Relationship	06	04			
Organized Crime	05	03		02	
Illicit Liquor	04	06			

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Self Explanatory Response on Likert Scale of agreement and disagreement.



8.6.4 Analysis on Laws in support of Male to prevent their Victimization. n=10

<i>Respondents who agree for the Laws</i>	<i>Frequency</i>
Yes	08
Not Required	02

Analysis – 08 respondents feel there should be a Men’s commission and protection should be given separately to males on false victimization through proper laws.

8.7 DEMOGRAPHIC PROFILE OF GOVERNMENT COUNSEL

8.7.1 Age of the Respondents

Table no. 8.7.1 Respondents. n=05

<i>Age</i>	<i>Frequency</i>
21-34	01
35-45	01
46-59	03
Total	05

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8.7.2 Gender of the Respondents

Table no. 8.7.2

Respondents. n=05

<i>Gender</i>	<i>Frequency</i>
Male	04
Female	01
Total	05

8.7.3 Experience of the Respondents

Table no. 8.7.3

Respondents. n=05

<i>Experience in years</i>	<i>Frequency</i>
Less than 10	01
10-20	01
20-30	03
Total	05

8.8 ANALYSIS OF DATA

8.8.1 Awareness on General Crimes by Female

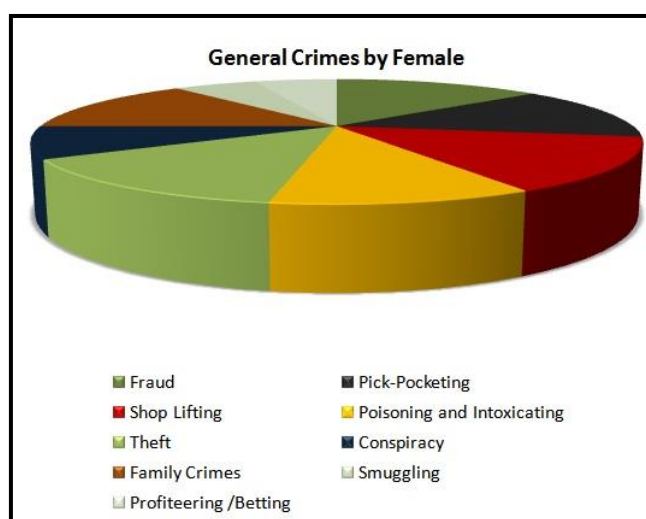
Table no. 8.8.1

Respondents. n=05

<i>General crimes by female</i>	<i>Frequency</i>
Fraud	05
Pick-Pocketing	05
Shop Lifting	05
Poisoning and Intoxicating	04
Theft	05
Conspiracy	03
Family Crimes	05
Smuggling	02
Profiteering /Betting	02

Analysis- Majority of the respondents have responded on fraud, pick-pocketing, shop lifting, theft and family crimes. But two of them have responded on smuggling and profiteering / betting.

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8.8.2 Awareness on Hard Core Crimes by Female

Table no. 8.8.2

Respondents. n=05

<i>Hard Core Crimes</i>	<i>Frequency</i>
Gangster	03
Drug Trafficking (NDPS)	05
Murder	03
Male Victimization	04
Human Trafficking	05

Analysis- Out of the 5 respondents NDPS and human trafficking have been agreed by all. .4 respondents on male victimization which goes unreported.

8.8.3 Opinion on kind of Male Victimization

Table no. 8.8.3

Respondents. n=05

<i>Opinion on kind of Male Victimization</i>	<i>Frequency</i>
False Cases on Dowry related matters	04
False Cases on Domestic Violence related matters	05
False Cases on Cruelty and Sexual Harassment related matters	05

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Analysis- The respondents have agreed on three issues regarding male victimization particularly on false cases of domestic violence and cruelty.

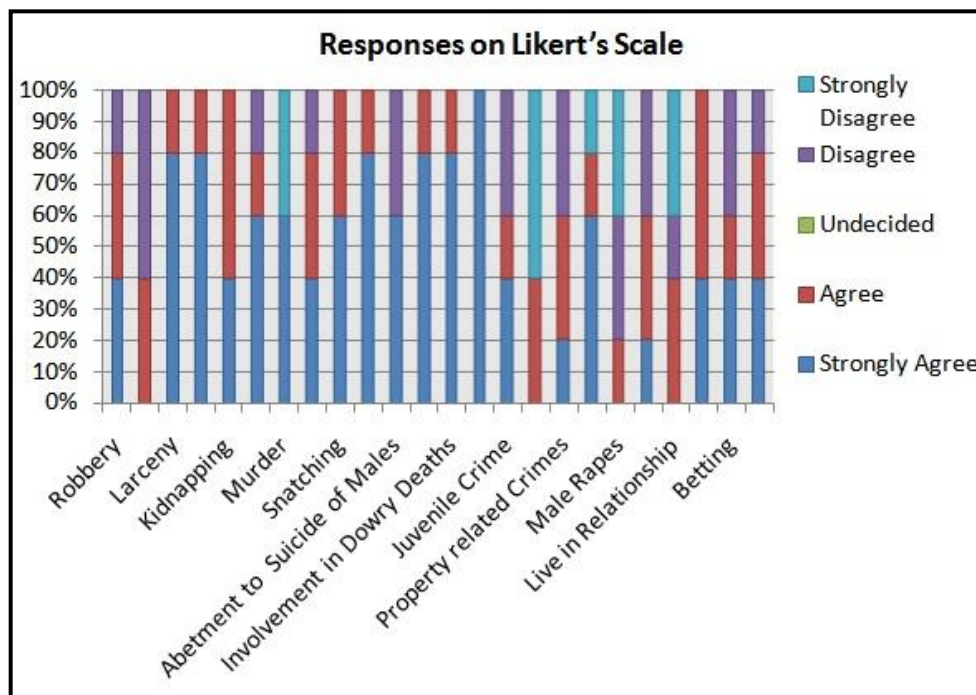
8.8.4 Agreement and Disagreement of Respondents- Attributes scale

Table no. 8.8.4

Respondents. n=05

ATTRIBUTES OF CRIME	1 Strongly Agree	2 Agree	3 Undecided	4 Disagree	5 Strongly Disagree
Robbery	02	02		01	
Dacoity		02		03	
Larceny	04	01			
Theft	04	01			
Kidnapping	02	03			
Male Oppression	03	01		01	
Murder	03				02
Burglary	02	02		01	
Snatching	03	02			
Conspiracy in Crimes	04	01			
Abetment to Suicide of Males	03			02	
Abetment to Suicide of Dowry Death	04	01			
Involvement in Dowry Deaths	04	01			
Involvement in other types of family Crimes	05				
Juvenile Crime	02	01		02	
Marital Rape		02			03
Property related Crimes	01	02		02	
False Maintenance and Alimony	03	01			01
Male Rapes		01		02	02
Extra Marital Affairs	01	02		02	
Live in Relationship		02		01	02
Smuggling	02	03			
Betting	02	01		02	

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Conclusion: As per the Government Counsel also Family crimes hold a vital importance. Other than them, Larceny, theft, Fraud, Cheating etc hold string agreement.

Conspiracy in crimes by females holds a great deal of significance by the ADGC. Conspiracies in India by the females are of important connotation. Abetment to suicide cases in person offences and in regular harassment of males by females have been the key to agreement in the Likert scale too.

CHAPTER IX

9.1 CONCLUSION

There is a common perception that the criminal behavior of women and the delinquent behavior of girls are not serious problems. Women are more likely to commit minor offenses and have historically constituted a very small proportion of the offender population. But these facts mask a trend that is beginning to attract attention. Although female criminality has been theoretically stated as complicated, less understood and subject easy to control but issues are there like the anthropology, social structure, psychological framework, psychopaths, neuropathy, emotional distress, dysfunctional strains, labeling effect, economic effect, neighborhood, habit formation amongst others which have provided me the thrust to analyze the escalation of women offenders whether under trials, convicts including the case studies of high profile female offenders.

Female criminality is not limited to larceny and theft but has reached the extent of kidnapping, murder, attempt to murder, extortion, abduction, abetment, conspiracy in heinous crimes, Juvenile rapes, dacoity, robbery, burglary, theft, riots, counterfeiting, cheating, embezzlement etc. Another major dimension is Male Victimization by women involving them in fake and forged cases. **In India recognizably, the problems are predominantly economic-deep-stated poverty, destitution, high dependency ratio emotional disturbances and unemployment among others.**

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Female criminality is indeed a serious social problem; it may be considered a crucial problem because of its impact on family, upbringing of children and the overall fabric of society. **As women's role change and become more open to opportunities and tensions associated with the male-role, their criminal activities will be transformed in kind and degrees.**

Besides, family and domestic quarrels may also significantly affect the criminality of women. Social environment and deviance are highly relevant to the subject of criminality. It is obvious now that female criminals do not form an isolated group from the normal population.

Freda Adler in her book 'Sisters in Crime' has conceptualized that the liberation movement as the major cause of female delinquency. From various advantageous platforms many of them launch their careers in burglary, larceny, auto theft, forgery, counterfeiting, and embezzling. There were few activities, criminal which they initially did not embrace with avid interest and ample ability like murder, robbery, extortion, kidnapping initially but later on caught up with men and their deviancy.

We have enunciated deviant behaviour of female criminals as function of the social environment, the psychological schools, how they are labeled, disproportion between male and female criminality, collective conscience, differential association, the control factor, the role theory, the masculinity theory, among others. Sociologists, criminologists, and others have been discussed in detail in the perspectives of female criminality. Various case stories and judicial pronouncement have been focused in the main body of the report which includes major cases like Rajiv Gandhi Assassination case, Shabnam Ali Case, Renuka Shinde Case, and Sister Abhaya Case among others.

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It is imperative now to realize that the harassment can happen to anyone despite age, gender identity, religion, and attitude. Male Victimization is a long too time which society and Courts should take into consideration. Why are we only looking towards women being victimized, it is now we should look at men getting into harassment and many cases , women abet them to commit suicide as there is no law in support of men.

Domestic violence and Section 498A of IPC are such crude facts. When physical violence and threats against men by wife's relatives are taken into account, an estimated billion men in India are facing domestic violence in India. Unfortunately unreporting or no reporting is the menace. An earning spouse with education up to graduation was found to be the risk factor for bidirectional physical violence. Psychological violence against men happened when **women have serious anger management issues** and because of this they become aggressive, and a verbal or physical abuse takes place. **Women facing stress at workplace** have frustration and anger due to no fulfillment of expectations and thus also can indulge in violent behavior. Financial constraints due to husband's poor income and/or more income by wife may also be one of the factors leading to violence. Gender-based violence has been recognized as a global public health and human rights problem that leads to high rates of morbidity, mortality, depression, suicide, and posttraumatic stress disorder. India despite being a male dominant, have fear to mention that, today females are increasingly becoming perpetrators. **Off late Hon'ble Supreme Court has also held section 498 A of IPC as legal terrorism used as a weapon by females.**

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Conclusion on Primary Study of Women Prisoners- The primary study of women prisoners covers a variety of aspects related to female criminality. Causes include low socio economic status, stressful situations within the family caused by illiteracy, poverty, in female crime. Out of the total respondents in the present study most of them were involved in property offences particularly theft and pick-pocketing, cheating and fraud (more impersonation in sale deed frauds) which constitutes major proportion out of the total crime. In other offences NDPS and Immoral Trafficking account for maximum by women even if we segregate the crime in other offences apart from against property and person. In offences against person is generally abetment to suicide of husbands by house wives and females involved in the categorically mentioning of the involvement in killing daughter in law for want of dowry which is instigated, participated mostly by women. In body offences murder and kidnapping is on an increasing rate with involvement up to instigation and conspiracy.

Latest Case on a High Profile Thief as a part of my conclusion-

“A 45 year old woman has been committing thefts across India for more than a decade plus and the Mumbai Police somehow caught her in late 2020 in the wee hours after she had committed a big theft in one showroom in Lower Parel, Mumbai. She was on high from flight to city and city to flight particularly making her ways at the end of the day in Bengaluru. The woman offender by the name of Munmun Husain used to steal in the day time in high profile malls and then take a flight to Bengaluru in the evening. The female criminal was wanted for more than eleven years where in 2009 she was booked in three cases for stealing bags of customers at Zara and Lakme showroom. She was arrested by Hyderabad, Kolkata, Mumbai and Bengaluru Police

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earlier but later on she continued with her crime. Finally in 2019 she was arrested in Bengaluru on a complaint at Joshi Marg police Station, when Munmun looted and ran away with gold ornaments and cash worth Rs.15lacs. However, on being arrested she confessed her crime and has been convicted.”¹¹⁶ This is a true case in my conclusive remarks.

Conclusion on Primary Study of Criminal Justice System-

The Lawyers- It is apparently observed that the Lawyers are in consensus in most of the general crimes like fraud, cheating, theft, pick-pocketing, family crimes, snatching and poisoning and intoxicating have mostly reported to have experienced female criminality and few of them have responded for blackmailing and property related crimes and as well as in counterfeiting of Government papers along with male counter parts also.

In hard core crimes majority of the females are involved in NDPS Act and Immoral Traffic Prevention Act. In male oppression and victimization lawyers have also responded positive with house wives or other females in relationship falsely implicate males/ husband with fake charges particularly in Section 498A¹¹⁷ of IPC, Section of ¾¹¹⁸ of DP Act, and Section 376¹¹⁹ of IPC by misusing these provisions.

¹¹⁶<https://indianexpress.com/article/cities/mumbai/mumbai-crime-branch-arrests-woman-for-committing-thefts-7107773/> Dated 17 December 2020

¹¹⁷ Supra note 113 at page no 120

¹¹⁸ Supra note 114 at page no 120

¹¹⁹ Supra note 115 at page no 120

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The Jurists- In general crimes mostly all of the jurists have opined that the females are growing in criminal acts of fraud and cheating, shop lifting, poisoning and intoxicating, conspiracy in bigger crimes and family oriented crimes. In hard core crimes NDPS and human trafficking have been agreed by all jurists in the female criminality. The respondents have agreed on three issues regarding male victimization particularly on false cases of domestic violence and cruelty.

The Police- In general crimes majority of the respondents have responded for Fraud & Cheating, Theft & Pick-Pocketing, Shop Lifting, Poisoning and Intoxicating, Snatching, Property related crimes and Social/domestic crime. Majority of the respondents have responded for NDPS, human trafficking and male victimization are in the category of hard core crimes.

Male victimization is hard core crime because of the fake and false criminal cases are made by police by coercion of female offenders and even ask to add special and additional cognizable offences in their FIR and charge sheet. This is a verbatim from majority of police officers. Illicit liquor trading in rural areas and organized crimes like Cyber Frauds are another two important crimes reported by Police officers in addition to other hardcore crimes.

The Government Counsel-Majority of the respondents have reported on fraud, cyber crimes, pick-pocketing, shop lifting, theft and family crimes. But two of them have responded on smuggling and profiteering/ betting. NDPS and human trafficking have been agreed by all in the female criminality. However, male victimization goes underreported.

9.2 SUGGESTIONS

1. Increasing rate of crimes by female is dangerous for women itself and as well as its effect adversely to their family and society at large. To prevent this growing rate of crime by female we should triumph over at lower level like to prevent them committing shop-lifting, theft, larceny with two ways first is to rehabilitate them and second is by way of punishment because the lenient approach of punishment towards them creates confidence of escape easily and its results is the continuation of their criminal activity.

2. The law should not be gender prejudiced. It should deal a crime and criminal on an equal way. Crime and criminal has no gender so the level of leniency given to females either at the Police level or the Trial level should be eradicated.

3. The majority of women are involved in the drug trafficking. This is due to lack of rigid security or surveillance against them; this gives them to easily transport the drugs. Security lapses due to low numbers of females in the security sector leads to the reason to why females can't get scrutinized properly. Hence more females must be included in the security.

4. The immoral trafficking of female and child is not a new concept it's a very old concept in India and as well as in the whole world also. To prevent the immoral trafficking of females and child there should be proper law apart from Immoral Traffic (Prevention Act), 1956 and every state should make provision regarding immoral trafficking to prevent it at ground level make this offence as cognizable offence.

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5. Legislature should think and make a proper laws and governing bodies for preventing the harassment of male either in home, office and society. Because lack of unreporting or lack of seriousness towards male members regarding their issues is not good for them also and as well as not for the society also because these unreporting cases sources them depression, anxiety, anger and sometimes leads them to commit suicide also. So to prevent these situations we should think to make proper laws to deal with them.

6. There are various laws are available for the benefit and protection of the females, but there is no such provision for males. This inequality leads the crime causation for females by misusing these provisions by harassing the males and falsely implicating them.

7. There should be a proper support system by the police and lawyers and Court to deal with the problems of male members and provide them counseling whenever needed. A male is always a emotional victim because he never shares his problems to anyone and when it comes to suffering by female then this usually does not get ever acceptable by our society and also by our criminal justice system so as to rely on it because we live in a presumptive situation that harassment and victimization is only related to the females caused by male. This presumption is the major drawback of the system and cause of failure to provide justice to male victim.

8. There is an **urgent need of Mens' Commission** also exclusively for male members just like women commission where they can share their grief and problems without hesitation.

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9. Section 498 A of IPC is the primary method to use against the husband and his family for harassing them and this is even accepted by the Hon'ble High Courts and Hon'ble Supreme Court also as legal terrorism. This section should be abolished by the legislature in terms of prevention of misusing of this section so that many *families* would not get harassed by it. And this step also saves the time of investigation of the Police and Courts also.

10. FIR should not be written instantly just because complainant is female. FIR should be written down after proper and impartial investigation the police irrespective of the gender of the complainant particularly while dealing in the family matters.

11. There are many reasons of separation of a married couple but the aspirational career of female is leading one. When it comes to the aspirational career then they never think about the family, they only care about rise or escalation of their career, this is the time when the family ties starts to break up. Family is above all, and women is the preserver of the family so they should think about their priority and then take step towards the family life because breaking ties of couple does just not affect their life but also both the families.

12. Majority of the women commit or indulge in the crime because of economic causes which is due to unemployment , which is the major concern area at national level also. Population is also the reason of unemployment, so Government should create employment for all grades of people as per their education level and legislature now should on priority basis make uniform code on population and effective policy.

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13. Juvenile females are also involving in criminal activities which is a matter of great concern because it can destroy our whole generation and make them criminal. Hence, at family level and local laws must be developed to reduce as much as possible.

14. The concept of nuclear family should be taken up by local governments to seek the necessity of such family set up which just does not only affects the whole family in its perspective but also creates lead for causation of crimes like theft, robbery, larceny, burglary, juvenile crime even to some extent.

15. First and foremost action against female criminality can be done at the level of legislature by providing equal legal provisions for both male and female and make laws especially for the protection of the rights of male, and after that lenient approach should be strictly banned against the female offender because this is also one of major cause of increasing rate of female criminality.

16. Provision of maintenance under Section 125 of Crpc should be amended. Both in terms of when any female is well established and an earning female should not be allowed by Courts to appeal for maintenance under Section 125 Crpc.

17. The maintenance provision should also be made mandatory for males also when they are not able to maintain themselves and their counterparts are highly affluent to provide them basic livelihood.

18. There should be ban or prohibition on dowry by way of laws both in terms of gifts or any other means because it's create pressure on the low economic status o families and ruins their very existence. Anti dowry laws should be effectively implemented on

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the district and sub district level. Every marriage should be registered by the district and sub district level along with the no dowry certificate. This will not only help in lowering the rate of dowry cases but even the false allegations will be reduced. This step shall also give each and every parent to live free of stress life and they will have no botheration to make arrangements for dowry since the childhood of their respective child.

19. Education is the key and not literacy or certificates and degrees. Moral values and discussion on every future issue comprehensible must be made obligatory as education for families and children of every stage in their life.

20. White collar crimes such as embezzlement, tax evasion, money laundering, bank frauds, Cyber Crimes like hacking, phishing, money related transactions should be dealt very strictly adhered as an implementation policy by State and Central Government. India Incorporation needs most of implementation than laws to prevent or punish them. Females are highly involved in white collar particularly in conspiracy.

21. In every professional institution dealing in Law and its research there should be mediation centers under the Chairmanship of concerned head with a team of people involved in Criminal Justice System to prevent any mishappening like male suicides, harassment, sexual abuse and other illegal and immoral activities without gender bias. This can be an alternative to a commission or formal body for the assistance of males till the time it comes to proper existence. Restitution of Conjugal Rights, Section 9 in Hindu Marriage Act, 1955 is the only way a male can get some relief in legal sense to prevent arrest or stay in arrest from High Court. In other minority religions special sections apply.

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22. Parents should give enough time to their wards especially the sons and share with them day to day activities to build around them a congenial environment so that less juvenile cases and immoral acts for sons can be avoided. **Mothers counseling** is very essential for male members so that they come out of the iota of an imagery fact that ‘mard ko dard nahee hota’ and they should get relief and reprieve.

23. Proposal on how you can support a man or boy who discloses to you that he has experienced sexual assault or abuse. **(i) Listen (ii) Validate their feelings (iii) Express concern (iv) Do not ask about details of the assault.**

24. Women prisoners are usually as per the study in NDPS Act or Immoral Trafficking. Hence two important steps must be taken: a. **Social Stigma** can be removed by thorough counseling of prisoners and their families, near ones b. **Speedy trial** at the Prison level can be done to make them free and provide them with therapeutic support from the Government so that they do not become recidivist. Habitual offenders must be given regular economic help and counseling in Prison and also at Nari Bandi Niketan. This will reduce their mental psyche of entering into repeat offences.

Remarks: The suggestions are specific to the best of my understanding of female criminality and family structure of India. Scope of further research and more explicit recommendations can be made to law commission and pass on to the Indian Criminal Justice System.

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QUESTIONNAIRE

(For Under Trial Women Prisoners)

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Q1. नाम (यदि बताना चाहे तो)

Q2. आयु

Q3. बैच नंबर (यदि है तो)

Q4. शिक्षा

1. अनपढ़
2. प्राइमरी
3. सेकेंडरी
4. स्नातक
5. अन्य

Q5. धर्म

1. हिन्दू
2. मुस्लिम
3. सिख
4. ईसाई
5. अन्य

Q6. जाति

- a. उच्च जाति
- b. अनुसूचित जाति
- c. पिछड़ी जाति
- d. अन्य

Q7. विवाहित अविवाहित

Q8. बच्चा के साथ हैं बच्चे साथ नहीं हैं

Q9. विवाहित हैं तो : कितने बच्चे हैं ?

Q10. परिवार का प्रकार

- a. एकल परिवार
- b. संयुक्त परिवार

Q11. आप इस बन्दीगृह में कब से बंद हैं ?

.....

Q12. आपको किस जुर्म में जेल लाया गया है ?

.....
.....
.....

Q13. आप पर कौन कौन सी धाराएं लगाई गयी हैं ?

.....
.....

Q14. आपने जुर्म स्वतः किया है या किसी के साथ मिल कर किया है

- a. स्वतः
- b. साथ मिलकर

Q15. जुर्म का प्रकार

- a. प्रथम बार अपराध किया
- b. कभी कभी अपराध करती हैं
- c. आदतन अपराध करती हैं

Q16. आपके अपराध करने के मुख्य कारण क्या हैं ?

- a. पैसों की कमी के कारण किया
- b. पुरानी पारिवारिक झगड़ों के कारण
- c. वैवाहिक विवादों या परेशानियों के कारण
- d. अन्य कारण

Q17. क्या आपको अपने किये हुए जुर्म पर पछतावा है ?

हाँ तो क्यों

नहीं तो क्यों

Q18 क्या आपको पुलिस या अदालत का अनुभव ?

.....
.....

.Q19 आपका जेल का अनुभव कैसा रहा है?

.....
.....

Q20. जेल अधिकारियों के प्रति आपका अनुभव ?

Page | 3

Q.21 आपको अपने प्रति जेल में कैसा अनुभव होता है

- a. असुरक्षित / किसी भी प्रकार का डर का अनुभव करती हैं
- b. घबराहट / व्याकुलता अनुभव करती हैं
- c. अकेलापन अनुभव करती हैं
- d. अवसाद का अनुभव होता है
- e. हताशा महसूस होती है

Q22. क्या आप अपने बारे में कुछ और बताना चाहेंगी?

.....

..... शहाना खानम

QUESTIONNAIRE

(LAWYERS/JURISTS/PO/POLICE)

Demographic Details:

1. Name:

Surname.....Middle Name.....Name.....

2. Age in Years: 21-34 35-45 46-59 60+

3. Gender: Male Female

4. Email-ID

.....

5. Marital Status: Married Unmarried

6. Profession: Working (please specify).....

Retired (please specify).....

7. Experience in years:

10-20 20-30 30-40 40 And Above

8. Educational Qualification: Graduate Post Graduate Any Other

9. Address:

10. Pincode

11. Any other detail to be filled by the Interviewer

12. What are the kinds of general crimes do you think Females are involved in?

- a).....
- b)
- c)
- d)
- e)

13. In case of Hard Core Crimes do you think females are participants? Please ✓

- a) Robbery
- b) Gangster
- c) Drug Trafficking(NDPS)
- d) Murder
- e) Male Oppression/Victimization
- f) Dacoity
- g) Burglary
- h) Human Trafficking
- i) Any other Please Specify.....

14. What is your idea about and thoughts about Females growing in the field of Crime in India?

.....
.....

15. What do you think that Professional Career or Aspiration for females is in the outer world is :

Good Bad Can't Say

16. If yes. Why and how do you think professional career is important for females?

.....

17. What is your opinion on the kind of Male victimization?

- a) False FIR/Cases on Dowry related matters.....
- b) False FIR/Cases on Property related matters.....
- c) False FIR/Cases on Domestic Violence related matters.....
- d) False FIR/Cases of Cruelty and Sexual harassment related matters.....
- e) False FIR/Cases on POCSO
- f) Can't Say.....

18. As per your answer in Question No.18 can you please describe the offences which take place against males as victims in detail?

.....

19. On a 5 point Scale do you agree or disagree on the involvement of Females in Crime in our country on the following attributes?

ATTRIBUTES OF CRIME	1 Strongly Agree	2 Agree	3 Undecided	4 Disagree	5 Strongly Disagree
Robbery					
Dacoity					
Larceny					
Theft					

Kidnapping					
Male Oppression					
Murder					
Burglary					
Snatching					
Conspiracy in Crimes					
Abetment to Suicide of Males					
Abetment to Suicide of Dowry Death					
Involvement in Dowry Deaths					
Involvement in other types of family Crimes					
Juvenile Crime					
Marital Rape					

Property related Crimes					
False Maintenance and Alimony					
Male Rapes					
Extra Marital Affairs					
Live in Relationship					
Any other please specify 1. 2.					

20. Please share any other experience as a professional of your Field.

.....
.....

21. What are your suggestions regarding amendments in the provisions in the Indian Penal Code /Code of Criminal Procedure along with any other Acts or exclusive new laws should be made especially for males so that males are not victimized like there are laws only for Females?

.....

Thank You for your Co-operation. Shahana Khanam (Research Scholar)