
GENDERED CRIME PATTERNS IN INDIA: A FEMINIST CRIMINOLOGY APPROACH

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ABSTRACT

The present research paper investigates gender and crime relationship in India using the perspective of the feminist criminology. Traditional criminological theories tended to ignore the issue of gender and mainly concentrated on male offenders, thus not allowing the victims and offenders, who are women, to be heard. Feminist criminology criticizes these constraints through emphasizing how social orders like patriarchy, economic disparities and gender discrimination affect crime and victimization patterns.

The paper will address the key schools of feminism; liberal, radical feminism and Marxism feminism in a bid to comprehend the social and structural dynamics that determine the experiences of women with crime. It also examines different types of offences against women in India including domestic violence, sexual violence, human trafficking, honor based violence, and dowry related offences. Such crimes are the result of the ongoing influence of patriarchal practices and gender inequality irrespective of the legal safeguards.

The paper also addresses the participation of women in crime and looks at the social and economic factors that can be the cause of women to commit crime. It finds that gendered approach to crime is the key to the creation of effective legal policies, the enhancement of the criminal justice system, and the advancement of gender equality within the Indian society.

Keywords: Feminist Criminology, Gender based violence, Patriarchy, Female criminality, Criminal Justice System.

RESEARCH PROBLEM

The traditional criminological theories have not given much attention to the element of gender, which has played a significant role only in male offenders and has not addressed the experiences of female offenders and victims adequately. Rape and other crimes against women are still common in India even with the legally set provisions even though this is mostly attributed to patriarchal social system and stigma as well as underreporting. The role of women in crime is not understood or analyzed adequately and not enough efforts are put in considering the structural factors such as poverty, marginalization and abuse that contribute to female criminality. It is also a case that the criminal justice system is not always gender sensitive in its responses and hence fails to offer the victims proper support and opportunities to rehabilitate women perpetrators.

RESEARCH OBJECTIVES

- To explore how gender is related to crime in India in the context of the feminist criminology.
- To examine the different types of crimes against women in India, such as domestic violence, sexual violence, human trafficking, honor-based violence, as well as dowry-related crimes.
- To examine social, economic and cultural conditions that can be attributed to the engagement of women in criminal activities.
- To assess how effective the Indian criminal justice system is in dealing with gender-based crimes and delivering justice to women.

CHAPTER 1

GENDER AND CRIME - AN INTRODUCTION.

1.1 Introduction

In general, crime may be perceived as an action that is against the laws set by a society. Nevertheless, crime is not strictly a legal phenomenon; it is also a social process conditioned by cultural standards, the relations of power, and inequalities in the structure of society. Of these structural factors, gender has a major role to play in shaping either criminal behavior or victimization patterns.

The perspectives of males have dominated the study of criminology throughout a long time. The traditional criminological theories were formulated primarily based on the studies that have been conducted on men and; thus, the experiences of women have either been overlooked or considered secondary. Women were mostly treated as mere victims or distorted criminals whose criminal activity was regarded as a deviation of their proper position in the society. Consequently, initial criminological theories have not adequately described the gendering of crime.

In the late 1960s and early 1970s, feminist criminology began its rise and provoked these conservative views. In their arguments, feminist scholars believed that crime and victimization were not complete without considering gender, patriarchy, and social inequality role. Feminist criminology deals in how gender relations affect criminal behavior, victimization and how the criminal justice system operates¹.

Gendered crime patterns are especially eminent in the Indian scenario. Crimes like domestic violence, sexual assault, dowry related violence, human trafficking and honor killings are manifestations of strong patriarchal attitudes and social formations that usually place women in disadvantaged conditions². Although several laws are in place to defend women, the

¹ Eichler, Margrit (1979). *The double standard: a feminist critique of feminist social science*. New York: St. Martin's Press.

² Balfour Gillian (June 2006). "Re-imagining a Feminist Criminology". *Canadian Journal of Criminology and*
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weaknesses to underreporting crime, social stigma, and victim blaming still persist in the context of undermining the success of legal solutions.

Meanwhile, women are not victims of crime only but can be criminals as well. Nevertheless, female criminal behavior is frequently associated with the appearance of such social and economic phenomena as poverty, marginalization, abuse, and lack of opportunities. Feminist criminology aims at coming to terms with these structural forces instead of just considering female offenders as lawbreakers.

This paper analyzes gendered crime celebrities in India using feminist criminology. It examines how patriarchal social structure leads to victimization of women and their participation in crime. It also examines the effectiveness that the Indian criminal justice system is responding to gender-based crimes and the possibility of more significant solutions to be offered by others, including restorative justice.

1.2 Concept of Feminism

1.2.1 Concept of Feminism

Feminism is a social, political, and intellectual phenomenon which promotes female equality and gender-related discrimination. The main concept of feminism is that women in the past, have been treated socially, economically, and politically unequally because of the patriarchal systems that placed male dominance as the priority. Feminism has been described by different scholars in different ways. The presence of feminism in a broad context can be perceived as the fight against any type of discrimination and oppression of women. It aims at establishing a society where women have equal rights, freedom and opportunity as men.

Feminism in criminology has a significant contribution by noting that the criminal justice system in most cases reproduces the same patriarchal values as those of the society. Feminist academics maintain that legislation, policing and court proceedings can even be perceptualizing gender inequality instead of eradicating it.

1.2.2 The Concept of Crime

Crime can generally be referred to as an act or omission that contravenes a law that has been set by the state and is subject to punishment through legal charges. But crime is not merely a legal notion but also a social category which is subject to cultural values and forces of power.

A crime in one society may not necessarily be treated in the same manner in the other. On the same note, the severity of some crimes can differ according to social disposition and institute interests.

This is the situation in the gender context where some crimes are directly intertwined with social norms and relations of power between men and women. Gender inequality can be used to contribute to certain kinds of criminal behavior as seen in crimes like domestic violence, sexual harassment, and honor killings.

1.2.3 Gender and Crime

Gender plays a huge role in respect of patterns of offending as well as patterns of victimization. There is constant evidence of statistical data in various societies that have shown that men are the ones who commit most acts of violence. Nonetheless, women tend to fall victims to some form of crimes more especially those crimes that transpire in the confines of a private or domestic setting. To explain gendered patterns of crime, it can be observed through various social roles that are given to both men and women. Men are normally linked to the open area and to economic life whereas women are normally meant to stay at home. These social expectations affect the chances of crime as well as victimization³.

As an illustration, the crimes in the family structure like domestic violence, marital rape, and dowry harassment are greatly associated with the patriarchal domination of women. In the same vein, the conditions that lead to women getting involved in criminal activities are always influenced by economic hardships, force, or victimization in the past.

The gender approach to crime thus enables the researcher to determine the general social fabric that determines crime and victimization.

1.4 The Shortcomings of Traditional Criminology

The classic criminological theories have been faulted because they have not sufficiently addressed the gender in crime. Most classical and positivist theories were formulated using studies with the male offenders as the primary one. Consequently, they assumed that the factors of the male criminality were applicable to women everywhere.

Inclusiveness of women in crimes is a significant drawback of conventional criminology. Women were not in most cases considered in the criminological studies as they were a lesser percentage of offenders compared to men. The criminal behavior of women was often attributed to biological or psychological factors as opposed to social conditions.

³ Morash, M. (2006). *Understanding gender, crime, and justice*. Sage.

The other weakness is the misunderstanding of female criminality. Early theories tended to represent women offenders as morally deviant or psychologically unstable instead of analyzing those structural factors that contributed to their behavior.

Victimization of females was also a major concern that was disregarded in traditional criminology. Crimes like domestic violence and sexual assault were never serious criminal offences as they were handled as a domestic issue. This led to lack of legal protection and support of the victims. Also, the very criminal justice system was subject to patriarchal attitudes. The police, courts, and prisons do not adequately accommodate the peculiarities of womanhood as victims and criminals.

1.5 Feminist Approach in Criminology.

Due to the shortcomings of traditional criminology, feminist criminology emerged, which aims at integrating the gender element into the research on crime. According to feminist criminologists, the crime should be discussed in the framework of the general system of social inequality, relations of power, and patriarchal order.

Feminist approach serves to describe the structural aspects of such crimes against women, and it brings to focus how social institutions can be used to support gender inequality. It also gives a more in-depth insight into female criminality by addressing such factors as poverty, abuse, and social ostracism.

Moreover, the role of feminist criminology is in the creation of gender-sensitive policies and justice systems, which will meet the needs of both victims and offenders. This will entail enhancing the legal protection of women, enhancing victim support services, and venturing into alternative methods like restorative justice.

CHAPTER 2

HISTORICAL DEVELOPMENT OF FEMINIST CRIMINOLOGY.

2.1 The historical background of Feminist Criminology.

Feminist criminology can be said to have developed as part of the general feminist struggles that arose in the late nineteenth and twentieth centuries. The earlier works in criminology were mainly male dominated and most of the theories formulated on crime were done based on male experiences and male offending patterns. Consequently, women were mostly excluded in the criminological studies and were hardly taken as the agents of crime or as victims whose voices needed to be given particular attention.

The development of feminist movements in the 1960s and 1970s was of critical importance in undermining these male-dominated views. Feminists' scholars claimed that traditional criminology did not consider the issue of gender disparity and patriarchal society's impact on criminal behavior and victimization. They pointed out that women's experience with reference to crime was essentially different to that of men and hence necessitated a separate analysis.

Such early feminist criminologists as Frances Mary Heidensohn⁴ and Marie-Andree Bertrand noted that criminological theories did not consider female offenders and victims and demanded more research on female victimization and criminality. The work of Heidensohn especially brought out the issue that the deviant behavior among women had been highly overlooked in the sociological literature.

Feminist criminology has gone through several development stages over time. First, researchers interested themselves in revealing the lack of women in criminological studies. Subsequently, the discipline was broadened to study the social, economic, and cultural conditions that affect female offending as well as victimization of females. Feminist criminology has recently gained relevance in criminology and presents insightful commentaries on the connection between gender, crime, and the criminal justice system.

2.2 Feminist Early Theories of Female Deviance.

Prior to the emergence of feminist criminology, early theories that tried to explain female criminality were mostly founded on the notion of biological or psychological assumptions. These theories tended to describe the female offenders as abnormal or deviants whose actions were not consistent with the social roles that women are expected to play in the society.

The Italian criminologist Cesare Lombroso was one of the first theorists to explain the idea that there was a biological difference between criminal women and normal women. Lombroso believed that female criminals had some physical and psychological features that predisposed them towards deviant behavior. Those theories were however largely attacked as being theoretical and basing their arguments on stereotypes instead of science⁵.

On the same note, a sociologist, W. I. Thomas indicated that women occasionally employed their sexuality as an instrument to control men to get their way⁶. Sigmund Freud, another

⁴ Heidensohn, F. (1996). Women and crime.

⁵ Lombroso Cesare (2004), "Criminal woman, the prostitute, and the normal woman".

⁶ Thomas William Isaac (2019), "Unadjusted Girl": Echo Library.

heavyweight, explained the female criminal behavior in terms of psychoanalysis theories indicating that the deviant women were attributed to psychological conflicts and the repressed desires.

Later scholars continued to criticize these early explanations as the earlier explanations based on assumptions of the nature of women and did not investigate the social conditions. They overlooked critical aspects like poverty, discrimination, social control, and gender inequality that has the potential to impact the decision of women to engage in crime.

These theories eventually had their limitations, which saw the establishment of feminist views which denied that biological determinism was real but rather the social structures influenced criminal behavior.

2.3 Carceral Feminism and Legal Reaction to Gender-Based Violence.

Carceral feminism is one of the major concepts in the feminist criminology development. Carceral feminism is an opinion that the criminal justice system can significantly contribute to solving the problem of violence against women by enacting tougher laws, more policing, and more punishment on the offenders.

The advocates of this school of thought claim that legal changes need to be done to ensure that women are not subjected to any kind of violence, this includes domestic abuse, sexual assault, trafficking, and harassment⁷. Feminist activism in most countries such as India has helped in the enactment of laws to safeguard women and hold the perpetrators accountable.

Among others, some of the legal provisions that have been passed to deal with gender-based crimes comprise laws that relate to domestic violence, sexual harassment in the workplace, human trafficking, and dowry-related violence. Such laws are an indication of the fact that, crimes against women have an enormous social problem, which is to be addressed by the states.

But no methods of addressing carceral feminism has been spared of criticism. It has been suggested by some researchers that not all the causes of gender-based violence can be dealt with purely punitive actions. Others remark that over-reliance on criminal punishment can ignore the necessity of social reforms, support systems to the victims and prevention.

⁷ Whalley, Elizabeth, Hackett, Colleen (2017-10-02): "Carceral feminisms: the abolitionist project and undoing dominant feminisms".

Nonetheless, these controversies notwithstanding, the theory of carceral feminism has been helpful in influencing legal treatment of gender-based violence and has even helped in increased recognition of the rights of women in the criminal justice system.

2.4 Feminist Criminology and Development and Current Perspectives.

Feminist criminology has grown and changed considerably over the last few decades and has accommodated many different theoretical approaches. Feminist criminologists in the modern world focus not only on gender but on other issues in the society like class, caste, race, and economic inequality, and these interact with gender to create crime and victimization experiences. This method has been termed as intersectionality.

Modern feminist criminology also focuses on the need to examine women as victims and women as offenders. Although the previous studies mainly aimed at the crimes perpetrated against the female gender, new studies have been undertaken to examine the social conditions underlying female criminal behavior such as poverty, abuse, and substance dependency and low economic opportunities. The other development is the increasing interest in the restorative justice approach. Feminist theorists believe that the conventional criminal justice system mostly focuses more on punishment and not on the victims. Restorative justice attempts to lay emphasis on healing processes, responsibility and community participation in addressing conflicts.

Feminist criminology in the Indian context has helped spread awareness about gender-based violence and has impacted on policy debate and law reform. However, issues of proper enforcement of laws, social stigma and gender sensitive justice systems are still a challenge.

The further evolution of feminist criminology emphasizes the necessity to define crime not only in the context of legal norms but in the context of the rest of the social and cultural interpretation.

CHAPTER 3

FEMINIST THEORIES OF CRIME

3.1 Liberal Feminist Theory

One of the first approaches to the explanation of gender inequality in the society and its connection to the crime is the liberal feminist theory. The main concept of the liberal feminism is that women feel discriminated and unfairly treated due to the social systems existing to restrain them in their options like education, job and even politics. This theory further suggests that the disadvantaged

status of women in the society is the cause of not only their victimization but also their participation in some forms of crimes.

According to liberal feminists, women had less chances in the past than men because the gender roles that they were constrained by made them focus on household chores. Such restrictions did not allow women to take part in social, economic and political life in full. Since gradually societies started to give women more equal opportunities, they started to have a stronger role in the life of the society that also influenced crime patterns.⁸

According to other scholars like Rita Simon and Freda Adler, female offending might also be affected by the emergence of the women liberation movement and the enlargement of female opportunities. They claimed that similar to the increased accessibility of women to work places and other social environments, they could also commit other forms of crime traditionally dominated by men, and most specifically those that did not involve violence, such as fraud, embezzlement and theft.⁹ Nevertheless, the liberal feminist theory is also adamant in stating that the criminal behavior of women is usually associated with structural inequalities that include poverty, illiteracy and economic reliance. Limited opportunities and social marginalization are the reasons for many women committing crimes and not because they have criminal inclinations.

The main agenda of the liberal feminism in criminology is thus to facilitate the issue of equal rights, equal opportunities, and fair treatment in the criminal justice system so that women are not dismissed or discriminated against during legal proceedings.

3.2 Radical Feminist Theory

A different explanation on gender inequality and crime is offered by the radical feminist theory. Contrary to liberal feminists, the opposition, who concentrate more on the lack of equality of opportunity, radical feminism asserts that the root of the oppression of women in the society is patriarchy. Patriarchy is a social system whereby men are the dominant persons and have authority over women in many areas of life such as family, politics and economic institutions.

Radical feminists hold the view that most of the crimes committed against women especially those related to sexual violence and domestic violence are direct consequences of the patriarchal

⁸ Schwartz, M. D., & DeKeseredy, W. S. (1988). Liberal Feminism on Violence against Women [Review of *Rape on Trial; Real Rape; When Battered Women Kill*, by Z. Adler, S. Estrich, & A. Browne]. *Social Justice*, 15(3/4 (33-34)), 213–221. <http://www.jstor.org/stable/29766430>

⁹ Peters, A. K. (1977). FRED A. ADLER: "Sisters in Crime" [Review of *Sisters in Crime: The Rise of the New Female Criminal*, by F. Adler & H. M. Adler]. *Crime and Social Justice*, (8), 74–79. <http://www.jstor.org/stable/29766023>

domination. In this view, violence and intimidation are a means by which men ensure they are in control over women and the perpetuation of traditional gender structures.

According to this theory, rape, sexual harassment, domestic violence, as well as honor-based violence are some examples of crimes that demonstrate how patriarchal power structure functions in society. Radical feminists say that these crimes cannot be seen as one-time events but as the reflection of general gender inequality.

The other worthwhile point presented by radical feminists is that social institutions such as the criminal justice system can even be patriarchal in some cases. The attitudes of victim-blaming, insensitivity to sexual violence survivors, and inefficient legal defense of women are commonly referred to as the examples of systematic gender bias.

Radical feminist criminology thus underlines the necessity to confront the issue of patriarchy and change social institutions so that to lessen the problem of gender-based violence. It promotes more enhanced feminine security, recognition of gender inequality, and the formulation of policies to empower women.

3.3 Marxist Feminist Theory

The Marxist feminist theory is a synthesis of feminism and the concepts of Karl Marx and Friedrich Engels about the economic disparity and the relations of classes. This viewpoint claims that the issue of gender inequality cannot be perceived in totality without considering the contribution of the economic structure and capitalist system in constructing social relations. Marxist feminists believe that the economic structure of the society is very instrumental in establishing the role of women. The division of labor in capitalistic societies has a habit of putting women in economic dependent positions. Women also carry out unpaid household chores or do poorly paid and precarious jobs, which enhances their economic reliance on men.

This economic vulnerability may lead to different types of exploitation and vulnerability. Marxist feminists believe that crimes that are committed against women like trafficking, forced labour, and sexual exploitation are highly correlated with economic inequalities and poverty. Women of underserved history are also more prone to this kind of exploitation since they have fewer economic opportunities.

Meanwhile, Marxist feminist theory also considers the connection between female offending and economic inequality. The poor women, those who are unemployed or socially excluded may

occasionally engage in criminal behavior like stealing, committing fraud or conducting illegal trade to survive.

In this sense, crime cannot be viewed as a simple decision of an individual but should be examined in the context of the further social and economic circumstances. Marxist feminists thus highlight the importance of structural changes within the economic systems so that a reduction in the gender inequality as well as crime can be achieved.

3.4 Feminist Theories Comparative Understanding.

Although there are some differences between liberal, radical, and Marxist feminist theories in their accounts of gender inequality and crime, these theories are not completely unrelated as they are all aimed at emphasizing the role of gender in the study of criminology. Both theories emphasize various elements of the social structure that affect women.

Liberal feminism focuses on the same rights and opportunities arguing that marginalization of women is caused by discrimination and inaccessibility to resources. Radical feminism addresses patriarchal power and male dominance that is why gender-based violence has its premises in male control systems. Marxist feminism emphasizes the importance of economic disparity and classes, indicating that the capitalist systems are one of the reasons that put women in the exploitative and vulnerable position.

Combined, these views give a more in-depth insight into the correlation between gender and crime. They show that the role of women in crime and their lives as victims cannot be attributed to only one factor but are to be explored in terms of various social, economic, and cultural aspects.

These theories find special application in the Indian context where gender inequality is mostly determined by the presence of multiple influencing factors like caste, class and cultural practices. These complexities need to be understood in a bid to come up with effective policies and legal provisions to curb the gender-based crimes and pursue justice to women.

CHAPTER 4

WOMEN AS VICTIMS OF CRIME IN INDIA

4.1 Introduction

The victimization of women has existed as one of the primary issues in feminist criminology. The classical criminological theories did not pay much attention to the specific manifestations of violence against women, especially in a domestic setting of homes and families. This oversight

was overcome by feminist scholars who pointed out that several crimes committed against women have their foundation on patriarchal social order, inequality in power and cultural rituals that perpetuate gender disparity.

Women crimes in India constitute a major social and legal issue in the country. Women still must endure different types of violence and exploitation, although according to the constitutional rights to equality, different protective laws are in place. Patriarchal traditions, economic dependence, social stigma, and lax application of the law are among other factors that usually contribute to these crimes.

Feminist criminology is not only open to victimization as individual cases, but it also perceives victimization because of gender inequality that exists in the social institutions. Domestic violence, sexual assault, human trafficking, honor killings, and dowry-related violence are some of the crimes that reveal how the bodies of women, as well as their autonomy and rights, are usually dictated by patriarchal systems.

4.2 Domestic Violence

Another type of violence against women in India is domestic violence. It is defined as abusive behavior in a domestic relationship whereby one of the people in the relationship attempts to dominate or control the other by abusing them either physically, emotionally, psychologically, or economically.

Domestic violence may be a couple of husbands or women, as well as relatives and usually in the intimate life of the domestic circle. This kind of violence has a very strong patriarchal basis that considers a woman as inferior to her man and that strengthens the male dominance in the family. Domestic violence can encompass:

- Beating, slapping, or hitting.
- Sexual and psychological abuse such as threats, humiliation and intimidation.
- Women are not allowed to be financially independent or to access resources, a form of economic abuse.
- Sexual abuse in marriages or in close relationships.

Research and surveys have shown that domestic violence is still rampant among various socio-economic classes in India. Underreporting is one of the greatest problems related to domestic

violence because most women are reluctant to file abuse cases because of the fear of social stigma, financial dependence, or family coercion.

Following the gravity of this problem, the Indian legislature has passed the Protection of Women against Domestic Violence Act, 2005. The law offers civil redress and protection orders to women victims of domestic violence. The Act acknowledges different types of violence and gives the victim such mechanisms as protection orders, residence orders, and financial relief.

Although the Act is a big milestone in the fight against domestic violence, there are still challenges regarding awareness, implementation, and availability of support systems to the survivors.

4.3 Sexual Violence

Another imperative type of victimization of women is sexual violence. It encompasses a broad category of crimes which include rape, sexual assault, molestation, stalking and sexual harassment. Such crimes are frequently based on the discrepancies in the power or societal attitudes that objectify women or put the blame of the violence against women on the victims.

In India, there are several high-profile cases of sexual violence which have brought out national discussions on the security of women and the efficiency of the criminal justice system. The 2012 Delhi gang rape was one of the most talked about incidences that elicited massive public resentment and the legal changes that enhanced the legislation on sexual offences. The physical, psychological and social impact of sexual violence is very severe on the victims. The situation of survivors can also be characterized by trauma, social stigma and inability to obtain justice because of the social attitudes that can doubt the character or credibility of the survivor.

The Indian legislative system has a few provisions that deal with sexual crimes. Key provisions include:

- Section 63¹⁰ and section 64 of Bhartiya Nyaya Sanhita¹¹ which elaborate and penalize rape.
- Section 74 of the Bhartiya Nyaya Sanhita, 2023¹² that address assault on modesty of a woman, stalking and voyeurism.
- The Criminal Law (Amendment) Act, 2013¹³, that broadened the definition of sexual offences and put harsher penalties in place.

¹⁰ Section 63, BNS, 2023.

¹¹ Section 64, BNS, 2023.

¹² section 74 BNS, 2023.

¹³ THE CRIMINAL LAW (AMENDMENT) ACT, 2013 No. 13 OF 2013

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹⁴, which deals with harassment in the workplaces.
- The Protection of Children against Sexual offences (POCSO) Act 2012¹⁵ that protects minors.

Even though the legal changes have enhanced the machinery, in terms of dealing with sexual violence, proper enforcement and the provision of support services to victims is vital in provision of justice.

4.4 Human Trafficking

Human trafficking is one of the gravest human rights violations and a key subject in the feminist criminology. Women and children are also at the receiving end of the trafficking to be sexually exploited, to be forced into labor, to be a domestic servant, or to engage in illegal activities.

The country is regarded as a source and a destination of human trafficking in India. Victims can be moved across states or international borders and many of them belong to poor or oppressed groups.

Women and girls are vulnerable to trafficking due to several reasons that include:

- Poor living conditions and absence of job opportunities.
- Ignorance and illiteracy.
- Gender discrimination
- Social marginalization and displacement.

Traffickers also tend to take advantage of such vulnerabilities by assuring them of jobs, marriage, or improved livelihoods. After being trafficked, the victims can be exploited, abused, and denied their liberties. There are several clauses in the Indian legal system to counter the trafficking.

Important laws include:

- The Immoral Traffic (Prevention) Act, 1956¹⁶ that deal with prostitution trafficking.
- The criminal acts of trafficking and exploitation under sections 143 and 143A of the Bhartiya Nyaya Sanhita, 2023¹⁷.

¹⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (Act No. 14 of 2013)

¹⁵ The Protection of Children from Sexual Offences Act, 2012. Act No. 32 of 2012.

¹⁶ The Immoral Traffic (prevention) Act, 1956, 104 of 1956

¹⁷ Section 140 BNS, 2023

- The Juvenile Justice (Care and Protection of Children) Act, 2015¹⁸ that offers protection to vulnerable minors.
- The forced labor is dealt with in Bonded Labor System (Abolition) Act, 1976¹⁹.

Even with such legal frameworks, trafficking networks remain active because of other factors like poverty, corruption and lack of enforcement.

4.5 Honor-Based Violence

Honor-based violence is a type of crime targeted at people, who are believed to have broken the social law regarding honor of a family. In most instances, women suffer such violence when they are independent in their issues like marriage, relationships or even lifestyle choices.

In some conservative societies, the reputation of a family is directly associated with the behavior of women. When women take up choices that go against the societal norms such as the choice of their partner or getting married to another caste or religion, they may be causing shame to their families. Such perception may result in severe acts of violence such as forcible confinement, physical attacks or even murder.

Honor murders are the most extreme types of honor-based violence. These are usually committed by family members or groups of people within a community who feel that they are rebuilding the family image using violence. These actions are indicative of a system of strong patriarchal ideals and beliefs that place collective honor highly above individual rights and personal freedom.

The Indian law has no special law on honor killing, but the law addresses honor killings as grave criminal offences in the existing provisions. Indian Penal Code 302 provides a sentencing term on murder, whereas the other sections cover conspiracy and unlawful assembly.

The Supreme Court of India has gone to the extent of opposing honor crimes. In *Shakti Vahini v. The Court* (2018)²⁰ provided the guidelines according to which state officials should prevent honor killings and protect the couples who are threatened by the relatives or the members of the community. Despite these court actions, honor-based violence still takes place in various regions of India. This problem cannot be resolved by law only, but also the social consciousness and community involvement should be directed to combat discriminatory cultural practices.

¹⁸ Act No. 2 of 2016

¹⁹ The Bonded Labor System (Abolition) Act, 1976 (Act No. 19 of 1976)

²⁰ (2018) 7 SCC 192.

CHAPTER 5

WOMEN AS CRIMINALS IN INDIA

5.1 Introduction

Although the feminist criminology was concerned with women as victims of crime, there was a gradual shift in the scholars who came to realize that women could also be offenders. Though females make less percentage of the total offender population than their male counterparts do, their engagement in crime presents significant concerns on the social, economic and psychological factors that may also relate to women's criminality.

In India, the female population of criminals is still comparatively lower to that of men. Nevertheless, female offending remains a significant field of research since it is one of the social circumstances encountered by most women. The role of women can be affected by poverty, lack of education, domestic abuse and limited opportunities to be employed, among others.

The concept of women as offenders is also incomplete without considering the place of the criminal justice system, which usually targets female offenders in a different way because of stereotyping attitudes and social norms. Feminist criminology thus aims at investigating the causes of crime among women as well as the reaction of the law to women who indulge themselves in criminal activities.

5.2 Women perpetrate crimes of various kinds.

Indian women are engaged in very diverse crimes, but the character and occurrence of such crimes are not like those that are normally committed by men. The idea of female criminality is linked with non-violent crimes, yet in some situations women can also commit such serious crimes as homicide or trafficking.

Theft, fraud, and shoplifting are among some of the typical female offending categories in which there are crimes involving property and economic survival. These crimes are usually associated with poverty, job loss or necessity to take care of their relatives. Such activities may be employed by the women who do not access stable jobs as a way of survival.

There are also instances of women being involved in crimes that are associated with family conflicts and domestic violence. Criminal cases could be murder or assault cases which could be because of long time existing experiences of domestic violence, abuse or oppression in the marriage relation. In other cases, women who have gone through years of violence can turn and fight against abusive husband or relatives.

The other type of crimes is that of unlawful activities such as trafficking, prostitution, and drug related crimes. Women who engage in such crimes are also victims of exploitation or coercion in most instances. Trafficking networks and criminal organizations do use desperate women, as well as those who do not have social support or cannot afford it, using their economic state as an excuse. Some of the crimes that women are engaged in are also traditional crimes that are criminal in nature. As an illustration, women are sometimes involved in child marriages, dowry harassment or female feticide, which is usually as a result of social pressure or internalized cultural values. These are examples of how entrenched social practices might determine criminal behavior.

5.3 Female Criminality and social/ economic causes.

Feminist criminologists also stress that the criminal behavior of females cannot only be explained by individual preferences. Rather it has to be interpreted within the context of the larger social and economic circumstances which define the life of women. Inequality in structures is known to provide conditions that predispose women to engage in crimes.

Poverty and marginalization in the economy is one of the most important factors that have caused female crime. Women with no access to education, jobs, or finances might not be able to support themselves and their families with basic needs. The hardships caused by the economy may lead some women to do things that are illegal like stealing, trafficking or joining organized criminal gangs.

Domestic violence and abuse are another significant thing. Many female offenders have a history of victimization, physical, emotional, or sexual abuse. There are instances when women commit crimes as a way of retaliation against long-term oppression or to get out of abusive living conditions. As an illustration, when a woman murders a domineering partner, it can be in desperation and not as a crime.

Female offending is also caused by social exclusion and low opportunities. The women belonging to the marginalized groups such as the victims of caste discrimination or social stigma tend to be hindered over education and work. Such restrictions cut their opportunities of becoming economically independent and can make them more susceptible to criminal exploitation. Women may also be subject to criminal behavior brought about by substance abuse and psychological traumatic issues. Persons who have undergone prolonged stress or violence, or those that have encountered neglect can develop coping mechanisms in the form of drug use or committing a crime. These aspects explain the need to explore the societal context of occurrence of female crime.

5.4 Treatment of Women in the Criminal Justice System

The criminal justice system is found to be instrumental in determining the experiences of women who have contact with the law. Feminist researchers suggest that legal establishments can tend to represent the general attitudes of society about gender, and these views have the potential to affect the treatment of female offenders in the system.

In other instances, women can be leniently treated in courts or by the law enforcement organization because of stereotypes which seem to depict them as less dangerous or more vulnerable in comparison to male criminals. Among other things, judges can consider family life, parenthood, or victimization experiences of female offenders when passing sentences to them. But in some cases, gender stereotypes can be applied to the detriment of women too. Women offenders who do not conform to social norms of femininity might receive more severe social punishment as compared to men offenders who perpetrate the same offenses. Women are expected to act in a certain way in respect to morals, and those who fail to meet the moral standards may be analyzed more harshly in the society.

The women in prison also have specific challenges which are not experienced by the male inmates. Pregnancy, childcare, unavailability of medical facilities, and insufficient rehabilitation programs are also of interest especially to female inmates. Most of the women in prison are the primary caregivers of their children making their incarceration to be even more emotionally and socially challenging.

Being aware of the problems, some provisions in Indian law are meant to defend the right of female prisoners. As an illustration, women inmates are not to be placed with male prisoners and under the care of female staff. Humanitarian considerations can also be made in courts handling pregnant inmates or mothers with young kids.

Although there have been these measures, there are still gender-sensitive policies that should be made in the criminal justice system. Education, occupational training, and psychological support programs are necessitated in rehabilitation programs to assist female offenders to reenter into the society upon their release.

CHAPTER 6

CONCLUSION

6.1 Summary of Key Findings

This study discussed the connection between gender and crime in India by applying the feminist criminological theory. The paper has also emphasized that crime is not merely a legal problem but also a societal phenomenon that is affected by power relations, cultural practices, and economic status. The feminist criminology can be a valuable contribution as it helps to focus on the impact of gender inequality on victimization of women as well as their participation in the criminal activity.

The discussion on the crimes against women in India shows that different types of violence such as domestic violence, sexual violence, human trafficking, honor-based violence, and dowry-related crimes are disproportionately experienced by women. These crimes have close relations with patriarchal social systems that support male authority and restrict the independence of women. Although laws have outlawed it, and constitutional guarantees of equality have been made, many women are still discriminated and abused both in the domestic and public sector. Meanwhile, the problem of women as offenders was also examined in the course of the study. In as much as the female offenders are not as many as the male offenders, their presence in crime is an indicator of the wider social issues like poverty, marginalization, lack of education, and abuse. Most of the female offenders have a poor background and may indulge in crime due to poverty or being forced to do so.

All in all, the results imply that gender is influential when determining crime and victimization patterns. To comprehend these trends, it is necessary to go beyond the conventional criminological assumptions and apply the views which are more inclined to understand the social reality women must deal with.

6.2 Feminist Criminology Critique.

Feminist criminology has contributed to the research in studying of crime significantly as it highlights issues that have been sidelined in the mainstream criminology. The traditional criminological theories have tended to concentrate more on male offenders, and they did not touch the special lives of women as victims and as agents to the crime. This limitation was overcome by feminist scholars who came up with gender as a key category of analysis.

It is also one of the greatest strengths of feminist criminology that it highlights the importance of

social structures especially patriarchy in the structuring of crime and victimization patterns. Through the analysis of power imbalance between men and women, feminist criminology gives a more insight about crimes like domestic violence, sexual assault as well as dowry related abuse. These are not crimes that are committed by individuals alone, but they are cultural and institutionalized.

Nevertheless, feminist criminology has not escaped some criticisms either. There have been scholars who hold that the early feminist theories concentrated more on the experiences of women in the Western society and failed to extensively look at disparities based on class, race and cultural differences. In such countries as India, the factors of caste or religion or economic inequality is significant to determine the experience of women, and these aspects should also be considered. Nevertheless, despite these restrictions, feminist criminology can still be regarded as a fundamental framework of gender and crime analysis. Its emphasis on the inequalities in society, victimization, and the response of the institution remains an important element of the current research and policy debates regarding gender justice.

6.3 Problems in Dealing with Gender-Based Crime in India.

Even though India has been enacting many laws that are intended to protect women, there is still a lot to be done concerning the effective control of gender-based crime. The main obstacle is the continuation of patriarchal attitudes in society. Traditional gender roles, cultural beliefs which emphasize family honor, male authority, and family honor usually influence women against reporting crime or seeking legal help.

The other significant problem is the discrepancy between the law and its application. Although legal action has been taken against domestic violence, sexual harassment, trafficking and dowry-based crimes, there are insufficient mechanisms to enforce the law. Women may not get justice in time because of the delays in the judicial process, ignorance on the part of the victims and the absence of support systems.

Social stigma is another factor that has a great influence on the reporting of crimes against women. The victims of the sexual violence, e.g., can be afraid of being rejected by the society or their reputation ruined. This leads to the situation where many cases go unreported and this makes it even harder to measure and respond to the actual portrayal of gender-based violence.

Besides the mentioned challenges, female offenders also encounter problems in the criminal justice system. Prison women usually do not receive proper healthcare services, psychological care, and rehabilitation. To overcome these problems, it is necessary to make the criminal justice policies

and the prison administration more gender sensitive.

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CASE

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