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Women Criminals: Case Study from India

ABSTRACT

Feminists believe that all the traditional theories of criminality are rated in men's experience as criminology has been dominated by males. Feminists hold that women experience subordination on the basis of their sex in patriarchy and this subordination leads to crime. They argue that patriarchy must be ended or at least fundamental changes must be made in gendered institutions and social relation in society. The goal would be to reduce gender based disparities and inequalities in society and especially in law. This explanation seems most appropriate for India where a large percentage of women are arrested and convicted for dowry harassment and murders. Our studies in three prisons in India (Varanasi, Jaipur and Ferozepur) show that most convicted women are educationally and economically backward. They have committed the crime of murder along with an accomplice. However most are first time offenders. Here at first it seems that women are killing other women for money however dowry in itself is a very patriarchal custom which clearly represents that man is superior to woman and every person from the grooms side is superior to the brides side and can ill treat, misbehave, hurt and even kill the bride and insult people on her side. However here the mother- in-

law represents the patriarchal force and unknowingly she herself is a part of patriarchy. Thus patriarchy is responsible for crime against women and also by women.

INTRODUCTION

Crime is an act or omission which law thinks fit to punish (Sethna, 1964: 128) and a **criminal** is a person who violates the law. (Bhandari, 1996:14) When compared to male criminality, the percentage of female criminality is much less and this is the reason for its neglect for a very long time. (William and Christopher, 2004: 21) However in recent times there has been a significant increase in the number of women coming in conflict with law in India' (Ghosh, 1993: 15) as well as in other parts of the world. (JoAnn, 1982: 35)

THEORIES

Scholars have given various theories of female criminality. Chief among them are:

STRAIN THEORY- It says that criminality is caused by pressure or tension. The source of this tension is stimulated aspirations to achieve certain goals coupled with obstacles to their achievement. Frustrated individuals turn to crime either to release this tension or to achieve their goals via illegitimate avenues. The progenitor of this theory Robert Merton and Albert Cohen used it primarily to explain male delinquency. However Cohen also said that women are absorbed in a narrow set of relations with the opposite sex. They are on the margins for they are inactive, unambitious, uncreative, lazy and timid. In his exposition only those girls who are unable to achieve satisfactory relationships through

socially approved dating and marriage will resort to promiscuity for its quick dividends. According to him females do not commit the full range of offences because they are not subjected to the same pressures to perform as the male. Later Cloward and Ohlin gave a different version of strain theory and called it **differential opportunities** thesis. They claimed that female is in the running for neither lawful nor criminal prizes as she is not a part of the struggle for material success. Females are neither pressured to achieve the major success goals of their society nor offered a delinquent outlet for their frustrations. The horizons of the female are confined to the family. Ruth Morris shifted the focus of strain theory to the delinquent girl in the sixties. She maintained that blocked access to the legitimate means of achieving culturally defined success goals precipitates delinquency so obstacles to maintain positive affective relationship are more likely to lead to delinquency of girls. She claimed that delinquent girls would tend to come from broken homes or families with many tensions and unhappy family relations. (Naffine, 1987: 8-25)

DIFFERENTIAL ASSOCIATION THEORY- Also known as learning crime theory, was given by Sutherland and Cressey who said that crime behaviour is learned. Women do not mix in criminal circles because their gender role defines them as wives and mothers and restricts their sphere of influence and experience to the home. Girls are taught to be nice and do not have freedom of males hence they do not get chance to learn criminal behaviour. Ruth Morris claimed that there is a relative absence of deviant sub culture for female delinquent and also absence of cultural support for them. Giordano asserted that those girls will offend more who thought that their female friends approved of a crime.

Hence women commit less crimes because they have fewer learning experiences and fewer skills than men. (Naffine, 1987: 26- 42)

MASCULINITY THEORY- It comprises of two ideas: crime is symbolically masculine and masculinity supplies the motive for a good deal of crime. The characteristics demanded of the criminal all exemplify maleness- daring, toughness, aggression. It was expounded by Talcott Parson in 1947. He offered an account of greater delinquency of boys than girls based on the structure and function of American nuclear family. He maintained that the principal task of women is to nurture and socialize children in the domestic sphere while men are expected to provide financial support for the entire family by performing work outside the home. This sex based division of labour affects boys and girls differently and accounts for the greater rebellion of the male. As prospective breadwinner he commits delinquent act such as stealing while as a future wife and mother the girl is likely to engage in sexual promiscuity and girls who steal, steal things that will make them more attractive to the opposite sex. Klein and Kress provided an explanation of pettiness of female crime in terms of women's social disadvantage for the illegal market place also harbours sexist class structure. (Naffine, 1987: 43- 63)

CONTROL THEORY- Hirschi believes that human beings are by nature immoral and they will engage in both social and anti social activities unless something intervenes. He says that society has developed a variety of ways of controlling its members and inhibiting their natural tendency to deviate. If a person is attached to conventional people, is committed to and involved in conventional institutions and behaviour and believes in the rules of conventional society than that person will choose not to offend. He found that the intimacy of communication between boy and parent and good school records

predicted low delinquent involvement. Criminologists who tried to apply the same theory on girls observed that although greater social bonding of girls explains their greater conformity it is not a sufficient explanation of the sex differential in offending. (Naffine, 1987: 64- 75)

LABELLING THEORY- Howard Becker gave the idea that external social stigma or label makes the criminal. It says that the powerful men of society make labels and apply them to the powerless men who internalize the message and reconstruct their self image and behaviour accordingly. However it was used on women by Anthony Harris who claimed that powerful men manipulate women by convincing them that crime is a wholly inappropriate activity for women so that women conform to child rearing and home making. Fox is of the view that women obey law because social value constructs of nice girl and lady exhorts them to be model citizens. (Naffin, 1987: 76- 88)

LIBERATION THEORY- Freda Adler advanced the thesis that women's liberation was causing women to engage in more violent crime for it has brought out women's competitive instincts as women are more assertive, more aggressive and more masculine. Liberation has also opened up structural opportunities for women to offend. Critics dismiss the theory of new violent female by pointing to statistics and records which show that women are confined to petty property offending. (Naffine, 1987: 89- 104)

FREUD'S THEORY- Freud offered a physiological explanation of female criminology holding that normal women accept and internalize societal definition of femininity but women criminals suffer from masculinity complex. Thus normal women exhibit normal

feminine traits but criminal women exhibit perversion of a rebellion against the biologically natural female role. (Ahuja, 2000: 141)

DOUBLE STANDARD THEORY- Pollak asserts that crimes by women are characterized by deceit and double standards. Just as physical weakness forces a woman to resort to deception, the use of physical charm enables her to attract the victim. Frustration, envy, false accusations against men also create female crime, according to him. (Ahuja, 2000: 142)

SEX ROLE THEORY-Dale Hoffman Bustamante claimed that crimes committed by women are outcome of five major factors: differential role expectations for men and women; sex differences in socialization pattern and application of social control; structurally determined differences in opportunities to commit particular offences; differential access to or pressures towards criminally oriented sub culture and careers and sex differences built into categories themselves. (JoAnn, 1982: 10)

EXITEMENT THEORY-W I Thomas argued that all humans sought excitement and response but women sought excitement and response through sexual means such as prostitution. (Maniyar, 2004: 16)

NOVELTY THEORY- Kingley Davis presented a functionalist explanation of prostitution as an illegitimate extension of the female sex role. He argued that prostitution arises in circumstances where demands for sexual novelty cannot be satisfied for men. He saw women who choose prostitution as maladjusted and neurotic. (Maniyar, 2004: 27)

BIOLOGICAL THEORY- Also called Lombrosian or positivist theory makes a connection between bio-physical features, hereditary and potential for committing crime. He said prostitutes show more physical abnormalities than non prostitute female criminal. Unlike male offenders women offenders do not show anomalies but if she has anomalies than she is more terrible than the male because her innate depravity couples with childlike jealousy and cruelty. (Maniyar, 2004: 25)

EMOTION THEORY- Konopka says girls are driven to delinquency by an emotional problem like loneliness and dependency.

BIOLOGY THEORY- John Cowie saw female criminality in terms of biological condition of female sex such as excessive weight or other physical problems. (Maniyar, 2004: 30)

FEMINIST THEORY- Feminists believe that all the traditional theories are rated in men's experience as criminology has been dominated by males. Feminists give the idea that women experience subordination on the basis of their sex in patriarchy and this subordination leads to crime. Patriarchy results in double standards for males and females and often female offenders are themselves victims of abuse. Thus patriarchy is responsible for crime against women and by women. Feminists argue that patriarchy must be ended or at least fundamental changes must be made in gendered institutions and social relation in society. The goal would be to reduce gender based disparities and inequalities in society in general and in the law and criminal justice system in particular. They also suggest that prevention and treatment are to be preferred over punitive policies for female offenders. As there are certain special or unique life differences faced by these

women including special vulnerability to sexual assault, intimate violence, unplanned pregnancy and adolescent motherhood. They argue that women are less violent and more amenable to treatment and prevention than men in both residential and non residential community programs and they respond better than men. Thus feminist focus on the patriarchal system as the root division in society between the dominant and subordinate groups. Privileged male rule, make the rule and enforce the rule. In this system women are more disadvantaged, restricted and controlled. (Akers and Selle, 2004: 245- 264)

CAUSES OF CRIME BY WOMEN

1- **ECONOMIC CAUSE** - Scholars have pointed out that 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 of services and welfare fraud. (Steffensmeier in Renzetti and Goodstein (ed), 2001: 200) Studies in India also collaborate that most offenders are from lowest economic strata of society and a number of crimes are being committed for economic reasons and due to poor economic condition. (Saxena, 1994: 69- 71) However greed for dowry is another cause of crime committed by females in India. (Cherukuri, 2008: 75)

2- **SOCIAL CAUSE**- In west scholars 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. (Steffensmeier in Renzetti and Goodstein (ed), 2001: 200) In India too studies have claimed that family

maladjustment especially marital conflict due to drunkenness and infidelity, joint family and broken homes lead to crime. (Maniyar, 2004: 83) Conservative and patriarchal nature of Indian society also leads to victimization of bride resulting in their torture and murder for dowry by their husbands and in laws including mother-in-law. Sexual abuse and suspected infidelity also leads to homicide by young women, of their husbands and male relatives. (Ahuja, 1969: 33) At times young women are falsely implicated by their in laws for murder which they had never committed. (Ahuja, 1969: 44)

3-PHYSIOLOGICAL CAUSE- Some scholars in India claim that pre menstrual period is the most stressful period for women and almost fifty percent of the sufferers commit crimes at the time of symptom. (Maniyar, 2004: 90) A few scholars abroad also claim that crime and menstruation are statistically correlated. (William and Christopher, 2004: 38)

4-ILLITERACY AND LOW EDUCATION- 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. Studies have found clear relationship between illiteracy and crime. (Bajpai and Bajpai, 2000: 52)

5-PSYCHOLOGICAL CAUSE-Fear and insecurity often lead to crime. New born babies are killed because of fear and shame related to an illegitimate baby. (Sethna, 1964: 144) Studies have shown that a large number of offenders have feelings of insecurity, low self esteem and anxiety. (Maniyar, 2004: 94)

6-DRUG AND ALCOHOL ABUSE- A few researchers have noted that 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'. (Madhurima, 2009: 13)

7-SUPERSTITION- In rural areas in India women may commit a crime guided by superstition such as sacrifice. (Ghosh, 1986: 10)

TYPES OF CRIMES COMMITTED BY WOMEN IN INDIA

PROSTITUTION OR SEX DELINQUENCY- It is believed that sex delinquents constitute a large part of women offenders. Earlier accounts from United States of America showed that sex delinquency constituted a significant percentage of women delinquency. (Addition in Tappan (ed), 1951: 298) Arrest rate for prostitution type offenses are comparatively smaller now although other data sources indicate that prostitution continues to be a chief form of female offending. (Steffensmeier in Renzetti and Goodstein (ed), 2001: 193) In India also sex related crimes constitute a significant percentage of crime committed by women. (Madhurima, 2009: 34) In fact 86.9 percent women were arrested in India in 1996 under immoral traffic prevention act. (Bajpai and Bajpai, 2000: 29) This is an offence in which the 'offender' is in fact a victim.

CHILD MARRIAGE- In India the second largest cause for arrest of women is under child marriage restraint act in which thirty two percent women were arrested in 1996. (Bajpai and Bajpai, 2000: 29) In 2000 also this constituted an important reason for arrest of women. (Bhosle, 2009: 40) Child marriage is an old custom practiced in northern part

of India which is harmful for girl child as it hampers her education and development. The law was enacted to stop child marriages to protect the girl child. However traditional people think that girls should be married before puberty and usually these decisions are taken by the patriarch of the family but law holds mothers responsible too.

DOWRY MURDER- Another major cause of arrest of women in India is for dowry murder. (Bajpai and Bajpai, 2000: 29) Dowry is the money and gifts given by bride's family to the groom and his family at the time of marriage and also later on. However it has assumed a problematic status as grooms and their family members have started demanding huge sums of money and gifts like cars. The bride is harassed, insulted, tortured so as to extract as much as possible from her parents. If the demands are not met than she is murdered so that the groom can marry again for dowry. Since mother in law and sister in law also take part in torturing and murdering of bride they are also arrested and imprisoned. Here it seems that women are committing crime against women however in reality the mother- in- law represents the patriarchal force.

CRUELTY BY RELATIVES AND DOWRY HARASSMENT- Another major cause of arrest of women is for inflicting cruelty on the daughter- in- law (Bajpai and Bajpai, 2000: 28) for dowry and also because daughter in law is regarded as inferior in status. She is usually a person without any friends and defenses in arranged marriages contracted at times only for dowry and devoid of any love and affection. Here also it seems that a woman is harassing another woman but again the mother in law represents the patriarchal force.

KIDNAPPING AND ABDUCTION- This is another reason for arrest of women and a large percentage of their victims are girls and women. (Bajpai and Bajpai, 2000: 28)

MURDER- Homicide related arrests of females have come down in United States of America but there is an increase in felony murder and stranger killings. Killing of male partners by women has decreased after domestic violence legislation came into place. (Steffensmeier in Renzetti and Goodstein (ed), 2001: 203) In India too homicide constitutes a large number of crimes committed by women (Maniyar, 2004: 76) of which murder of husbands and other male relatives are because of cruelty inflicted upon woman or sexual harassment.

THEFT- In United Kingdom most women are in prison for theft and handling stolen goods. They account for almost a third (31 percent) of all women sentenced to immediate imprisonment in 2005. In United States of America women get arrested for shoplifting, passing bad checks, credit card fraud, theft of service, welfare fraud, burglary, drugs and driving under influence. (Steffensmeier in Renzetti and Goodstein (ed), 2001: 203-205) In India drugs, excise violation, passport, burglary, riots, cheating are other areas in which women get arrested. (Bajpai and Bajpai, 2000: 28)

CASE STUDIES

It was important to know why and how women come into conflict with law in India. So we contacted convicted women in three prisons in three states in India: Ferozpur prison

in Punjab, Varanasi prison in UP and Jaipur prison in Rajasthan. Questionnaire, interview and observation methods were used to study the women prisoners.

The Ferozepur central prison is situated in the state of Punjab and is a very historical prison as here freedom fighters like Bhagat Singh, Rajguru and Sukhdev were imprisoned by the British government. It was established by British in 1857-58. The total capacity of the prison is to house 1000 men and women but at the time of study in January- February 2010 there were 1600 men and women imprisoned in this prison. There were 81 women of which 31 were convicts and 50 were under trials living in two barracks. Only 31 convicted women prisoners have been included in this study.

The Varanasi district prison is situated in one of the cultural centers of India in the state of Uttar Pradesh (UP). It was established in British times. The building is very old and has only one barrack meant for thirty women which housed fifty nine women and five children at the time of study in June 2009. Of these women fourteen were convicted prisoners and forty five were under trials. Only fourteen women prisoners (convicts) were included in the study.

The Jaipur central prison is situated in the capital of the state of Rajasthan. It was established in 1952 but shifted to Ajmer in 1957 but again shifted back to Jaipur in 1962. It has eight barracks for women with official capacity to house 250 women. At the time the study was conducted in October 2005 there were a total of 196 women which included 167 convicts and thirty nine under trial women along with their twenty nine children. The study is of 150 women prisoners (convicts) only.

PERSONAL PROFILE: It was important to know the background of women convicts in these three prisons. Studies done in Europe have shown that women convicts usually belong to poor and marginalized section of society. They have low educational and economic status. (Cruells and Igareda, 2005: 95) Studies done in England have shown that youth is more prone to violence and delinquency (Carlen and Tchaikovsky, in Carlen (ed), 1985: p 182) and middle age and old age is associated with maturity and stability and are seen as less prone to crime. Studies done on female crime in India by scholars like Ahuja, Adwani, Rani and Joseph have indicated more involvement of young women, while studies done by Saxena revealed more involvement of middle aged women. Study done by William and Christopher also showed involvement of middle aged and old women in criminal activities. (William and Christopher, 2004: 55- 59) In our studies in Ferozepur prison maximum respondents were in middle age group i.e. 54.8 percent while in Varanasi prison maximum convicts were in older age group i.e. 57.1 percent and in Jaipur too maximum respondents were in older age group i.e. 38 percent. However in Ferozepur 25.8 percent were young i.e. between 18 to 39 years while in Varanasi only 7.1 percent were in this age group but in Jaipur 36.7 percent were in this age group. Percentage of women in 40 to 59 age group was lowest in Jaipur with 25.3 % and 35.7 percent in Varanasi. In Ferozepur least percent of women were in older age group of above 60 years i.e. 19.3 percent.

Education enables a person to cope with life (Sohani, 1989: 70) and gives the ability to distinguish between right and wrong and stay away from crime. It also gives skills to earn a legitimate livelihood hence education is seen as an antidote to crime. Illiteracy and low education than can be seen as a problem and high female illiteracy levels in India

encourage the belief that most women convicts would have low literacy levels. Studies in India and the west have also shown that most women prisoners have low educational qualifications. Studies done by Ahuja, Rani, Nagla, Joseph, William and Christopher have shown that when literacy rate decreases crime rate increases. (William and Christopher, 2004: 59) It is quite evident that in all the three prisons (Ferozepur, Jaipur, and Varanasi) majority of women were illiterate. In Ferozepur the percentage of illiterate women was 67.7 while in Varanasi prison also about 71 percent women were illiterate and in Jaipur 61.3 percent women were illiterate. In Ferozepur 25.8 percent, in Varanasi 28.5 percent and in Jaipur 10.6 percent women had some years of schooling. In Ferozepur 6.4 percent, and in Jaipur 1.3 percent had received higher education. 26.6 percent women in Jaipur were literate.

Studies done in England show that most women prisoners are single or separated from their husbands (Carlen and Tchaikovsky, in Carlen (ed), 1985: p 182) or else they are victims of domestic violence. (Osthoff, in Renzetti and Goodstein (ed), 2001: 232) Studies in India show a very different picture. Here most women prisoners are married although at times men desert their wives while the women are in prison. (Madhurima, 2009: 112) In India married women show higher crime rate than unmarried, deserted or widowed women. (Saxena, 1994: 63) In all the three prisons most respondents were married. In Ferozepur 74.1 percent, in Varanasi prison 85.71 percent while in Jaipur 61.3 percent were married. The second largest group was that of widows with 22.5 percent in Ferozepur, 14.2 percent in Varanasi and 38 percent in Jaipur prison. There were 3.2 percent unmarried women in Ferozepur prison while in Jaipur 0.6 percent were

unmarried. There were 4 percent separated or divorcees in Jaipur prison but none in Ferozpur and Varanasi prisons.

Occupation is an important indicator of a person's position in society. In most patriarchal societies men are the providers and women do not have a proper professional career and is the nurturer only. Studies in Europe have shown that women lack stable careers and were mostly inactive and unemployed before their imprisonment or were working in precarious and low paying jobs. (Portas and Contrepolis, in Cruells and Igareda (ed), 2005: 19) In India too studies have shown that most women prisoners are either unemployed or have few marketable job skills. (Madhurima, 2009: 114) In Ferozpur prison maximum respondents were 54.7 percent labourers or maids while in Varanasi 7.14 percent and in Jaipur 24.6 percent were doing the same work. In Varanasi prison 78.57 percent women convicts were housewives and in Jaipur 38 percent respondents were housewives while in Ferozpur only 19.3 percent were housewives. In Ferozpur 19.3 percent, in Varanasi 7.14 percent and in Jaipur 25.3 percent were engaged in agriculture. In Ferozpur 3.2 percent, in Varanasi 7.14 percent and in Jaipur 5.3 percent were having small business. In Ferozpur 3.2 percent and in Jaipur 6.6 percent were in service.

It is believed that religion is instrumental in preaching, developing and maintaining morality in people. It influences the behaviour of an individual and keeps them out of immoral behaviour. Some studies have found a close relationship between religious dogmas and criminal behaviour like killing through witch craft. (Madhurima, 2009: 116) In Indian scenario religion assumes more importance as Indians are more religious and studies have shown that in India most female prisoners are Hindus. (Bhosle, 2009: 100)

In Ferozpur prison 67.7 percent women were of Sikh religion as Punjab is a Sikh majority state while 32.2 percent were Hindus. In Varanasi prison all women convicts were Hindus and in Jaipur 87.3 percent were Hindu as these two are Hindu majority states. In Jaipur 8.7 percent were Muslims and 4 percent were Sikh.

Hindu religion traditionally had a strict hierarchical division of four 'varnas' (categories) and many castes within the varnas. Thus caste is an indicator of person's status in Hindu society. General castes are regarded as higher in hierarchy than other backward classes and scheduled classes are at the lowest in the hierarchy. Scheduled tribes are the tribals who are also at the bottom of the hierarchy. Ahuja in his study has found less incidents of crime in backward castes while Rani and Smriti in their respective studies have found slightly more than half women criminals belonging to backward castes. (Bhosle, 2009: 100-101) In Ferozpur general category respondents were 45.1 percent, OBC (other backward classes) respondents were 6.4 percent and scheduled caste women were 41.9 percent. In Varanasi prison general category women were 35.7 percent, OBC women were 42.8 percent and scheduled caste women 21.4 percent. In Jaipur prison general category women were 24.7 percent, OBC women were 26.7 percent, scheduled caste women 16.7 percent and scheduled tribe women 19.3 percent. This perhaps is a reflection of larger society where general and OBC categories are more dominant.

Thus most women convicts in the three prisons were illiterate, married, Hindu or Sikh, house wives or labourers belonging to general caste or other backward castes (OBC). Although regarding age different results came from different prisons.

CRIME: Studies in UK have shown that majority of convicted women prisoners are convicted of minor crimes against property while less than ten percent of convicted and imprisoned women have been found guilty of a crime of violence. Women there are primarily sent to prison because of either their unconventional domestic circumstances, the failure of the non- penal welfare or health institutions to cope with their problems, or their own refusal to comply with socially conditioned female gender stereotype requirements. (Prison Handbook, 2008) Studies in USA have shown that overall women commit less crime than men and when women kill they are those women who have endured a violent male partner. (Lakkaraju, 2008: 74) However studies in India have brought out a different picture. Mridula Maniyar reported that in her study 67.6 percent women were in prison for offence of murder of which 26.6 percent were in prison for killing daughter- in- law. (Nirmal, 2000: 164) Study by Smriti Bhosle shows that although women were involved in a wide range of crime highest percentage i.e. 31.1 percent were involved in theft and pick pocket while second highest i.e. 25.6 percent were involved in murder. (MacAskill, 2009: 9) Studies in USA have shown that women appear as offender in all categories of offences from the most serious to the least serious however most offences were related to prostitution. And overall women commit less serious crime than men and also less crimes in number are committed by women. (Madhurima, 2009: 187) A study done in India by Thomas William and Christopher reported that forty percent women committed murder. (Madhurima, 2009: 178) In our studies in Ferozpur prison most respondents were convicted of murder i.e. 64.5 percent, while 22.5 percent were convicted of drug trafficking and 12.9 percent were convicted of embezzlement. In Varanasi prison 92 percent convicted women were in prison for murder

of which 78.57 were convicted of dowry related killings of the bride while 14.28 percent were convicted of murdering brother- in- law and only 7.14 percent were convicted for other crimes. In all the cases women denied committing the crime. In cases of dowry deaths they said the bride died accidentally or that she committed suicide. In Jaipur prison too most women i.e. 76 percent were convicted of murder while 11.3 percent were convicted of drug trafficking. In Jaipur 2.6 percent women were convicted in abetting rape while 10 percent were convicted in minor offences like theft etc. One outstanding feature was that maximum women in all three prisons were convicted in dowry related murders. Dowry has become an evil social custom in which the bride's side pays a huge sum of money and gives expensive gifts like cars to the bridegroom and his family. If the bridegrooms' family is dissatisfied with the gifts and money, received as dowry than they harass and at times kill the bride.

Studies in England have shown that a third of all adult women in prison had no previous conviction. (Ghosh, 1986: 99-100) A study done in India by William and Christopher found that non- murder crimes were committed more than once by women while murder was committed only once. (Madhurima, 2009: 175-176) In Ferozepur prison 90.3 percent respondents were first time offenders but 9.6 percent had a previous record of crime. In Varanasi prison all convicted women were first time offenders and were never arrested before. In Jaipur prison too 99.3 percent respondents were first time offenders. Thus it can be easily said that most convicted women in all three prisons were first time offenders.

Some studies in USA have shown that only a handful of women are major players in large scale gambling and racketeering and their involvement was a direct spin off of

association with a male figure i.e. woman was a daughter, spouse or sister. (Cherukuri, 2008; 109) Some women also 'helped' their boyfriends. (Ghosh, 1986: 95) A study done by Mridula Maniyar in India revealed that in 61.8 percent cases the crime was committed in the company of another person mostly with spouse and son. (Carlen Tchaikovsky in Pat Carlen (ed) 1985: 188- 189) In Ferozepur prison 71 percent convicted women had committed crime with the help of accomplices who were relatives or friends such as husband, mother in law, daughter in law or father in law while 29 percent committed crime alone. In Varanasi prison although all convicted women denied committing the crime in 92.85 percent cases their husbands were co accused and in 57.14 percent cases their sons were co accused. In some cases mother, daughter, brother, son in law, sister in law, brother in law, daughter in law also were co accused. In Jaipur prison too most women i.e. 70.6 percent convicts committed crime along with an accomplice and that person was either a family member or an acquaintance but 29.3 percent committed the crime alone. Accomplices were husband, lover, mother in law or brother in law. Thus in all the three prisons most women did not commit crime alone.

Studies in India have shown the tendency of accused to deny that they have committed the crime, especially in dowry death cases accused women claim that the victim had committed suicide. (Madhurima, 2009: 190) In Varanasi prison all convicted women denied committing the crime. Women convicted of dowry murder claimed it was suicide or illness or accident. 28.57 percent said the bride died of cholera and 28.57 percent said she died of burns. Others said she hanged herself or jumped in a well or consumed poison. On being asked why she committed suicide the blame was shifted to her parents. In Ferozepur prison when asked about the reason for committing crime 48.3 percent

convicted women cited family while 19.3 percent said friends and 22.5 percent said poverty but about 10 percent refused to answer the question. In Jaipur prison alcoholic and unemployed husband, poverty, husbands affair with another woman, torture by in laws, characterless daughter in law, were the reasons given by the convicted women. Studies in USA shows that 63 percent women reported having relatives who had done time in prison. About half of the women interviewed said their husbands or other partners had a history of imprisonment and 25 percent said their husbands were currently imprisoned. (Madhurima, 2009: 163) A study done by Madhurima in India showed that 40.5 percent women had some other family member in prison. (Prayas, 2002: 185) In Varanasi prison 92.85 percent had other family members in prison as well. 78.57 percent had husbands in prison while 57.14 percent had sons in prison. Others reported brother, father, mother, daughter, daughter in law, son in law, brother in law serving their sentence in prison. Although in Ferozpur and Jaipur most women denied that any of their family members has ever been convicted but that seems quite far from truth.

Thus it can be concluded that most convicted women in all three prisons were convicted of murder and of these women most murders are related to dowry. Most are not habitual offenders and committed the crime with a relative or acquaintance.

CONCLUSION

The feminist theory of female crime seems to be most suitable for analyzing the female criminality. In India women are even more vulnerable as patriarchy is even stronger in India in comparison to western countries. Women became victim of both domestic

violence as well as external violence. Women kill their husbands and male relatives when they fail to stop domestic violence and sexual exploitation by male relatives or are forced to become prostitutes. However in India a large percentage of women are arrested and convicted for dowry harassment and murders. As we can see from the three prisons most convicted women are educationally and economically backward. They have committed the crime of murder along with an accomplice. However most are first time offenders. Here at first it seems that women are killing other women for money however dowry in itself is a very patriarchal custom which clearly represents that man is superior to woman and every person from the grooms side is superior to the brides side and can ill treat, misbehave, hurt and even kill the bride and insult people on her side. On the face of the crime it seems that in dowry harassment, dowry death and cruelty towards the bride it is a woman, the mother- in- law, who is committing crime against another woman hence it is commonly argued by men in India that a woman is another woman's worst enemy. However the reality is that here the mother- in- law represents the patriarchal force and unknowingly she herself is a part of patriarchy. Thus patriarchy is responsible for crime against women and by women. Feminists argue that patriarchy must be ended or at least fundamental changes must be made in gendered institutions and social relation in society. The goal would be to reduce gender based disparities and inequalities in society in general and in the law and criminal justice system in particular. If men and women are treated as equals the demand for dowry will vanish and so will the crimes related to dowry. For men and women to be treated equally by society women must earn as much as men do and must be educated and aware of their rights. Thus the solution ultimately

lies in educational and economic empowerment of women along with good law and order situation which ensures that men and women stay away from criminal behaviour.

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