

L.8. SUKUMARI ANTHERJANAM, D.—Women and Criminality —1988—Dr. R. Prasannan.

Women criminality has not been subjected to any serious study in India although it has assumed new dimensions in recent times. Statistics show that the rate of increase in the arrest of women year after year was more than the increase in the arrest of men. The number of female arrests during 1971 for the offences under the Indian Penal Code was 16,303 and it reached 45,900 in 1980 which shows an increase of 181.54%. But in the case of males there is an increase of 72.42% only during the same period.

In view of the increasing importance of the subject an in-depth socio-legal study was undertaken taking 250 samples from among the female prisoners in the Central Prisons and in the District Jail (Calicut) in Kerala. They were interviewed and the details of the criminal records collected, collated and analysed. Information was also collected from judicial officers through questionnaires and interview.

The analysis of the data collected in the process of this study signified several factors including the causes of criminality among women. They included broken homes, financial insecurity, illness, lack of education, poor housing, bad neighbourhood, marital problems and sexual imbalances.

Our present criminal justice system is found inadequate to effectively check the rising trend in women criminality.

The present system of bail which gives much emphasis on the financial soundness of the sureties also at times works out injustice to the women offenders who usually belong to the lower strata of the society.

The enforcement authorities are not complying with many of the provisions of the Criminal Procedure Code with regard to arrest, custody and search. Police stations quite often tend to be torture centres although there are rigid statutory provisions for the security of women offenders.

The study also reveals that the sentence awarded by the courts are not effective. Many of the functionaries punish offenders for the sake of punishment alone. It

seems that many of sentencers have not yet started appreciating the fact that crime could be due to reasons beyond one's control. The lack of proper training of judicial officers in the matter of sentencing and the lack of a well defined sentencing policy with reference to women offenders make it almost impossible for judicial officers to award the sentence appropriate to women offenders. An overwhelming majority of the offenders have not been represented before the courts by lawyers. This has further aggravated their disabilities. The women offenders are also not usually granted probation. The Judicial officers are indeed inclined to show leniency in awarding sentences to the women offenders.

Regarding the prison life of women offenders, it was noticed that the undertrials and convicts are often kept in one block where they have every opportunity to mingle and communicate with each other. The general condition of prisons was found to be unhygienic. The prisoners are also not given opportunities for acquiring knowledge on morals, hygiene and good manners. Nor are they trained in any skilled and useful work.

Many of them are not allowed to keep their kids with them in prison. The authorities are not giving proper care and attention to the children who are permitted to live with their mothers in prison. It is also a fact that the jail staff do not give assistance for submission of appeal petitions.

Lack of after-care services has created apprehensions in the minds of the prisoners. Once convicted they become unacceptable to the community to which they originally belonged. This 'state of affairs' has quite often led to increase of recidivism.

The study looks at the problem of women criminality from diverse angles, analyses the causative factors of crime, evaluates the process of criminal justice system and identifies defects in the law and practice with a view to formulating appropriate measures for the future development of the law on proper lines.