

# LEGALFOXES LAW TIMES

## **Women and Crime: Psychological and Legal Analysis of Crimes on Women and Women Committing Crimes**

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### **Crimes against Women**

Just while I begin to write this paper one Agrima Joshua used her free speech and expression in her standup comedy routine, and she was threatened for rape. The smirk about the way he made those horrific comments showed he had absolutely no remorse for uttering such rubbish. Agrima made an alleged offensive joke about one Shubham Mishra's beliefs which led to quite a disturbing turn of events. Shubham in turn published an Instagram video reacting to the standup comedian. Often it so happens that men joking about one's beliefs are ruled out as mockery but when women do it, some people take offense. We already know how the fourth wave feminism is coming about in the world, how women have been the sex that has supposed to be more submissive, how equality of opportunity has been snatched away on the basis of sex, and so on. Living in the most civilized times; it is a sad state of affairs that people squabble about things that don't necessarily need to be meddled with. It is appalling that instead of progressing; our progression and technological advancement has paved way for us to be like our savage ancestors. The right and left wing in India have been at war for far too long for anything good to come out of it. There seems to be chaos all around, in the world as well as within ourselves. Maybe it is entitlement, maybe it is because people attach their egos to beliefs, who really knows but one thing is for sure that with the current state of affairs, we cannot say we are a peaceful society. Our technological advancement might lead to societal retrograde.

'Sex' can be considered to refer to whether someone is male or female based on their physiology, with 'gender' representing a social construct or sense of self that takes a wider range of forms. The UK government defines sex as:

- referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions
- generally male or female
- something that is assigned at birth

It further defines gender as:

- a social construction relating to behaviors and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth
- Where an individual may see themselves as a man, a woman, as having no gender, or as having a non-binary gender – where people identify as somewhere on a spectrum between man and woman.

I would be liberal and inclusive of the definition, when I talk about a female or a woman in this paper.

When a baby is born, they assign a sex to it on the birth certificate. Sometime it so happens that the person's assigned sex and gender do not match, and the person may be transgender. Some dictionaries and academic disciplines give them different definitions while others do not. Some languages, such as German or Finnish, have no separate words for sex and gender, and the distinction has to be made through context as well as pretext.

A report published by the National Crime Records Bureau compared the crime rates of 1953 and 2006. Murder has increased by 7.39% (from 9,803, a rate of 2.61 in 1953 to 32,481, a rate of 2.81/100,000 in 2006). Kidnapping has increased by 47.80% (from 5,261, a rate of 1.40/100,000 in 1953 to 23,991, a rate of 2.07/100,000 in 2006), but robbery has declined by 28.85% (from 8,407, rate of 2.24/100,000 in 1953 to 18,456, rate of 1.59/100,000 in 2006). In 2006, 5,102,460 cognizable crimes were committed including 1,878,293 Indian Penal Code crimes and 3,224,167 Special & Local Laws (SLL) crimes, with an increase of 1.5% over 2005 (50,26,337). IPC crime rate in 2006 was 167.7 compared to 165.3 in 2005 showing an increase of 1.5% in 2006 over 2005. SLL crime rate in 2006 was 287.9 compared to 290.5 in 2005 showing a decline of 0.9% in 2006 over 2005<sup>1</sup>. What we can see here is, almost all crimes have been increasing recently. We live in the most civilized times where having a degree doesn't seem like a big deal yet the crime rates that are expected to plummet, are not. The irony is remarkable.

Crimes, be it of any nature, especially against women, have been rising in the past few decades. Half of all violent crimes against women are committed by someone they know, versus 38% of violent crimes against men. As for women, the familiar perpetrator is - more often than among men - their partner or ex-partner. The approachability factor weighs in since, it is possible to commit crimes on one who knows you well and would lower their guard around you. Combined with the fact that it is committed as an impulse, it makes sense that violent crimes are committed often by those whom the victim knew, well. For both male and female victims, the familiar perpetrator in most violent crime cases is a neighbor. The rates of violent crime victimization are

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<sup>1</sup> [https://en.wikipedia.org/wiki/Crime\\_in\\_India](https://en.wikipedia.org/wiki/Crime_in_India)

higher among young people between the ages of 15 and 25 years than among other age groups. The victimization rate decreases with age<sup>2</sup>.

Using a small sample survey, Human Rights Watch projects more than 7,200 minors – 1.6 in 100,000 minors – are raped each year in India. Among these, victims who do report the assaults are alleged to suffer mistreatment and humiliation from the police. Minor girls are trafficked into prostitution in India, thus rape of minors conflates into a lifetime of suffering. Of the countries studied by Maplecroft on sex trafficking and crime against minors, India was ranked 7th worst. From 2011 to 2012, there was a 5.3% increase in violations of the Immoral Traffic (Prevention) Act of 1956.

Tamil Nadu had 500 incidents, accounting for 19.5% of the total nationwide, and Andhra Pradesh had 472 incidents, accounting for 18.4% of the total nationwide. Most rapes go unreported because the rape victims fear retaliation and humiliation, both in India and throughout the world. According to NCRB 2015 statistics, Madhya Pradesh has the highest raw number of rape reports among Indian states, while Jodhpur in Rajasthan has the highest per capita rate of rape reports in cities followed by Delhi, the capital city. The National Crime Records Bureau's report of 2006 mentions that about 71% rape crimes goes unreported. Marital rape is not a criminal act in India though sexual intercourse with wife aged between 15 and 18 years is considered as rape. Madiha Kark estimates 54% of rape crimes are unreported. A UN study of 57 countries estimates just 11% of rape and sexual assault cases worldwide are ever reported. On the flip side, thousands of fake rape accusations are poured out on men as well. There is a dark side to the #metoo movement wherein women exaggerate entrapping men with the burden of enduring the shame of a crime they didn't commit. I have realized that if you give humans anything, especially when good, they will find a way to ruin it.

"Dowry" in the sense of the expression contemplated by Dowry Prohibition Act is a demand for property of valuable security having an inextricable nexus with the marriage, i.e., it is a consideration from the side of the bride's parents or relatives to the groom or his parents and/or guardian for the agreement to wed the bride-to-be. Women for the longest time have been thought of as a liability just because in the ancient times they could not go to war, would bear and nurse babies. They were sold by their families, and still today orthodox thinkers believe a son to be an asset over a daughter, leading to female infanticides. The blame of bearing a daughter comes on the mother like as if it was her doing that determined the sex of the baby. Illiterate people in backward third world countries consider the woman to be unlucky who bears a daughter. This kind of social evil prevails deep in the roots of our Indian culture. There are variations on dowry prevalence based on geography and class. States in the north are more likely to participate in the dowry system among all classes, and dowry is more likely to be in the form of material and movable goods. In the south, the bride price system is more prevalent, and is more often in the form of land, or other inheritance goods. This system is tied to the social structure of marriage,

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<sup>2</sup> Source: StatLine, Netherlands.

which keeps marriage inside or close to family relations.<sup>3</sup> Dowry also varies by economic strata in India. Upper-class families are more likely to engage in the dowry system than the lower class. This could be in part due to women's economic exclusion from the labor market in upper classes.<sup>4</sup> Marriage for some boils down to a transaction. After all, even our law defines marriage as a legal contract.

Renuka Chowdhury, former Union minister for Women and Child Development, stated in 2006, that around 70% of women in India are victims of domestic violence. However her statistics were disputed by Save Indian Family Foundation, stating that Renuka Chowdhury talked about the reported dowry death cases and deliberately avoided mentioning the actual convictions in "dowry death trials" after false cases are dismissed in the courts. According to a BBC report, in 2013, around 309,546 crimes were reported against women of whom 118,866 were for domestic violence alone. From physical and emotional abuse, to non maintenance of wife to harassment to honor killings, to oppressions due to varying religious beliefs, women have been troubled throughout history by dominance of men. Just because men consider themselves to be physically strong, most of the times being the sole bread earner, and having orthodox belief of women being a liability, the latter are taken for granted. Just like racism, classism, untouchability, women have been dominated by men for the better half of time.

If this was not enough, being married into a completely different household and taking care of a completely different family along with the added societal pressure can make anyone borderline depressed. Even if you Google today "what is the main role of a woman in society", the results come up to be a caretaker. Domestic violence is also known as domestic abuse, spousal abuse, battering, family violence, dating abuse and intimate partner violence (IPV). Domestic violence can be physical, emotional, verbal, economic and sexual abuse. Domestic violence can be subtle, coercive or violent. Babu et al. surveyed both genders on domestic violence in eastern region of India. The results show that 16% of women had reported experiencing physical forms of domestic violence, 25% sexual form, 52% psychological, and 56% reported any form of domestic violence. Men reported being perpetrators of domestic violence with 22% reporting some form of physical domestic abuse, 17% sexual, 59% psychological, and 59.5% any form of domestic abuse. There is immense requirement from women to put others' need ahead of theirs in all stages and walks of life. Domestic violence is abuse by one partner against another in an intimate relationship such as dating, marriage, cohabitation or a familial relationship. In India, 70% of women are victims of domestic violence. 38% of Indian men admit they have physically abused their partners<sup>5</sup>. The Indian government has taken measures to try to reduce domestic violence through legislation such as the Protection of Women from Domestic Violence Act 2005. Women who are oppressed are afraid to come out and admit it since they lack solid proof in the esteemed halls of

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<sup>3</sup> [https://en.wikipedia.org/wiki/Dowry\\_system\\_in\\_India](https://en.wikipedia.org/wiki/Dowry_system_in_India)

<sup>4</sup> Anderson, Siwan (2007). "The Economics of Dowry and Brideprice"

<sup>5</sup> Source: Wikipedia

justice. The requirement to punish one becomes the biggest hindrance for innocent people in some situations.

From acid throwing to abduction to harassment to non maintenance of wife, women have been on the receiving end of endless troubles. The fact of the matter is these things do not pertain to social factors such as wealth and status. They are evenly spread out across all walks of families. The government of India has taken a small but sure step in the right direction by legislating special acts for women in India. They include –

1. Guardians & Wards Act, 1890
2. Indian Penal Code, 1860 ( amended laws that favor women )
3. Christian Marriage Act, 1872
4. Indian Evidence Act, 1872( amended laws that favor women )
5. Married Women's Property Act, 1874
6. Workmen's compensation Act, 1923
7. Indian Successions Act, 1925 ( amended laws that favor women )
8. Immoral Traffic (prevention) Act, 1956
9. Dowry Prohibition Act, 1961
10. Commission of Sati(Prevention) Act, 1987
11. Cinematograph Act, 1952 ( amended laws that favor women )
12. Births, Deaths & Marriages Registration Act, 1886
13. Minimum Wages Act, 1948 ( amended laws that favor women )
14. Prevention of Children from Sexual Offences Act, 2012
15. Child Marriage Restraint Act, 1929
16. Muslim Personal Law (Shariat) Application,1937
17. Indecent Representation of Women(Prevention) Act,1986
18. Special Marriage Act, 1954
19. Hindu Marriage Act, 1955 ( amended laws that favor women )
20. Hindu Successions Act, 1956 ( amended laws that favor women )

21. Foreign Marriage Act, 1969
22. Family Courts Act, 1984
23. Maternity Benefit Act, 1961
24. Hindu Adoption & Maintenance ACT, 1956
25. Code of Criminal Procedure, 1973
26. Medical Termination of Pregnancy Act, 1971
27. National Commission for Women Act, 1990
28. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
29. Protection of Women from Domestic Violence Act, 2005
30. Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act, 2013
31. Indian Divorce Act, 1969
32. Equal Remuneration Act, 1976
33. Hindu Widows Remarriage Act, 1856
34. Muslim women (protection of rights on divorce) Act, 1986

Despite these laws, there is still a rise in complaint from the oppressed. One could say that more cases are getting reported as of today than two decades ago. The fact of the matter is that these issues are now not hidden in the shameful dark corners that they are committed. However as we know that not all the heinous crimes that are committed against women get reported in the first place. Those who do stand up are made to sit down, held, and quieted. Men or even sometimes other women, who perpetrate such crimes, should be severely punished, also having their name degraded in society. Apart from the government, we must remain alert citizens and bring back the dead virtue of chivalry. Not only lifting them out of such pits but Equality of opportunity must be provided for women. People who can comprehend this article, most of them, have the rational knowledge and integrity not to commit these tragic crimes. The punitive aspect of such atrocities needs to be made realized in those areas of India, even the world, where there is no awareness. I am generalizing a little here even though I know it is wrong but for the sake of argument, the people who are committing these kinds of crimes might not be intellectually capable of understanding the social evils that prevail by reading just an article. Shameful acts like dowry, mental harassment, withholding of maintenance is done in better off fiscal households, but majority of the crimes are committed by people who are narrow minded. Those who have little

comprehensibility beyond their small bubble, that every life has its own value. Most women who are stuck in these spirals have accepted the fact that they are suffering. Accepting I mean, in the sense that they have lost hope coming to terms with their situation. Nietzsche has said that “one who has a why can bear just about any how”. When women are belittled, molested, harassed for so long, they are helpless, hopeless even. The people who commit such abominable will not just have a revelation reading an article or listening to news. Instead, there have to be multiple changes that need to be brought about in this field to end the misery of these everlasting horrors. There needs to be something that shakes their soul, horrifies them to not even ever think about such gruesome doings. By adopting measures on the local level, on the ground level we can really bring about a change in society. We who are privileged enough must stand up for those who have been made too meek and docile to stand up. The government is enacting laws but must follow through with the execution as well. If we ever find ourselves in the situation where we happen to know one who is suffering, we must report incidences to help. Since all the numbers and statistics are constructed one by one, we can take control of situations in our vicinity before we go around the world. These are just some of the precautions we can take in our everyday life in order to make this huge world a tiny bit better.

### Women against Crimes

If young people don't feel they are part of a village they might burn it down to feel its warmth. Trends in female crime relative to male crime are more complex. Some writers claim that female crime has been increasing faster than male crime, as measured by the percentage age of female arrests. The notion of female equality has seemed to converge into each and every field. This has clearly been true in the case of minor property crimes (larceny, fraud, forgery, and embezzlement), where the percentage age of female arrests had about doubled between 1960 and 1975 (from around 15 to 30 % or more), with slight additional increases since then. Smaller but fairly consistent increases are also found for substance abuse categories, but they remain less than 20 % for all categories. The same can be said of major property crimes (which remain less than 10 to 15%). However, the percentage age of female arrests has declined for other categories like homicide and prostitution; and it has fluctuated for still other categories such as aggravated assault and drug law violations<sup>6</sup>. Crime overall has been increasing. The standing up of women for their rights has only made them come closer to their male counterpart in every field, crime being one of them. Since feminism is the new in thing, it becomes an ideology that oppressed women and the people who would like to help them, blindly cling to. The inherent values of dominance that women think men possess, becomes a catalyst for women to initiate an equality movement in every

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<sup>6</sup> Steffensmeier, 1993, for a review of trends and explanations, <https://law.jrank.org/pages/1250/Gender-Crime-Differences-between-male-female-offending-patterns.html>

sphere of life. Most of the women believe the system is patriarchal, and would go to extreme lengths to prove it. My point here is not to prove whether it is or isn't, but simply that the aggravation of the want of equality blinds some to the dark side of aggression.

Why men commit most of the crimes is because there is a certain level of ruthlessness required to commit crimes. In all criminal populations, whether of offenders passing through the courts or of those sentenced to institutions, men outnumber women by a high proportion, especially in more-serious offenses. For example, at the beginning of the 21st century, in the United States, men accounted for approximately four-fifths of all arrests and nine-tenths of arrests for homicide, and in Britain women constituted only 5% of the total prison population. A fragile person may not commit a crime since they lack the audacity to go beyond what is embedded in our mind as moral values. A fragile person can be any sex or gender - male, female, or transgender. There is not just one but various factors that pile up together to then conclude why men commit more crimes than women.

Women are universally considered to be the, more patient, sensible, nurturing and caring sex. They have to take care of themselves and nurse the young in order to bear babies and move the legacy of the family forward. Not having the primary pressure of earning takes a load off of the responsibility. Most crimes occur in dire need of money. To explore the morals of everyday people, a medical company named GetSafe surveyed 2,000 men and women across the United States<sup>7</sup>. However, shockingly, more than 4 in 10 survey respondents admitted that they would murder someone for money. Additionally, more than half would be willing to rob a bank, store, or home for cash. To murder someone, their respondents said, would require a cool \$100 million. Also on the high side: People want \$5 million to rob a bank, \$250,000 to rob a store, and \$120,000 to steal a car. Interestingly, they'd rob a home for a much smaller payout – just \$70,000. What's the smallest amount of cash necessary to spark a crime? Respondents say they'd steal a piece of candy for \$50 – a fairly small payout in return for risking a criminal record. As of 2014, a typical woman working full time earned around 79 cents for every dollar a man earned. However, when it comes to women's willingness to commit crimes for cash, they demand more – much more. In nearly every hypothetical situation, our female survey respondents required greater compensation than men: \$100 more to run a red light, \$800 more to urinate in public, and \$500 more to punch someone. And when it comes to serious crimes, women really want more cash. Female respondents need \$50,000 more to rob a home, \$150,000 more to steal a car, \$400,000 more to rob a store, and \$6 million more to rob a bank. As for the ultimate crime: Men would murder someone for \$100 million, while women wouldn't kill unless the payout reached \$500 million. Now that is a lot of money. Except for one hypothetical situation (killing someone), more than half of men said they would commit every crime – in most cases, well over half. However, less than half of women say they would commit serious acts such as robbery and car theft. When it came to murdering for money, 46% of men said they'd kill someone compared with 34% of women. 88% of men would

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<sup>7</sup> Source : <https://www.getsafe.com/>

run a red light compared with 77% of women; and nearly 85% would steal candy compared with 75% of women. According to the FBI, just over 90 % of murderers are men (in cases in which the gender of the murderer is known). These insights are absolutely brilliant in my opinion. This is anyway a hypothetical scenario but it still helps to get an idea of where peoples; heads are at. No one 'needs' the money offered by the surveyors in everyday life unless they are in a deep hole. I had once come across a young boy of 15 who was caught stealing from a grocery shop. I overheard the conversations he had with the cops. He said that his mom was sick; dad was a drunkard and needed to get basic essentials since he didn't have the money for the same. Now stealing from your local grocery shop out of bare necessity isn't the same and murdering someone. It is an intriguing but the topic I have chosen does not privilege me to dissect the same.

It is true that man commits evil just for the sake of it. But many of the crimes are committed because of the financial condition in the household. Since women are less impulsive, they would rather wait it out, try to indulge in different solutions rather than being conformed to one immoral route despite the immediate gratification. They would rather choose something that is more ethical and moral over satisfying their immediate wants using illegal routes. Women biologically are also known to handle stress better than men. Women are sensible enough to complete a project a week ahead of time in order to avoid the pressure and increased arousal a deadline brings. Men however, will wait until the last minute so that they have the neurotransmitters dopamine and norepinephrine actually push them to finish. With the combination of brain structure, hormones and neurotransmitters, it implies that women look for ways to compromise and serve the needs of others while men look for ways to get the job done.

Stress is a huge factor for committing crimes. Most of the crime are done in haste and impatiently, and it is proved by scientists, psychologist, sociologists that women are definitely less motivated to act out of necessity compared to men that act out of the necessity.

Jonathan Alson, a criminal intelligence expert says, "Women are more likely to kill intimate partners and children<sup>8</sup>. The murder ratio of men to women is still pretty high", he says. He continues, "The lion's share of murders is committed in a state of grave emotion and extreme stress. So many murderers are caught, leading to confessions and admissions because they tend to make mistakes." We already know that women are capable of coping better than men when it comes to stress. So biological and physiological factors play a huge role in understanding why men commit more crimes than women. Adrain Raine, the author of the book the Anatomy of Violence says that people who commit terrorist like crimes have a reduced volume of amygdala. Amygdala is that part of the brain that controls emotion, and it was less in volume to up to 18% he

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<sup>8</sup> The most vicious of murderers who were women, murdered their children, spouses, neighbors, parents, co-workers, friends than strangers. This shows that women are more likely to commit such a crime out of motive rather than impulse.

said. In an interview he talked about brain scans of murderers and normal people<sup>9</sup>. The scans show that the function of the frontal lobe of murderers is little to none. The frontal lobe is that part of the brain that deals with inhibition, judgments and regulates moral, ethical decisions along with emotion. The orbital frontal cortex just above the eyes, behind forehead controls impulsive behavior, anger and rage. He describes that the frontal cortex of serial murders is developed since they commit crimes and then clean up after. He did a study in California wherein he brain scanned 41 murderers along with 41 normal people. The result showed that the frontal cortex of normal people had high glucose metabolism, i.e. high prefrontal cortex functioning. The frontal cortex is larger and matures faster in women than in men. This makes late teenage, young men act out more than women of the same age would due to this reason. Women have more estrogen flowing through their brains enabling them to look for solutions to conflicts, promoting the stress response within the prefrontal cortex.

The resting heart rate is also another physiological contributor to whether the person would commit a violent crime or not. Raine took 1800 three year olds and measured their heart rates to anticipate whether their heart rate went up due to the fear elements introduced. The study showed that the children who had a steady, slow heart rate were more inclined to committing murders. The average adult male heart rate is between 70 and 72 beats per minute, while the average for adult women is between 78 and 82 beats. This difference is largely accounted for by the size of the heart, which is typically smaller in females than males. Adults of either gender who had committed drug offenses by the age of 23 had an average resting heart rate of 86.02 beats per minute at age 11. In comparison, adults of both genders who had not committed a drug offense by age 23 had an average resting heart rate of 93.64 beats per minute at age 11. On the other hand, adults who had not committed a serious violent crime by age 23 had an average resting heart rate of 93.89 beats per minute at age 11<sup>10</sup>. According to Raine (1993, pp. 166-172), one of the most replicable findings in the literature is that antisocial and violent youth tend to have low resting heart rates. A possible explanation of this is that a low heart rate indicates fearlessness. Conversely, high heart rates, especially in infants and young children, are associated with anxiety, behavioral inhibition, and a fearful temperament (Kagan, 1994). Fearful people are unlikely to commit violent acts. Another possibility is that a low heart rate reflects autonomic under arousal. Low autonomic arousal, like boredom, leads to sensation-seeking and risk-taking in an attempt to increase stimulation and arousal levels<sup>11</sup>.

There are variables we have to consider before scrutinizing whether the perpetrator is a male or a female. It was the end of WWII and Germany was retreating from the Netherlands, during which Richard Neugebauer did a study of around 100,000 women, out of which quite a few were pregnant. There was shortage of food up to a point where people had almost starved to death. Now

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<sup>9</sup> <https://www.youtube.com/watch?v=J-D2iWjUWiM>

<sup>10</sup> <https://journalistsresource.org/studies/government/criminal-justice/crime-gender-women-prison-heart-rate/>

<sup>11</sup> Source: David P. Farrington, Institute of Criminology, Cambridge University.

what Neugebauer found was that, women who had poor nutrition to those who had a normal nutrition birthed a baby that was two and a half times more likely to be a criminal offending anti-social disorder. Women who smoke during their pregnancy also give birth to babies who are more likely to commit crimes. Alcohol being a neurotoxin to development of the brain, also affects the baby during pregnancy. Lack of oxygen to the fetus also caused abnormalities when it is born. Such factors limit brain development in the baby during growing in the mother's womb. The culture and environment the babies grow up in, how habituated they are to violent crimes, plays a considerable amount of role in determining their tendencies and outlook towards the same.

A person who commits a monstrous violent crime naturally is detestable and aggressive. The first study in prisoners was conducted in 1972, soon after the feasibility of testosterone estimation, by Kreuz and Rosel<sup>12</sup>, who found that prisoners who had committed violent crimes during their adolescence had higher testosterone levels. In a single sample measurement of free testosterone in the saliva of 89 prison inmates, it was found that at the extremes of the testosterone distribution, the relationship between testosterone to aggression was more striking. 10 out of 11 inmates with the highest testosterone concentrations had committed violent crimes, whereas 9 out of 11 who had committed non-violent crimes had the lowest testosterone levels. In a series of such studies, which gave conflicting results, the majority of these confirmed the relationship of testosterone with aggressiveness reported in prisoners. An investigation of testosterone, cortisol and thyroxin in a sample of 4179 veterans, which has increased credibility because of its size, has shown that basal testosterone levels were positively related to antisocial and aggressive behavior<sup>13</sup>. Testosterone is also a male aggression hormone that aggravates men to be impulsive, violent, infuriated, and irate.

Females are less likely than males to become repeat offenders. Long-term careers in crime are very rare among women. Some pursue relatively brief careers (in relation to male criminal careers) in prostitution, drug offenses, or minor property crimes like shoplifting or check forging. A 2015 study published in the Journal of Criminal Justice, "From Initial Appearance to Sentencing: Do Female Defendants Experience Disparate Treatment?" takes a broader look at gender disparities within the criminal justice system of the United States. These were the key takeaways from that study –

1. Women were less likely to be detained before trial. They were 46% less likely than men to be held in jail prior to a trial.
2. Women who were released on bond were given lower bond amounts. Their bonds were set at amounts that were 54% lower than what men were required to pay.
3. Women were 58% less likely to be sentenced to prison.

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<sup>12</sup> Kreuz LE, Rose RM: Assessment of aggressive behavior and plasma testosterone in a young criminal population.

<sup>13</sup> Mazur A. Biosocial models of deviant behavior among male army veterans.

4. Women convicted of “other property offenses” – a category of crimes that includes arson, receiving stolen property and breaking and entering — received shorter prison sentences.
5. There were disparities in sentencing for some individual types of crime, however. For example, female defendants convicted of theft received longer prison sentences than male defendants convicted of theft.

The criminal justice system's greater "leniency" and "chivalry" toward females may explain a portion of the lower official offending and conviction rates of women in comparison to men. The Supreme Court of India has also stated – “a woman convict having three minor children would be a ground for courts to impose a lenient sentence on her. Mercy may not be shown in case of a woman who has committed a crime as part of a terrorist group.” Referring to the two mitigating circumstances canvassed by the convict — she being a woman and having to support three minor children<sup>14</sup> — Justice Sikri further added, “In this backdrop, the question is as to whether the respondent being a lady and having three minor children will be extenuating reasons? In so far as Indian judicial mind is concerned, I find that in certain decisions of this court, gender is taken as the relevant circumstance while fixing the quantum of sentence. I may add that it would depend upon the facts of each case, whether it should be treated as a relevant consideration and no hard and fast rule can be laid down.” Justice Sikri restored the trial court’s lenient sentence of two imprisonments to the woman. Female criminals are more likely to have mental health or educational difficulties and to have parenting responsibilities, while a lower proportion will have committed violent crimes than men. Judges ought to "bear these matters in mind" when passing sentence, according to the Equal Treatment Bench Book, published by the Judicial Studies Board (JSB). Likewise, the justice system's tendency to be relatively less lenient and chivalrous toward females today may help explain recent increases in levels of female arrests. Although there appear to be relatively small differences between adult women and men in likelihood of arrest or conviction, women defendants do appear to have a lower probability of being jailed or imprisoned. This difference appears to be related to a variety of factors: pregnancy, responsibilities for small

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<sup>14</sup> The woman with three minor children to support would be a ground for courts to impose a lenient sentence on her, the apex court observed. The accused had helped a man rob Rs 27,000 by mixing sedatives in drinks in August 2000. Subsequently, the victim was beaten up and left at a place near Himachal's Dalhousie. A court convicted the woman for the offence, which is punishable with imprisonment of up to 10 years, the report adds. After observing that the woman had three children, two of them mentally unsound, Chamba trial court awarded a sentence of two years in jail to her with a fine of Rs 6,000 in 2003. After nine years, her sentence was erased and imposed with a fine of Rs 30,000 in further lenient view. Against which the state government appealed in the apex court. Recently, through separate judgments, a bench of Justices A K Sikri and Ashok Bhushan agreed that slight leniency for women criminals was justified in the Indian context but it should not be up to an extent that the trial court's already lenient two-year sentence is completely erased.

children, the greater likelihood to demonstrate remorse, as well as perceptions that women are less dangerous and more amenable to rehabilitation.

What I perceive in the current scenario is that there is no denying that men and women are psychologically, physiologically, biologically, and sociologically different. I am merely stating a fact and there is nothing appalling or astonishing about the same. What we have to do is, liberally assess the problems that come to both sexes and harmoniously figure out solutions to problems that need tending to, hierarchically. One cannot just rely on the Legislature and Government, but take initiatives to solve issues that are solvable at the ground and local level. However I feel if experts indulged with them in the right way, one can learn so much from the minds of perpetrators who commit reprehensible, abominable, and atrocious crimes. Whether to give leeway to women or not, I leave it in the hands of judges that try such cases. I consider this dilemma to be onerous and demanding. I believe that one must not just look at the present crime but the past and future, subjectively and objectively, must be taken into account while awarding not just women, but anyone as a matter of fact, a punitive decision.



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