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### RESEARCH ARTICLE

#### WOMEN CRIMINALS: A CASE STUDY OF FEROZEPUR CENTRAL JAIL.(PUNJAB) INDIA.

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#### Abstract

The Constitution of India guarantees equality to women and various laws have been enacted to protect and empower women. While some women have definitely benefited from these provisions, for the majority of poor and illiterate women life still remains a struggle in a very traditional, patriarchal and feudal society. The pathetic situation of women prisoners, branded as bad women who deserve bad treatment, is not surprising. There were 31 convicts and 50 undertrial women in the Ferozepur central prison at the time of our study. The study was conducted from 22 January to 10 February 2010. Observation, questionnaire, interview methods were used for the study. Convicted prisoners are those whose term of punishment has been decided by the court of law. Undertrials are those prisoners whose cases are being heard in the court of law and they may or may not be found guilty of the accusation of crime. Only 50 undertrial women have been included in this study and women prisoners found highly unsatisfactory conditions. Basic facilities are lacking for the women and their children; also the prisoners are visibly scared of the prison staff. There is scope for vast improvement, on all levels, particularly in the attitude of the prison staff who need to learn to respect the human rights of women prisoners.

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#### Introduction:-

##### PRISONS IN PUNJAB:-

In Punjab there are seven Central Jails ( Patiala, Bathinda, Ferozepur, Amritsar, Gurdaspur, Jalandhar and Ludhiana); five District Jails ( Nabha, Sangrur, Faridkot, Kapurthala, Hoshiarpur); two Open air Jails ( Nabha and Kapurthala); one Women's Jail at Ludhiana; one Borstal Jail at Ludhiana and ten sub Jails at Fazilka, Moga, Mukatsar, Patti, Ropar, Barnala, Malerkotla, Phagwara, Dasuya and Pathankot. The authorized accommodation in these Jails is for 10854 prisoners. The Jail Training School is located at Patiala. The average population of Punjab Jails has been around 14000 inmates. Although there is only one prison meant exclusively for women. However women are also lodged in a separate enclosure in men's prisons. Maintenance of discipline amongst them and other prisons and prisoners in Punjab are regulated by: The Prisons Act, 1894; The Prisoners' Act 1900; The Indian Lunacy Act, 1912; The Civil Procedure Code, 1973; The Indian Penal Code, 1860; The Transfer of Prisoners Act, 1950; The Prisoners' Attendance in Courts Act, 1955; The Probation of Offenders Act, 1958; Defence of India Act, 1971; The Maintenance of Internal Security of India Act, 1971; The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974; The Punjab Borstal Act, 1926; The East Punjab Children Act, 1949;

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The Punjab habitual offenders (control and reforms) act, 1952; The Punjab good conduct prisoners (temporary release) act, 1962; The Punjab prevention of anti social and hazardous activities act, 1976.<sup>1</sup>

#### **CENTRAL JAIL IN FEROZEPUR:-**

The central jail at Ferozepur is spread in 52 acres area including prison, contour, residential area, roads and fertile land. In addition to this there is also 11 acres land near prison. This prison was established by British in 1857-58. There are approximately 1600 convicts and undertrials in the prison (including men and women) although the capacity is of one thousand. This is the place where Bhagat Singh, Sukhdev and Rajguru were kept by the British Government.<sup>6</sup> The Central Jail is situated on the Mall Road near the Punjab Roadways Bus Stand in Ferozepur City. It is under the charge of the Superintendent Jail, who is assisted by one Deputy Superintendent, one Deputy Superintendent (factory), 7 Assistant Superintendents, 3 Welfare Officers, 2 Medical Officers, 1 Head Clerk, 10 Clerks, 2 Accountant, 2 Storekeepers, 2 Dispensers, 1 Teacher, 12 Head Warders, 98 Warders, 1 Matron, besides other technical and class IV staff.<sup>7</sup>

#### **INTRODUCTION OF INMATES OF WOMEN FEROZEPUR PRISON:-**

There were 31 convicts and 50 undertrial women in the Ferozepur central prison at the time of our study. The study was conducted from 22 January to 10 February 2010. Observation, questionnaire, interview methods were used for the study. Convicted prisoners are those whose term of punishment has been decided by the court of law. Undertrials are those prisoners whose cases are being heard in the court of law and they may or may not be found guilty of the accusation of crime. Only undertrials prisoners have been included in this study.

#### **Back Ground:-**

It is very important to know the background of a person hence in this study we will take a look at the age, educational status, marital status, occupation, religion, caste, income of family, residence and children etc of women in prison.

Several studies reveal that age has some linkages with the frequency and types of crime committed. The frequency of crimes committed by individuals shoots up remarkably in the adolescent period, reaches its peak in the young and adult age and then decline gradually with the advancement of age. Adwani found that the majority of the prisoners in her samples belonged to the young age group. She stated that an important reason for committing more crimes in young age group had been the desire and ability to take more risks at that age. Since individuals of young age group have fewer obligations and less responsibility to shoulder, they can easily afford to take risk of being involved in violence and aggression. Apart from the fact that the lack of control and absence of responsibilities may increase the incidence of crime in the young age group, it is possible that higher crime rate among young people is due to the fact that such persons are exposed to some demoralising and disorganising conditions of life. Ahuja in his study on female offenders also found that 57.5 percent of the women offenders were young or very young, 37.5 percent were middle aged and only 5.0 percent were old at the time of their crime commission. His study reveals that the peak age of crime in case of his respondents were between 25-35 years. Reckless pointed out that old persons are biologically weak and are not as active as younger persons. They are more settled and socially stable. Therefore, they commit fewer violent crimes and other crimes than the young persons. Studies of Clemmer, Morris, Kerwalla, Morris and Morris also reveal that there is high rate of criminality in the young age group.

In our study we found that among the undertrials 24 women i.e. 48% women were in the age group of 18-35 which can be categorized as young adult while 14 women i.e. 28% women were in the age group of 35 to 60 i.e. middle age and 12 women i.e. 24% women were above 60 years of age and can be categorized as old woman. Thus we can say that in our study most undertrials were young adult.

Education plays a significant role in the process of socialization of the individual. It enables the individual to distinguish between right and wrong. Shukla (1979) in his study on adolescent thieves pointed out that in sample of 200 delinquents, 49.5 percent were educated up to the primary level, 32.5 percent up to the middle level, 16.5 percent up to the secondary level and 1.5 percent dropped out after the matriculation level. His study reveals the majority of the parents were aware of the need of education for their children. The delinquents openly admitted that they could not continue higher education on account of parental indifferences, broken homes, community discouragement, bad companionship and increasing interest and success in the field of delinquency. Ghosh (1986) in her study on 69 female convicts undergoing long term imprisonment in naribandiniketan, an annexe of the model jail in Lucknow, indicated that out of the total population, 92.73% of the inmates convicted of various offences were illiterate. None

of them, however, was educated when they entered the prison. Except for four inmates, nearly all the inmates had been receiving education in the institution itself, among which one inmate has passed her matriculation and was appearing for her intermediate examination. Ahuja (1969) in his study on the socio cultural antecedents of offenders reveals that out of 80 offenders studied, 72.5 percent were completely illiterate, 12.5 percent could read and write (though they had never been to any school) and 15 percent were educated and had been to some school. During the period of imprisonment, 4 prisoners had passed the middle school examination.

In our study we found that among the undertrial 36 women i.e. 72% women were illiterate. While 2 women i.e. 4% women had received education up to school level and 7 women i.e. 14% women had received higher education i.e. they were graduate and post-graduate. Thus we can say that in our study most undertrials were illiterate women.

Gillin's work on the background of prisoners in Wisconsin state prison (1937) reveals that the single or divorced persons were more in convict population in comparison to married ones. Sheldon and Glueck (1930) in their study also viewed that single and divorced persons commit more crimes. While Adwani (1978) in her study traced out that the highest portion of the offenders (65.07%) were married persons and only 7.3% of them were divorced persons.

In our study we found that among the undertrials 26 women i.e. 52% women were married while 4 women i.e. 8% women were unmarried. 19 women i.e. 38% women were widow and 1 woman i.e. 2% women was divorced. Thus we can say that in our study most undertrials were married women.

Quite a few researchers, investigating crime and juvenile delinquency have paid attention to occupation, for example, Fleisher (1963), Ferguson (1966) and Heineke (1978) have reported that children coming from certain specified occupational groups are more likely to take to a delinquent path. On the other hand there are others who have found little or no correlation between antisocial behaviour and occupation (Fleisher, 1966; McChintock, 1970). Opinion of experts in this regard is divided.

We also thought it necessary to find out the occupation of the undertrial women that we are studying. In our study we found that among the undertrial 1 woman i.e. 2% women were maid servants while 4 women i.e. 8% women were agriculturalist. 3 women i.e. 6% women were in service and 27 women i.e. 54% women were daily wage labourers. 14 women i.e. 28% women were non-working i.e. house wives and unmarried girls. Thus we can say that in our study most undertrials belong to labour class.

Religion is one of the important instruments of social control which has an important bearing on crimes. Its significance in a traditional society, like India, is immense in shaping the personality and behaviour of individuals. Establishing any relationship between the religious faith and the trait of criminality is although difficult and attempt has been made in this study to find out the religion of women prisoners.

In our study we found that among the undertrials 19 women i.e. 38 percent women were Hindus and 30 women i.e. 60 percent women were Sikh. 1 woman i.e. 2 percent women were Christian. Thus we can say that in our study most convicts were related to Sikh religion. This was expected as Punjab is a dominated state.

Among cognitive-structural attributes, a consideration of caste appears to be more significant for Indian social order than even religion. For more than two thousand years, the institution of caste has been a dominant feature of the Indian social system. In Vedic era, it was determined by karma or deeds of an individual, but in the post Vedic period, the caste used to be decided by birth. It was characterized by social stratification and hierarchy. The caste system over the years has shown resilience and adaptive capacity and has allowed a certain degree of vertical mobility as well. There are over 500 castes, subcastes and sub-sub castes which are differentiated in terms of norms, customs, mores, taboos and practices in social life. Because of social change and development, the caste system, although, has lost its old vigour, still it holds considerable influence on human behaviour particularly in rural areas.<sup>14</sup>

In our study we found that among the undertrials 14 women i.e. 28 percent women belonged to general category while 29 women i.e. 58 percent women were of scheduled caste; 1 woman i.e. 2 percent were of scheduled tribes and 6 women i.e. 12 percent were of other backward class. Thus we can say that in our study most undertrials belong to scheduled caste.

In India patriarchy dictates that the bread-winner of the family would be male and generally this is true for upper and middle classes. However in lower economic status women also contribute a major share of family income. Some respondent headed their household themselves either due to widowhood or desertion or spouses were non-earning dependents.

In our study we found that among the undertrials for 10 women i.e. 20 percent women the economic needs of their families were fulfilled by themselves. 17 women i.e. 34 percent women the economic needs of their families were fulfilled by somebody else. 23 women i.e. 46 percent women the economic needs of their families were fulfilled by them together along with some other family members. Thus we can say that in our study most undertrials contributed to the fulfilment of the economic needs of family along with others member of family.

The effect of economic conditions in the causation of crime has been studied by many researchers. According to Bongor (1916) the basic cause of crime is the economic pressure in a capitalistic society. He maintained that majority of the criminals came from poor classes who are not in the possession of the means of production. The scholars like Lewis (1961) and Garafalo (1914) also support Bongor's view points through their findings and claim that there is a relationship between crime and economic standard. Glueck and Glueck (1962), Shaw and McKay (1942), Bagot (1944), Merrill (1947), Cletus (1948), and Myepnoff and Myernoff (1964) have also supported that economic condition of the family has got some relationship with crime.

Ahuja (1969) in his study on 80 female offenders also found that as many as 60 percent of the female offenders had come from very poor families with less than Rs.150 income per month, 39 percent poor families with Rs. 150 to Rs.300 income per month and 10 percent from middle class families with Rs. 300 to Rs. 600 income per month. Not a single women offender was from an upper class family. Shukla(1976) in his study also reveals that 39.5 percent of the delinquents are from very poor houses. Similarly, Adwani (1978) in her study also states that (39.9 %) of the offenders are from the lower income group.

In our study we found that among the undertrials . 34 women i.e. 68 percent women family income was between Rs 1000 to 5000 which can be categorised as very poor families while for 15 women i.e. 30 percent women family income was between Rs 5000 to 15000 i.e. they belonged to poor families. 1 woman i.e. 2 percent woman family income was more than 15000 which can be categorised as middle class family. Thus we can say that in our study most undertrial belonged to very poor families. There was none from upper class.

Living conditions play an important role in determining the behaviour of a person. Family accommodation affects the conditions of lodging, dwelling, amenities enjoyed, as also the sanitary conditions, which in turn, affects socialization, supervision and control of the members within the family. The problem of adjustment is very much associated with the structure of family. It also shows the economic condition of family.

In our study we found that among the undertrials, 23 women i.e.46 percent women lived in mud house while 8 women i.e. 16 percent women lived in semi brick house. 19 women i.e. 38 percent women lived in brick house. Thus we can say that in our study most undertrials lived in mud house.

Parenthood brings maturity and responsibility in a human being. He/she learns to live for others however it also brings pressure to care for others and that pressure may drive people towards crime. Number of children also signifies the size of family and how much control a person has over his/her own choices and life. Presence or absence of children in the family is likely to affect the behaviour of the mother. Research worldwide has shown that the imprisonment of children with their mothers and their separation from them at an early age, have extremely harmful effects on the children. Thus the imprisonment of the mother entails punishment for their children as well. Children of incarcerated parents suffer due to social stigma. Those inmates, who were married, were further asked to report the number of children.

In our study we found that among the undertrials had 3 to 5 children each and 5 women i.e. 10 percent women had more than 5 children each. Thus we can say that in our study most undertrials had 3 to 5 children each i.e. they had big families to take care of.

**Criminal Profile:-**

A few decades ago, it was believed that crime is predominantly a male phenomenon and the world of crime is only a man's world. Statistically speaking, crime amongst females is not a significant problem in India. There are more female crimes in western countries in comparison to India. But recent studies show that women are getting involved more in crimes of violence like murder, abduction, etc. therefore there has been an increase in female criminality in India since 1971.

Studies in western countries have shown that most women commit small crimes like shop lifting although studies in India have shown different results. Women in India seem to be taking part in all types of crime. Adwani (1978) found that the highest rate of offenders in her study was of married women and the lowest rate was found to be among deserted and divorced women. Mathews (1999) noted that 60.7 percent of females engaged in sex-related offences were separated from their husbands. 37.5 percent of the divorced females engaged in theft offences and 0.6 percent of married women were involved in violent crimes. Garg (2006) reported that women killed their husbands mainly for extra-marital affairs.<sup>2</sup> It is necessary to understand what are the major crimes in which they are getting involved.

We also thought it necessary to find out the crime that the women undertrials that we were studying had committed. 3 women i.e. 6 percent women were involved in crime related to prostitution. While 1 woman i.e. 2 percent women were involved in crime related to theft. 3 women i.e. 6 percent women were involved in crime related to embezzlement. 32 women i.e. 64 percent were involved in crime related to murder. 5 women i.e. 10 percent women were involved in to drugs. 1 woman i.e. 2 percent women were involved in dowry. Thus we can say that in our study most undertrials were involved in murder.

It was very important to know if there women were habitual offenders or not.

Hence we thought it necessary to find out if the women were arrested for first time or had been arrested earlier also. In our study we found that among the undertrials 48 women i.e. 96 percent women were arrested first time while only 2 women i.e. 4 percent women were arrested earlier also. Thus we can say that most of undertrials have been arrested for the first time and were not habitual offenders.

Although very few women had a history of offending. However it is important to know at what age they become involved in such acts.

We also thought it necessary to find out the age of women reimplicated that we are studying. 2 women i.e. 100 percent women were in the age group of 18-35 which can be categorized as young adults.. Thus we can say that in our study most undertrials with repeated crime record were middle aged women.

It is important to know which crimes women commit again and again.

We also thought it necessary to find out the crime that undertrial women recommitted. In our study we found that among the undertrials, 2 women i.e. all women were involved in crime related to drugs.

It is important to know why women are being reconvicted.

.We also thought it necessary to find out the reason of crime of the women who were repeatedly implicated that we are studying. 2 women i.e. 100 percent women said that the reason of their crime was poverty.

It was also important to know if these women had undergone a prison sentence earlier and if yes how long it was. We also thought it necessary to find out the time that the women who were arrested earlier also, spent in the prison. We found that the 2 women i.e. 100 percent women were in the prison for 2 to 3 months. Thus we can say that the repeat undertrials were in the prison for short durations.

It is said that family does not welcome women offenders and they are stigmatized. We thought it necessary to find out the behaviour of their family members after repeat undertrials women were acquitted last time. In our study we found that among the repeat undertrials 2 women i.e. 100 percent women said that the behaviour of their families after acquitted was good.

It is said that women prisoner face stigma and hardship on release from prison. We thought it necessary to find out the behaviour of other people towards repeat undertrials women. In our study we found that among the repeat undertrials 2 women i.e. 100 percent women said that the behaviour of their families after acquitted was good.

According to differential association theory, individual gets inspired by the immediate environment. Bailey Band Hayes (2006) reported that more than half of women in California prison had an immediate family member (mother, father, brother, spouse or child) who had also been imprisoned. Mathews (1999) also mentioned association of family members in different types of crimes. Hence an attempt was made to enquire about other family members staying in the prison.<sup>4</sup> It is important to know if offenders commit crime alone or do they commit crime with someone else. We also thought it necessary to find out whether the undertrial women had committed crime alone or with someone else. We found that 13 women i.e. 26 percent women had committed crime alone while 37 women i.e. 74 percent women had committed the crime with someone else such as husband, mother-in-law, daughter-in-law, father-in-law, friends. Thus we can say that in our study most undertrials are committed crime with the help of someone else.

It is believed that environment influences a person habit and a person living with offenders will get attracted towards offending. We also thought it necessary to find out if any member of family of undertrial had criminal record. We found that 48 women i.e. 96 percent women said that no member of their family had criminal record. While 2 women i.e. 4 percent women said that someone in their family had criminal record. Thus we can say that in our study most under trial did not have family with criminal record.

Presumed changes in the patterns of crime by females are drawing the attention of popular media as well as that of sociologists and criminologists. There are a number of diverge views advanced by various social scientists for explaining the reason for women to indulge in crime. Bilmoria (1983) reported that domestic factors played an important role in compelling many women to adopt criminals' behaviour. Daniel and Kashani (1983) discussed Sociological and Environmental factors that might have contributed individually or collectively to the causation of crime. They noted that a majority of female violent crimes were intra familial and related to life experiences. Davies (1999) mentioned that some types of criminal activity that women take part are strictly financially motivated. Prostitution is pursued purely for money. Shoplifting, theft, fraud and forgery and drug related offences are the principal crime categories that women contribute to. All of those crimes may be seen as crimes which are committed as a rational response to a lack of money or ability to obtain sufficient money from traditional and legitimate sources. We also thought it necessary to find out the reason of crime of the undertrial women that we are studying. In our study we found that among the undertrials 19 women i.e. 38 percent women said that their families were responsible for their crime. 11 women i.e. 22 percent women said that they committed crime due to friendship. 1 woman (i.e. 2 percent) said that she committed crime due to habit. 3 women i.e. 6 percent women said that the reason for their crime was poverty. 3 women i.e. 6 percent women were committed crime due to circumstances. 4 Women i.e. 8 percent women said that election were responsible for their crime. 9 women i.e. 18 percent women said that they were falsely implicated. Thus we can say that in our study most undertrials said that their families were responsible for their crime.

**MEDICAL HELP:** The health of the prisoners depends upon the availability of medical aid. One of the fundamental duties of prison administration is to look after the prisoners' health.

Hence we thought it's necessary to find out if undertrials are satisfied with the medical facilities available in the prison. 48 women i.e. 96 percent women said that they were satisfied with medical facilities available in the prison when they fall ill. 2 women i.e. 4 percent women said that they were not satisfied with medical facilities available in the prison when they fall ill. Thus we can say that most undertrials are satisfied with the medical facilities available in the prison

**EDUCATION:** Different studies have mentioned that women's prisons are often ill-equipped and poorly financed. They have fewer educational and vocational facilities than men's prisons.

We also thought it necessary to find if undertrials were getting education in the prison. All 50 women i.e. 100 percent women said that they were not getting education in the prison

**LEGAL AID:** There is a provision that a person who is unable to engage their own lawyers will get government lawyer to represent them in the court of law. However as these lawyers lack sincerely most poor people too engage their own lawyers.

We also thought it necessary to find out from the undertrial women if they have their own or government lawyer. In our study we found that 44 women undertrials i.e. 88 percent women said that they had their own lawyer. 4 women i.e. 8 percent under trials women said that they had government lawyer. 2 women i.e. 4 percent women said that they had no lawyer. Thus we can say that most under trials women had their own lawyers.

**FOOD:** Different prison reform committees have stated that food quality is not up to the mark in most of the prisons. According to Saini (2008) samples of wheat collected from five out of 19 Haryana district jails failed the test. Wheat was found to be unfit for human consumption as it was insect infested. Quality not the quantity of the food disturbed most of the inmates. The inmates' grievances centred on bad preparation of the food and consequential tastelessness. These drawbacks of the prison food are the natural outcome of mass cooking, outdated kitchens and utensils and indifferent attitude of the prisoners who cook food.

Hence we thought it necessary to find out whether undertrials satisfied with the food they get in the prison. 19 women i.e. 38 percent women said that they were satisfied with the kind of food they get in the prison. 31 women i.e. 62 percent women said that they were not satisfied with the food they get in the prison.

### **Conclusion:-**

Thus we conclude that Most undertrials were young adults, illiterate, married, labourers, belonging to Sikh religion & scheduled caste & fulfilled the economic needs of the family along with other members but belonged to poor families & lived in mud house and had 3 to 5 children each. Most undertrials were involved in murder and arrested for the first time. Those who were arrested earlier were young adults and involved in drug related crime. They stayed in the prison for the short period and behaviour of their family after their acquittal was good. Most of them committed crime with others and due to family. They were not getting education in the prison. Most under trials women had their own lawyers. They were not satisfied with the food they get in the prison.

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