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RESEARCH ARTICLE

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AN UNTOUCHABLE SECTION IN WOMEN EMPOWERMENT: WOMEN AND CRIME

*Sarika Arwel

CSR, Mumbai, India

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*Corresponding author: Sarika Arwel,

ABSTRACT

The situation of women in custodian and rights of them. How the section is kept aside from development.

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INTRODUCTION

"Crime as a symptom of social disorganization. Further, crime is an index of social pathology. Crime has the functions of indicating limits of social control over individuals' behavior." By Sutherland (1949) in principles of criminology.

Crime in India 2000; offenses and crime is defined as "the word 'crime' denotes any act or omission, made punishable, by any law, if for the time bring in force. While the term 'offense' may be specific, the term crime is generic, largely signifying serious offenses."

Crime may be defined as any conduct that runs counter to society's accepted norms. However, it must be realized that if it is unjust to punish a man for an act he committed by accident, it is equally unfair to punish a man for an action caused by the factors prevailing in the community or the family.

Issues on equality, social justice, and the development of women have been provocative themes of significant interest in India since Independence. The double vulnerability of being both female and illiterate added that they are often unaware of their rights and unable to defend their economic, social and personal interest,s means that women in India have failed to increase their status and have also fallen victims to inequality and crime.

Women criminals form a particular group of criminals whose population in the prison is increasing year by year. Reports on women committing offenses were rarely unheard of, even a few years back.

As per the 2019 Prison Statistics India Report, women prisoners constitute 4.2% of the total prison population.

Year	Total number of Female Prisoners	Percentage
2002	9,089	3.3
2005	13,986	3.9
2010	15,037	4.1
2015	17,834	4.3
2019	19,913	4.2

Even amongst female prisoners, undertrials are more than convicts. In women's jails, there are 2,246 under-trials, 1,346 convicts, and 60 détentés. Delhi women jails have the highest number of under-trials (521), and Tamil Nadu has the highest number of détentés (37).

Out of 19,913 female prisoners, 13,550 are under trial, 6,179 are convicts, and 99 are detenues. Out of all undertrials, seven females were eligible for release under section 436A of the CRPC. Under trials, those who have undergone imprisonment extending up to more than half of the sentence for the accused offenses cumulatively are eligible for release. Five, of these were released.

Theories explaining reasons for crime and criminal behavior, as pioneer perspective stated earlier, corruption is generic primarily. It makes a specific reference to gender-specific criminality. The assumption throughout is that causes of crime are sex-neutral and criminological theory need not dwell upon the sex of the offender. Recently, however, some research deals exclusively with female offenders – the etiology of female criminality; the natures of crime women are more likely to commit; external and internal factors that make women susceptible to the crime commission.

The available literature on female criminality has been extensively reviewed, especially by feminist criminologists (Kellen; 1973; Rasche; 1674; Smart; 1977). This literature could be put into five chronological stages, as per said by Rasche (1674).

1. The first stage was the pre-scientific stage which ironically continued until the 20th century. The few things written about female criminality in this stage are concentrated on environmental causes that did not seriously consider women as criminals, thereby worthy of any specific study or research. The later criminologists regarded this stage as the beginning of theorizing attempts. They could not discover much material which could make any significant contribution to criminological theory on female criminality.
2. The second stage that followed emphasized constitutional causes and was greatly influenced by the views of Lombroso and Ferrero. This stage was composed of studies that looked at physiological and psychological factors related to female criminality.
3. The third stage, which occurred in the the1930 combined constitutional causes with environmental factors.
4. The fourth stage occurred in 1940 as a statistical stage with a good deal of attention to the number of offenses committed by women.
5. The fifth stage, the last step, was constructing the women's prison stage, which existed until recently.

From the point of view of the dominant theorists, the available explanation of female criminality could be conveniently divided into two broad categories- Classical and Contemporary Classical Theory.

“The special problems of the delinquent woman have at all times been neglected –or glossed over by sentiment and unreliable male institution”.

“custodial justice has become necessary because the changing economic and social scenario enhances women's crime involvement and increases rapidly. The fact is that women in prisons are facing several problems. Even her fundamental human rights are being ignored despite a number of instructions from the Supreme Court, High Courts, and recommendations of different Committees.

It generates difficulties for them in the prison which requires special care and needs to be removed. Custodial horror is a daily occurrence for women prisoners in India. What can a woman do when her 'custodians' become her violators? The question is very intimidating and frightening, but this is happening to women in India

The basic premise of most efforts to reform the prison system is that Govt can do this without any fundamental transformation of the structure of the Society as a whole.

The liberal perspective on reform is that fundamental changes in the prison system are possible without fundamental changes in Society. The radical view is that fundamental prison changes can only come about through drastic societal changes.

The attitude of Society needs to be changed in respect of prisoners. Prison constitutes a vital institution that safeguards Society from lawbreakers. Prison confines people against their will.

A human being can apply new customs and methods to replace the old traditional customs. When changes do not occur at the appropriate time, revolutions take place.

The causes of social change are diverse, and the processes of change can be recognized as either short-term trends or long-term developments. The mechanisms of social change can be varied and interrelated. Several contrivances may be united in one explanatory model of social change.

Following are problems faced by women prisoners

- Unsatisfactory living conditions
- overcrowding
- lack of legal aid
- violation of fundamental human rights
- Exploitation by inmates/authorities
- Physical mistreatment
- Food, Accommodation, and Medical Treatment

Women are suffering from sexual harassment during their custody. The requirements are so inhuman that sensitive people feel a sense of shock and shame since die-hard resistance to the reverence of the women sector defeats humanism, softness, compassion, and affection, which humanity owes to its sisterly half. This custodial violence is cancer to our Indian Society.

There are very few NGOs working in prisons to reform and rehabilitate women prisoners. The majority are religious institutions that give spiritual teaching, moral teaching, mediation, and counseling. Very few organizations provide skill training, legal aid support, and rehabilitation support. There will rarely be any CSR organization intensively working on women empowerment that would like to be associated with this population.

There is a need to launch legal awareness programs on a war footing in the jails so that only women prisoners will be made aware of their legal rights and the complexity of the judicial process. Enough lady doctors should be allotted in the prisons. Mulla Committee had recommended a full-time lady medical officer appointment if women prison contains 25 or more women prisoners. In the case of fewer women, Govt should appoint prisoners' lady medical officers part-time.

CONCLUSIONS

We can say that the goal or aim behind awarding the punishment to the women offenders should be the reformation and the rehabilitation of women prisoners. The fact remains that even after the women prisoners are released either on bail or upon acquittal, they face difficulty reintegrating into Society or getting suitable employment, much necessary for their survival.

And in many cases, it is seen that their families are also not interested in taking them back. Under such circumstances, they become vulnerable to many forms of exploitation, including sexual and exploitation of labour.

So, the best way to help them out of this is by immediately releasing money earned by them through doing jobs or even by providing them small stipends (only in fit cases) so that they can choose the correct path to reformation through dignity in the post-prison life.

We have been pushed to do many old things in new and effective ways in the last one and a half years due to the new conditions resulting from the pandemic. So why be hesitant to begin jail reform, and what better place to start than with the women imprisoned in India's prisons?

Women Prisoners # womendevlopment #WomenEmpowerment #CSR #Prision in India