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WHEN A WOMAN KILLS, WHO EXACTLY DIES: HONOUR, OPPRESSION, OR JUSTICE?

AUTHORED BY - MANVI SHARMA

ABSTRACT

When a woman commits an act of violence, the disruption extends beyond the immediate crime, it challenges the social architecture that has long defined womanhood itself. Female criminality in India, though statistically rare, continues to be perceived through moral, emotional, and patriarchal lenses rather than structural and criminological frameworks. This essay interrogates these interpretive biases by analysing theoretical models such as labelling, strain, and psychodynamic theory alongside recent cases in India. It explores how generational suppression, inherited moral conditioning, and systemic inequality collectively produce circumstances under which female deviance emerges. Women's crimes, particularly acts of violence, are not isolated expressions of individual pathology but manifestations of structural neglect and psychological endurance. Through a critical engagement with feminist criminology and concepts like the battered woman syndrome, this work argues that female offenders often reflect the failures of a society that denies agency yet condemns resistance. It calls for a paradigmatic shift from punitive judgment to contextual understanding, one that situates women's criminal acts within histories of subjugation, coercion, and resilience. Ultimately, the discussion underscores the need for a gender-sensitive criminological lens and an empathetic jurisprudence that redefines justice beyond the binaries of guilt and innocence.

Keywords: Female criminality, Gendered deviance, Battered woman syndrome, Patriarchy, Moral control, Generational suppression.

INTRODUCTION: THE QUESTION OF FEMALE CRIMINALITY

Criminality does not emerge in isolation, nor can it be attributed purely to personal inclination or biological predisposition. It is a social construct, an outcome of intersecting economic, cultural, and psychological pressures.¹ Cesare Lombroso's early biological theories of criminality have long been replaced by socio-criminological perspectives that recognise crime

¹ Frances Heidensohn, *Women and Crime* (N.Y.U. Press 1985).

as embedded in social environments and value systems. Yet, female criminality continues to be viewed as an anomaly, a deviation from both law and femininity.

A woman is rarely seen as an individual actor; she is simultaneously a daughter, wife, mother, and moral bearer of the family's honour. Thus, when she commits a crime, particularly one involving violence, she is perceived as having betrayed both the law and her gender. Understanding this dual transgression requires moving beyond conventional criminological explanations and examining how patriarchal conditioning and generational morality shape a woman's choices.

Research in India has predominantly located female deviance within the frameworks of victimisation and socio-economic disadvantage.² However, what remains underexplored is the cumulative effect of moral conditioning, the inheritance of silence and obedience passed down through generations, that defines a woman's understanding of herself and her limits. When she acts against this conditioning, her defiance becomes not merely criminal but symbolic of rebellion against an entire social order.

This essay seeks to unravel the layers behind the act of female violence. It asks: when a woman kills, who truly dies, her victim, herself, or the societal constructs that confine her? Through an examination of honour, moral policing, and social hypocrisy, and an analysis of recent cases of female-perpetrated homicide in India, it aims to reframe the discourse on female criminality as one of social causation and psychological strain, rather than innate deviance. By grounding discussion in established criminological theories and proposing gender-sensitive judicial and social responses, it advocates for a more holistic understanding of female offenders, not as aberrations, but as products of a society that first creates and then condemns their defiance.

THE SOCIAL DESIGN OF HONOUR: CONDITIONING AND CONTRADICTION

The framework of Indian society is held together by an inherited idea of honour, one that rests disproportionately on women. They are raised not merely to protect their own dignity but to embody the collective reputation of their family and community. What is often described as

² Meda Chesney-Lind, *The Female Offender: Girls, Women, And Crime* (Sage Publications 1997).

virtue or decency is, in practice, a means of control disguised as tradition.³

Honour becomes a gendered burden. A woman's behaviour, how she dresses, speaks, studies, marries, or moves, determines not just her own standing but that of her entire kin. This dynamic, deeply rooted in patriarchal logic, creates an impossible balance: while women are stripped of decision-making power, they remain solely responsible for upholding the family's image.⁴

The contradiction begins before birth. Female foeticide and infanticide, though criminalised, persist in several regions, reflecting the continued preference for sons and the fear of dowry and social liability.⁵ Those who survive often face early marriage, denial of education, and limited access to health or economic independence. Historically, girls have been married before puberty to "protect" family honour, a practice rationalised as a moral duty rather than systemic exploitation.

Even today, education remains conditional. Many girls drop out due to domestic responsibilities, safety concerns, or lack of infrastructure.⁶ Yet, paradoxically, the same girls are later expected to be moral compasses, caregivers, and preservers of culture. *They are denied the tools for freedom but burdened with the weight of virtue.*

Progress has been slow and policy-driven. The decline in gender-based disparities owes much to state intervention, schemes like "Beti Bachao, Beti Padhao" aim not only to protect and educate girls but to challenge the social narrative that measures a woman's worth by her obedience (Government of India, 2015).⁷ Yet, laws and slogans cannot dismantle a mindset that has been centuries in the making.

³ Amartya Sen, *The Argumentative Indian: Writings on Indian History, Culture and Identity* (Allen Lane 2005).

⁴ Sudhir Kakar, *The Inner World: A Psycho-Analytic Study of Childhood and Society in India* (Oxford University Press 1978).

⁵ Office of the Registrar General & Census Commissioner, India, *Sample Registration System Statistical Report 2019* (Registrar General of India 2019), https://censusindia.gov.in/nada/index.php/catalog/44375/download/48046/SRS_STAT_2019.pdf.

⁶ UNESCO, *Gender Report: India Education and Inequality* (UNESCO Publ'g 2022), <https://unesdoc.unesco.org/ark:/48223/pf0000381329.locale=en>.

⁷ Government of India, *Beti Bachao Beti Padhao Scheme Guidelines*, Ministry of Women & Child Development (2015),

https://www.pmindia.gov.in/hi/government_tr_rec/%E0%A4%AC%E0%A5%87%E0%A4%9F%E0%A5%80-%E0%A4%AC%E0%A4%9A%E0%A4%BE%E0%A4%93-%E0%A4%AC%E0%A5%87%E0%A4%9F%E0%A5%80-%E0%A4%AA%E0%A4%A2%E0%A4%BC%E0%A4%BE%E0%A4%93-%E0%A4%AC%E0%A4%BE%E0%A4%B2/

Conditioning is generational. Women inherit not only limitations but the justifications for them. Phrases like “*Your mother never went out that late*” or “*Girls in our family don’t do this*”, preserve control under the guise of custom. These statements are less about protection and more about conformity.

In this context, deviation, the act of straying from a standard or norm, becomes synonymous with deviance, the violation of social norms itself. When a woman asserts her agency, society often interprets it not as independence but as rebellion. What begins as an act of self-definition is judged as disobedience.

The result is psychological and social tension. Years of conditioning teach women that restraint equals virtue and silence equals strength. Any attempt to resist these boundaries provokes guilt, isolation, or even punishment. The social order does not simply regulate behaviour, it shapes identity, dictating what is acceptable to want, say, or be.

Thus, the oppression of women in India is not merely enforced by law or religion, it is perpetuated through a system of belief that normalises obedience and glorifies endurance. Behind every act of violence towards women lies a long history of conditioning that teaches women to bear, not to break.

WHEN SOCIETY BECOMES THE JURY: HYPOCRISY, BIAS AND AUTHORITY

In Indian society, where customs often hold as much authority as laws, justice can become a matter of social perception rather than purely legal adjudication. Historically, before codified statutes emerged, social order was maintained through customary law, caste and community councils, such as the village panchayat and the texts of Hindu law (dharma-śāstra) which assigned roles, duties and punishments within the patriarchal household. These informal authorities still echo in contemporary practice, even when formal legal frameworks exist, and women are judged not only by courts but by communal norms and moral verdicts.

Today, when a man commits violence, society often seeks explanation, his upbringing, frustration, substance abuse, but when a woman kills, especially her husband or a partner, the narrative abruptly shifts from understanding to moral condemnation: she is not just culpable

under law, but portrayed as having betrayed womanhood itself. In this dual-standard world, deviation becomes synonymous with deviance when the actor is female. The difference lies not in the act, but how society perceives it.

Domestic violence statistics underscore the structural imbalance behind many female criminal acts. According to the National Family Health Survey-5 (2019-21), approximately 29.3 % of married Indian women aged 18-49 have experienced physical or sexual violence by their spouse or partner. Furthermore, a recent cross-sectional study found that among ever-married women, 26.2 % experienced some form of intimate partner violence, of whom 60 % reported physical violence and nearly 9.5 % reported emotional violence.⁸ These figures suggest that many women who go on to commit serious offences may themselves have been subjected to prolonged abuse.

The generational nature of female suppression often reveals itself through inherited symbols of subservience, heirlooms passed down not just as ornaments but as instruments of quiet conformity. Each trinket becomes a reminder of endurance mistaken for virtue, of silence rewarded as grace. This inherited restraint builds the foundations of what psychology terms *learned helplessness*, forming a continuum that extends into the *battered woman syndrome*. In this state, resistance manifests only when endurance reaches its natural limit, when passivity collapses under accumulated injury, and rebellion becomes the only available expression of agency.

This continuum between oppression and defiance finds a stark illustration in the life of Phoolan Devi, often sensationalised as the “Bandit Queen” but rarely understood as a social product of systemic neglect. Married off as a child, subjected to caste-based and sexual violence, and abandoned by every institution that claimed to protect her, Phoolan’s later turn to violence was not born of inherent deviance but of accumulated humiliation. Her transformation, from victim to rebel and eventually to a Member of Parliament, underscores how female criminality often operates at the blurred boundary between vengeance and justice. Her life mirrors the argument advanced by feminist criminologists like Meda Chesney-Lind and Carol Smart, that women’s criminal acts frequently emerge from pathways structured by victimisation, gender inequality,

⁸ S. Manna et al., *Prevalence of Intimate Partner Violence Among Indian Women and Their Determinants: A Cross-Sectional Study from National Family Health Survey-5*, 24 BMC WOMEN’S HEALTH 363, 363–372 (2024).

and exclusion from legitimate means of power.

Seen through this lens, the concept of crime itself begins to fracture; the boundaries between moral culpability and moral resistance blur. When structural inequities normalise the conditions of subjugation, the individual act of deviance becomes less a rupture in the social order than a reflection of its failures. What the system then labels as “criminal” is often an attempt at reclaiming autonomy within a framework designed to deny it.

In criminological and psychological discourse, the concept of battered woman syndrome,⁹ provides insight: continual victimisation may lead to learned helplessness, collapsed agency and, sometimes, violent retaliation. While the syndrome is controversial in its legal application, it helps to frame acts of female violence not simply as moral failure but as potential outcomes of sustained trauma and systemic neglect.

When society becomes both prosecutor and jury, its verdicts extend beyond the legal realm into narrative and identity. The courtroom may adjudicate the crime, but the courtroom of public opinion pronounces the woman guilty of violating femininity, motherhood, honour and obedience. In this sense, authority is never only institutional, it is communal, moral and relational.

UNDERSTANDING FEMALE DEVIANCE: BETWEEN PSYCHOLOGY, STRUCTURE, AND SOCIAL REACTION

Understanding female criminality through this contextual lens requires dismantling two persistent fallacies:

- (1) that women’s crimes are always emotional, irrational, or spontaneous, and
- (2) that male crimes are logical or systemic while female ones are aberrations.

Both misconceptions stem from gendered stereotypes of agency. A woman’s anger is seen as hysteria, her retaliation as overreaction, and her defence as deceit.

This reductionist approach obscures structural causation. The woman who kills after years of violence may not fit the conventional framework of “self-defence,” yet her act is inseparable from the cumulative harm she has endured. Indian jurisprudence, as seen in *State of Madhya*

⁹ Lenore E. Walker, *The Battered Woman* (Harper & Row 1979).

Pradesh v. Laxmi Sharma (2019),¹⁰ has yet to formally recognise battered woman syndrome as a legitimate defence, despite growing psychological evidence supporting it.

According to the National Family Health Survey, 29.3% of ever-married Indian women have experienced spousal violence, and 85.8% have never sought help.¹¹ These statistics underscore that when women retaliate violently, their actions often stem from prolonged exposure to physical and psychological abuse.

This link between victimisation and criminality was first theorised by Meda Chesney-Lind,¹² who argued that female offending often arises as a direct response to male violence and systemic marginalisation, what she terms the “victimisation-criminalisation continuum.” Similarly, Pat Carlen emphasises that women’s deviance often emerges from what she calls “class-gender deals”, unfulfilled social contracts that promise security in exchange for compliance.¹³ When these deals collapse, deviance becomes an act of self-preservation rather than rebellion.

In the Indian context, cases such as those of Sonam Raghuvanshi, Ravina, and Muskan Rastogi demonstrate this continuum vividly. Media narratives framed these women as manipulative or immoral, focusing on their personal lives rather than the contexts of coercion, abuse, or deprivation that preceded the crimes. This public shaming reflects Howard Becker’s Labelling Theory (1963),¹⁴ wherein deviance is not inherent in the act but conferred by social reaction. Once labelled, women internalise these identities, resulting in what Becker calls “secondary deviance”, behaviour shaped by the stigma of being branded criminal.

Moreover, Merton’s Strain Theory,¹⁵ and Cloward and Ohlin’s Differential Opportunity Theory,¹⁶ illuminate how women, constrained by patriarchal expectations and denied legitimate means of achieving autonomy, may resort to illegitimate means as the only available

¹⁰ State of M.P. v. Laxmi Sharma, Crim. App. No. 1143 of 2019 (India).

¹¹ National Family Health Survey (NFHS-5), *India Fact Sheet* (Ministry of Health & Family Welfare 2019–21), <https://www.nfhsips.in/nfhsuser/nfhs5.php>.

¹² Meda Chesney-Lind, *Girls’ Crime and Woman’s Place: Toward a Feminist Model of Female Delinquency*, 35 *CRIME & DELINQ.* 5, 5–29 (1989), <https://doi.org/10.1177/0011128789035001002>.

¹³ Pat Carlen, *Women, Crime and Poverty* (Open University Press 1988).

¹⁴ Howard S. Becker, *Outsiders: Studies In The Sociology Of Deviance* (The Free Press 1963).

¹⁵ Robert K. Merton, *Social Structure and Anomie*, 3 *AM. SOC. REV.* 672 (1938).

¹⁶ Richard A. Cloward & Lloyd E. Ohlin, *Delinquency and Opportunity: A Theory of Delinquent Gangs* (Free Press 1960).

outlet. Their deviance, then, is not irrationality but adaptation under constraint.

At the psychological level, Freud's Psychodynamic Theory,¹⁷ explains how unresolved trauma, particularly from early familial or intimate experiences, resurfaces through displacement or projection. For women enduring domestic abuse, aggression can thus manifest not as innate violence but as a response to chronic repression. Such cases should compel us to rethink culpability through a trauma-informed framework that recognises coercive environments as catalysts for deviant acts.

As Carol Smart asserts, female criminality "cannot be understood in isolation from the structures that confine women's existence."¹⁸ When women kill, it often represents the collision of individual desperation with social control, a desperate attempt to reclaim autonomy in a world that persistently denies it.

PATTERNS OF DEVIANCE AND THE CONTEMPORARY INDIAN CONTEXT

Female deviance in India cannot be understood as individual moral collapse but rather as a pattern constructed through collective social design. Societal structures dictate acceptable femininity, modest, obedient, nurturing, and any departure from this ideal is treated not as diversity but defiance. This transformation of non-conformity into delinquency aligns with Stanley Cohen's (1972) concept of *moral panic*, where social anxieties are projected onto women who refuse compliance.¹⁹

Indian media continues to reproduce these anxieties. Women who commit crimes are rarely examined through structural contexts such as poverty, abuse, or psychological distress. Instead, their narratives are sensationalised, the "cold-hearted mother," the "vengeful wife," the "seductress." Cases like Indrani Mukerjea (2015)²⁰ revealed how coverage often blurred the line between evidence and moral judgment, treating female offenders as symbols of societal decay rather than products of systemic failure.

¹⁷ Sigmund Freud, *Introductory Lectures on Psychoanalysis* (Hogarth Press 1917).

¹⁸ Carol Smart, *The New Female Criminal: Reality or Myth?*, 19 BRIT. J. CRIMINOL. 50 (1979).

¹⁹ Stanley Cohen, *Folk Devils and Moral Panics* (MacGibbon & Kee 1972).

²⁰ Indrani Mukerjea Case - Sheena Bora Murder Case, Media coverage and legal records, Mumbai High Court Proceedings, 2015-2022.

Yet, this pattern is far from homogeneous. Kimberlé Crenshaw's framework of *intersectionality*,²¹ is vital to contextualise female deviance in India. The social consequences of deviance differ sharply across caste, class, and geography. A Dalit or tribal woman's defiance, be it elopement, protest, or economic independence, is judged more harshly than that of her upper-caste counterpart. NCRB data substantiates this inequality, revealing that marginalised women form a disproportionate share of those charged with "moral" or "public order" offences. The justice system, instead of neutralising prejudice, often reproduces it under the guise of legal neutrality.

This dynamic becomes more explicit in honour crimes and dowry-related deaths. Despite the Dowry Prohibition Act, 1961, India records dowry deaths in huge numbers, and numerous honour killings justified as "family reputation."²² These figures illustrate not only the persistence of patriarchal control but its rationalisation as moral duty. Violence against women is thus normalised under the pretext of preserving values, while violence by women is condemned as an aberration.

Criminologist Carol Smart critiques this "male-stream" criminology that interprets women's deviance as either sexual pathology or emotional excess.²³ Such frameworks obscure the social logic behind women's actions, especially those responding to prolonged abuse. The lack of formal recognition for *battered woman syndrome* in Indian law perpetuates this bias. It treats reactive survival behaviour as irrational rather than as a rational response to sustained victimisation.

In this sense, the Indian narrative around women and crime remains a paradox of moral asymmetry: the system is quick to excuse male transgression as circumstance but interprets women's resistance as betrayal. Even contemporary reformist policies symbolically elevate the "girl child" yet fail to dismantle the moral economies that continue to police the grown woman.

As Nils Christie argued in his theory of the *ideal victim*, sympathy is extended only to those who conform to passive victimhood.²⁴ A woman who retaliates, asserts, or survives on her own

²¹ Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex, 1989 U. CHI. LEGAL F. 139 (1989).

²² National Crime Records Bureau, *Crime in India 2023: Statistics Report* (Ministry of Home Affairs 2023).

²³ Carol Smart, *Women, Crime and Criminology: A Feminist Critique* (Routledge & Kegan Paul 1976).

²⁴ Nils Christie, The Ideal Victim, in *From Crime Policy to Victim Policy* 17–30 (1986).

terms ceases to fit this category. This cultural contradiction sustains a criminological blindness where women's offences are hyper-visible but their oppression remains structurally invisible.

The analytical outcome is clear: Indian criminology still oscillates between moral control and moral panic, failing to treat women's deviance as a mirror to systemic inequality. Recognising female deviance as *socially produced* rather than *morally induced* is not merely an academic exercise, it is essential to deconstruct how the justice system itself becomes an instrument of patriarchal continuity.

FROM REACTION TO REFORM

The discourse on female criminality in India has long been reactive rather than reflective. Laws are amended after public outrage, committees are formed after tragedy, and debates fade once the moral panic subsides. This cyclical engagement with crime and gender highlights a deeper epistemic gap, one where criminology itself mirrors the patriarchal frameworks it seeks to critique.

Reform, therefore, cannot begin solely with legal redress; it must begin with *reconceptualisation*. The discipline must first reimagine women not as anomalies in the criminal landscape but as participants shaped by their environments. Feminist criminology, pioneered by scholars such as Carol Smart and Frances Heidensohn,²⁵ calls for precisely this shift, from describing women's deviance to decoding the gendered logic that defines it. In the Indian context, this means confronting how morality, honour, and protection operate as instruments of control rather than care.

The absence of recognition for battered woman syndrome within Indian law reflects not only a legal omission but also a generational pattern of suppression that women inherit like heirlooms. Each generation passes down not property or privilege but silence, the quiet endurance of injustice, the learned habit of compliance. This inheritance manifests as *learned helplessness*, where submission is mistaken for virtue. The psychological residue of such conditioning culminates in cycles of abuse, in which endurance becomes a survival mechanism rather than a choice.

²⁵ Frances Heidensohn, *Women and Crime* 1–216 (N.Y.U. Press 1985).

Seen through this lens, the woman who kills after years of domestic violence does not act in isolation. Her decision arises from a continuum of generational suppression, a response conditioned by centuries of unacknowledged suffering. The law, however, continues to view her action through a narrow binary of guilt and innocence, ignoring the inherited social subjugation that frames her choices. Recognising battered woman syndrome as a partial defence would not exonerate such acts but would contextualise them, bridging the gap between legal rationality and lived trauma.

The reform, therefore, must not be confined to reactive penal responses but should aim to reimagine justice through a gendered lens. Rehabilitation and judicial interpretation must incorporate an understanding of women's socio-psychological contexts, acknowledging the confluence of coercion, control, and conditioned morality that precipitate deviant acts. Only when law accepts that female criminality often stems from cumulative harm rather than inherent deviance can justice become restorative instead of merely retributive.

CONCLUSION: WHAT DIES WHEN A WOMAN KILLS?

When a woman kills, the death that occurs is rarely singular. It is not just the victim who dies, but often a fragment of the social structure that confined her. Each such act, however tragic, forces society to confront the silent violence it normalised through centuries of gendered control. The woman who kills challenges more than the law; she disrupts the narrative of submission that has been imposed upon her lineage.

The intersection of battered woman syndrome, generational suppression, and structural inequality reveals that female criminality often originates not in moral failure but in accumulated trauma. Indian courts, while occasionally sympathetic, have yet to fully adopt interpretive frameworks that recognise such contextual victimhood. True justice would require a jurisprudence that interprets women's deviance not as defiance but as an echo of endurance, an act emerging from prolonged social and psychological captivity.

As feminist criminologist Pat Carlen observes, "*Women's lawbreaking is often a muted form of protest, a way of reclaiming control in a world that denies it to them.*" This does not absolve guilt but reframes it within a broader matrix of coercion, opportunity, and resilience.

Thus, when a woman kills, she kills not merely a person but also a symbol, the image of obedient womanhood. Yet in doing so, she also kills a part of herself: the conditioned self that society had built for her. What dies is not only the victim or the perpetrator, but the fragile illusion of moral superiority that has long excused male violence while condemning female survival.

The path forward lies in recognition, female criminality must be read not as an aberration but as an urgent reminder that the system itself breeds both victims and offenders. Until justice accounts for the history women inherit, every act of female deviance will continue to be a mirror, one that reflects not the fall of an individual, but the failure of a society. Therefore, establishing a framework that respects such intersectionality is pertinent for justice to be truly meted out.

