

EVALUATING THE PHENOMENA OF VIOLENCE UNDER MODERN SOCIETY

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ABSTRACT

Violence is a common enough term, and we all think we know what we are talking about when we use it. Yet violence is much more complex than it appears at first glance. Most people who use it are thinking only about acts that they do not like. When a criminal knocks down an old lady, it is clearly an act of violence. When a police officer knocks down a criminal it is necessary force. Because the two acts are equally violent, the real distinction is between legitimate and illegitimate violence. Illegitimate violence is what people have in mind when they speak of "The problem of violence". Violence may also be defined as "the use of force whether overt or covert, in order to wrest from individuals or groups something that they do not want to give of their own free will". Theft is not always violence, rape always is, and if rape is a conspicuous and so to speak, pure form of violence, it is because it obtains by force what is normally won through loving consent. Violence is horrifying and yet fascinating in that it enables the strong to establish profitable relations with those who are weak without expending any energy on hard work and discussion.

KEYWORDS: Violence, Society, legitimate

INTRODUCTION

Violence is not unique to the 21st century. The history of mankind bears witness to its occurrence throughout the ages. Considering the modern urbanization and industrialization, advancement of science and civilization and emergence of materialism, some new forms of crime such as cyber crimes, communal riots, dowry deaths, custodial deaths, rapes, etc. crimes According to the above statement, the researcher believes that an examination of the available data on violent crime in India reveals the extent and scope of violence in today's society. Looking through the pages of history, we find that violence was not unknown to primitive societies. Violence is certainly not something unique to the 21st century. The history of mankind bears witness to its occurrence throughout the ages. However, it may be mentioned here that the type and definition of violence has changed over time. In primitive times, criminal law had a small beginning in a very limited field, which was later defined. The only known crimes were witchcraft, incest and animalism, to which were later added holy crimes, as well as royal crimes and theft.³

CONCEPT OF VIOLENCE

Man by nature is a fighting animal. There is no society on the earth which does not face the problem of crime and related violence. To think of a society without a problem of violence shall be a myth. Violence is a perennial problem. The menace of violence has daunted the human civilization since the ages. It is doubtless that when a man is alone he seldom commits violence. It is only when there is an interaction between two or more men that violence is likely to be committed. If we go through the pages of history we find that violence was not unknown to the primitive societies. Certainly violence is not something unique to the twenty first century. Human history bears witness to its occurrence throughout the ages. However it may be mentioned here that the type and concept of

violence has changed with the passing of time. In primitive times, criminal law had a small beginning in a very limited field, which was later defined. The only known crimes were witchcraft, incest and animalism, to which were later added holy crimes, as well as royal crimes and theft. Along with the development of civilization, there have been extensive changes in the concept and forms of violence. Some new forms of violence like gang violence, genocide, nuclear war, terrorism and naxalite violence have marked their presence in the list of violence⁴.

The Nature of Violence:-

Violence is a common enough term that we all think we know what we're talking about when we use it. However, violence is much more complicated than it appears at first glance. Although violence can be properly defined as behavior intended to cause bodily pain or injury to another person, this definition can be misleading. Most people who use it only think about activities they don't like. When a criminal knocks down an old woman, it is clearly violence. When a police criminal falls, force is needed. Since the two acts are equally violent, the real difference is between legal and illegal violence. Illegal violence is what people mean when they talk about a "violence problem". For centuries, people have looked for the causes of violence in human instincts. Recently, scientists like "Konrad Lorenz and Robert Ardrey" have re-popularized the idea that humans, like other animals, have an inbuilt aggressive instinct. According to this theory, we only need to look to our genes to explain violent behavior. For example, "Ardrey" argued that humans have an innate desire to conquer and dominate territory, and that this desire is the reason for our inhumanity to one another. It is generally accepted that men are more violent and aggressive than women. Some biologically oriented researchers explain this difference by theorizing that male hormones cause aggression. Other researchers, however, question whether gender hormones have much effect on human aggression or violence. A more convincing biological explanation considers differences in size and strength to be the main variable. Males, who are generally stronger than females, are more effective in fighting and are therefore more likely to use violent aggressive behavior to get what they want. However, differences in socialization practices between boys and girls are probably far more important than biological differences per se. The most widely accepted theory is that people learn to be violent in the same way they learn any other behavior. The learning can take place in a family, a subculture or an entire culture. Some people learn ambiguities and values that define violence as a good thing in certain situations. Others learn a worldview in which violence seems to be the only way to get what they want. Others can learn from being the victim of a violent attack.⁵

VIOLENCE HISTORICAL BACKGROUND

Violence is sold like the world; in the mythologies and legends of cosmogonies, it represents something related to the beginning of history, always associated with the deeds of heroes and inventors. Those who study history are aware of the pleasurable role of violence in human relationships. If we want peace, it is important to understand violence. Since violence is part of human social activity, it is worth starting from the perspective of social scientists. They argue that a man is rarely hostile, repulsive, and not guilty of murder or war; the social man does both. Only when people gather in groups do their individual interests collide. When they are organized into groups, the interests and conflicts of the groups collide. If it fails, war will follow. What men gained from group structure and order, they also lost from frustration and conflict.

³Sankar Sen, Crimes in modern India, in (Criminal Law and Criminology, Deep and Deep Publication) 2002 p. 53.

⁴Crime in India (National Crime Records Bureau)G.0.1, 200

Thus, society itself appears to be the root cause of war, and as long as sovereign nations and their societies exercise political, economic, and military power, war will remain inevitable. Most authors agree that a better understanding of the present is achieved through an awareness of the past. Of course, violence is not unique to the 21st century. The history of mankind bears witness to its occurrence throughout the ages. "As long as physical force remains an option in the human agenda, it can appear at any time."⁶

Looking back in time, violence can be found in primitive societies as in civilized society. Under the original law, physical aggression was usually carried out privately by the victim or a relative. Grievances were often pursued with bloody vengeance. If, as was sometimes the case, violent revenge was considered a crime by the original perpetrator, a blood feud could result. Quarrels thus started could last for a short time or last for generations. In ancient Rome, a civilized society by the standards of its time, violence met violence. The expression "an eye for an eye" for proper revenge comes from the two Tables. It seems to be generally agreed that private law enforcement is the proper means of protecting private law. It has been in existence at the time of Twelve Tables. The Romans were used to violence, and the upper classes in particular placed no great value on human life.

Violence in the Hindu System

The Aryan race settled in India as peaceful farmers from the earliest times of history. In time they ceased to be nomads, and the elements of cohesion and discipline had a visible effect on them. It was a society that poorly developed its institutions and took a long time to adapt to a tolerable form of government and ethics. Of course, its laws were fully developed. so was its penal code. The Hindu Penal Code had a more important place than the compensation of wrong. If the injury caused by the criminal was of a serious nature, the culprit was not only obliged to compensate the victim, but also had to suffer the punishment imposed by the king. The king had to punish those who deserved it. For Manu says: "A king who punishes those who do not deserve to be punished, and fails to punish those who deserve to be punished, becomes infamous and ultimately condemned to hell." to the law, but it is also a perfect summary of the prevailing religion, philosophy, customs and habits followed by the people at that time. Chapter VI. The author Manu first lays down the structure of the court, and then gives eighteen main titles, that is, assaults, thefts, robberies and other violence, etc. Manu lays down certain rules to punish this crimes.⁷

Violence in modern society

The concept of crime varied from society to society and from era to era, and thus criminal law reflects the prevailing grievances and values in society. A few examples can be given. Murder is a recognized crime in all civilized societies, but primitive people and communities in civilized societies may consider the killing of a person a relatively private matter for the group in question. In some primitive societies, ordinary intentional killing such as infanticide, headhunting, killing of the elderly, etc. would definitely be classified as murder in modern society. White collar crimes like frauds, fraudulent financial transactions etc. have also increased in modern societies. These crimes are often committed by individuals of respected professional, financial or social status and cause greater damage to society than underworld criminals who commit strictly defined violent crimes such as robbery, burglary, theft, etc.

⁵. Ibid.

⁶KofiAnnan,ExSecretary-General,UnitedNationsNobelPrizeLaureate2001.

⁷Rasheeduddin Khan, Violence and Socio-Economic Development in (Violence and its causes, UNESCO)1981 p. 167

It has been aptly said that after war, crime is the greatest challenge to human society. Most modern democratic industrial societies are now haunted by the specter of increasing crime and violence, which pose a serious threat to human life and property, peace and comfort. In wealthy Western countries, such as the United States, crime is growing much faster than population growth. Crime also grew rapidly in Britain. The most alarming feature of crime in many rich countries is that the majority of crimes are committed by young people, and even children, who make up the most criminal population. In this context, it is interesting to note that the increase in crime in post-war Britain and the development of social security occurred at the same time, suggesting that the classic theories between crime and poverty no longer held. The trend of crime growth in both of the mentioned countries continues even today.⁸

CRIME SITUATION IN INDIA

Crime is also on the rise in India, although the rate of growth is perhaps slower than in many Western countries. In India, however, the exact position of the crime statistics is not given, because large-scale repression takes place mainly in rural areas. The increase in crime and resulting violence in our country is due to a combination of factors such as growing population, rising unemployment, agricultural unrest and labor tension. In India, an alarming feature of the current trend is their increasing involvement in non-criminal activities and this is a result of the country's demographic development, significant population growth between the ages of 16 and 25.

Variables Associated with Criminality

Many studies have shown that crime varies according to the social and cultural characteristics of a community. In general, large cities and urban areas have higher crime rates than small towns and rural areas. It has been established that urbanization often increases crime. Crime rates also vary within a given area and community, depending on the social and cultural characteristics of the neighbors. In slum areas, in the heart of big cities, where there is real poverty and unemployment and where different cultural and ethnic groups temporarily mix, crime increases. The conditions of modern industrial societies also increase crime. Today, modern industrial society has become an atomized society, where people have become a messy dust of many particles without a unified conscience. Although crime may not be completely preventable or eliminated, its incidence has been found to be much lower in societies with strong and cohesive bonds of community consciousness. A well-known example is the Eskimo Society, where crime is almost minimal. A study of Australian Aboriginal society has shown that there is little or no crime among them. Although jumping back into the past is neither possible nor perhaps desirable, the organization of tribal societies highlights the fact that crime is greatly reduced when people are guided by well-established family or tribal traditions and well-accepted internal values. Crime statistics are rates of crime intensity recorded annually for a specific country, region or location. It reflects rising or falling trends in crime and also provides information on how new crime patterns emerge and old ones disappear or take on new dimensions. Crime statistics show the general moral tone of a given society and shed light on the overall efficiency of the police, prosecution and courts. Crime statistics help law enforcement agencies identify the majority of crime at a particular time, place and area.⁹

⁸Jean-Marie Domenach, *Violence and Philosophy* (Violence and its causes UNESCO) 1981 p.30.

⁹Rasheeduddin Khan, *Violence and Socio-Economic Development in (Violence and its causes, UNESCO) 1981 p. 167*

VIOLENCE WITH REFERENCE TO THE STATE AND THE LAW

Self-preservation is the first instinct of nature, and also of man. However, it can be observed that this is not the only instinctual creation. If that were the case, the world would have ended. While care ensures the survival of the individual, it does not neglect the continuation of the species. Therefore we find that all creatures in the world, both human and animal, have the desire to reproduce. People developed family life to care for and protect their members, under the family head during the birth of societies. The family life thus formed originally consisted of sons and daughters, brothers and sisters under the authority of the elder member. The society was formed by several joint families. The head of the family was, so to speak, the king of the family, its legislator, judge and priest. This is known as the patriarchal system, the first form of government known in history. The power of the father in these families was absolute; he may even kill each of his children. The above explanation shows that from the individual to the family and from the family to the state is the evolution of ancient society. During these two stages of social development, criminal responsibility was of little value, because the individual's only concern was self-preservation. In the second phase, the only concern of the family was to protect it against the invasion of foreigners as a necessary means of its preservation. Naturally, in the family situation of the society, the head of the family established some discipline among the family members. If a dispute arose between them, it was referred to arbitration by the head of the family, and he corrected the wrong of the offended family member. But one family had no power but its own, so it became necessary to devise some means of uniting the several families; this happened with the development of clans, which culminated in the formation of the state. With the development of the country, we noticed that the evening of Javap appeared, although in a very rough way, and so societies developed.¹⁰

CRIMINOLOGICAL ASPECT OF THE PERSON COMMITTING VIOLENCE

When the criminologist, who studies crime and its causes in order to prevent it, begins to study violence, he finds himself dealing with a much larger and more complex phenomenon than the subject of his immediate scientific concern—crime, which is all activity. Recognized in society at a certain moment in time as socially dangerous and criminally punishable. Etymologically, the term criminology is derived from the Latin word "Crime" or "Crimen" and the Greek word "logia" or "science". Criminology is the science that deals with crimes and criminals. In Advanced Report, criminology is the scientific study of the forms and causes of crime and the treatment of criminals. The thoughts of the respected criminologist are classified under the head of schools of criminology. "School of criminology" is a system of thought with its proponents. Schools have evolved over the last two centuries. The permanent schools are (i) Classical School and (ii) Positive School

(A) PRE-CLASSICAL SCHOOL

This school explained the causes of crime in terms of demonology, witchcraft and supernatural forces: in the 17th and 18th centuries, the Roman Pope and the Roman Catholic religious establishment ruled Christian countries with the idea that the king was the representative of God. . The king is not wrong. This concept of the divine right of the king protected the sovereignty of the monarch, which was highly esteemed. and ordinary and respectable people. Ordinary people generally thought that a person is simple by nature, but commits crimes when he is under the influence of some devil, spirit, witch, ghost, etc. who was known as a demon or devil. It was believed that a person does not commit a crime voluntarily, but because he was under the influence of some evil spirit, so they thought about such evil spirits.

¹⁰ Henry H. Brownstein, The social reality of violence and violent crime(Allyn and Bacon)2000 p.6.

To be omnipotent Worship, sacrifice and ordeals with water and fire were usually prescribed to appease Evil Spirits and free the victim from their evil influence. The criminal was cured by the torture and pain inflicted on him by the priest of some saint. With the passage of time and the appearance of reformers such as Hobbes and Locke, Saint Thomas Aquinas, Martin Luther, and others, the pre-classical school disappeared from the arena of criminology when reformers and supporters questioned the validity of the ordeal of a classic classical school.

The Classical School

The classical school of criminology and criminal law developed in Italy and England after Beccaria (1738-1794) published the famous book *Easy on crimes and punishments*. This school is called the "classical school of criminology" because it promoted the first systematic way of thinking in the field of criminology, just as Hebrew, Greek and Latin are called classical languages because they were the first to adequately treat modern ones abstraction. Therefore, Beccaria was called the father of the classical school of criminology. This school later spread to other European countries and America. It is based on hedonistic psychology, which means that a man controls his behavior by considering pleasures and pains; the pleasure expected from a certain action can be balanced by the pains expected from the same action. Man is supposed to have "free will" and make his choices based on hedonistic calculations. Beccaria (1738-1794) published his essay in 1764 when he was only 26 years old. He was influenced by the French philosophers Rousseau, Montesquieu and the English philosopher John Locke. He argued that the purpose of punishment should not be "to torture and torture a sensitive person, but to prevent the criminal from causing further harm to his fellow citizens and to prevent others from doing the same" and called for the abolition of the death penalty. . . He argued that "punishment should be proportionate to the crime so that it is more effective and leaves a lasting impression on the human mind and least burdensome on the body."¹²

CONCLUSION

The issue of violence is also complicated by the fact that perceptions of what is acceptable and harmful are culturally influenced and constantly revised as values and social norms evolve. There is a widespread belief that "violence is an inevitable part of the human condition." Violence is not unique to the 21st century. The history of mankind bears witness to its occurrence throughout the ages. Looking back in time, violence is found in primitive societies. According to primitive laws, acts of physical violence were usually carried out privately by the victim or local persons. In ancient Rome, civilized society faced violence according to the violence of the time. The "eye for an eye" concept of true revenge has been used many times. Historically, the concept of crime always seems to have changed along with changes in social policy during the stages of the development of human society. This can be illustrated by the fact that the earliest crime in England in the 12th and 13th centuries involved only crimes against state and religion. Thus, treason, rape and blasphemy were recorded as crimes, but murder, a serious crime of violence, was not then. In the Middle ages, around the 12th to 17th centuries century, the structure of European society changed radically due to the Renaissance, socio-economic changes and the development of science and technology. It is clear that as civilization and culture changed, so did the concept of crime and related violence to meet the needs of the past.

¹¹Ibid, p32

¹²Marvin E. Wolfgnag and Franco Ferracuty, *The Subculture of Violence* (Travistoc~London)1967

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