

ISSN 0973-3914



# RESEARCH *Journal Of* SOCIAL AND LIFE SCIENCES

PEER-REVIEWED RESEARCH JOURNAL

UGC JOURNAL NO. (OLD) 40942

IMPACT FACTOR- 5.125 (IIFS)

Indexed & Listed at: Ulrich's International Periodicals Directory

ProQuest, U.S.A. Title Id: 715205

VOL- XXXVII

ENGLISH EDITION

YEAR-19

July- Dec. 2022

# 2022

[www.researchjournal.in](http://www.researchjournal.in)

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U.S.A. Title Id: 715205

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<b>Volume- 37</b>	<b>English Edition</b>	<b>Year- 19</b>	<b>July- Dec. 2022</b>
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Institute for Excellence in Higher Education  
Government T. R. S. College, Rewa (M.P.)  
akhileshtrscollge@gmail.com

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Department of Political Science  
Institute for Excellence in Higher Education  
Government T. R. S. College, Rewa (M.P.)  
drsandhyatrs@gmail.com

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Additional Director, Center for Research Studies  
shuklagayatri@gmail.com

### **Dr. R. N. Sharma**

Retired Professor, Rewa (M.P.)  
rnsharmanehru@gmail.com



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Head, Department of Paramedical, Unique College of Paramedical,  
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shikhatiwari5135@gmail.com

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One year	Rs. 2000	Rs. 2500
Two years	Rs. 2500	Rs. 4000

**Mode of payment-**

- The amount may be deposited in the account number 30016445112 of GAYATRI PUBLICATIONS, SBI Rewa City Branch (IFS Code: SBIN 0004667, MICR Code 486002003). Please inform on Mobile (7974781746) after depositing money.

**Publisher**  
**Gayatri Publications**  
Rewa (M.P.)

**Printer**  
**Glory Offset**  
Nagpur

**Editorial Office**  
**186/1 Vindhya Vihar Colony**  
**Little Bambino's School Campus**  
**Rewa- 486001 (M.P.)**  
**Mob- 7974781746**

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## *Editorial*

The basic and most important unit of the society has been the family from the beginning. For the empowerment and development of the country, first of all it is necessary to pay attention to the moral, social, economic and cultural dimensions of basic institutions like family. Balanced development of the family is very important for the development of the society. Therefore, if we want to have a complete and balanced development of the country, then we need to lay maximum emphasis on the basic institution called family. It is necessary that we should not make any discrimination between son and daughter in the family and we must explain this to our sons and get them involved in their activities. Even today, those who belong to the old belief believe that a woman cannot get any freedom, she cannot go anywhere alone, she cannot roam anywhere alone, but today's youth refuse to accept these values.

Some people also say that the importance of the walls in the house, the same importance is given to the education of the boys in the society. But how is a house made? Who are in the base of the house? The base of the house is our daughters, our girls, that means they are related to the roots. If our root becomes weak in the society, then our house or house cannot be strong at all. There is a need to understand this social context in reality.

The extent of favoritism is reached when we see discrimination in small tasks. Some people think that a girl is someone else's wealth, what job she should do. That's why some parents discriminate between boys and girls and this discrimination is visible somewhere in our behavior, in feeding and dressing. This is sheer injustice. God has given the same brain to boys and girls and today girls are proving it by bringing better results.

Girls stay at their parents' house for only a few days, so it is our duty to pay deep attention to their education, upbringing, only then we can fulfill the concept of a strong society. God has made us the trustee of our children so it is our duty to treat all members equally with full justice because both boys and girls have same power, same soul. So we should give them equal opportunities for development.

The basic objective of women empowerment is the development of women and communication of self-confidence in them. Women empowerment is important for the overall development of the society. Empowerment of women is the most important social phenomenon because they are the creators. If you empower them, make them strong, encourage them, it is better for the society. Women and men are the basis of creation and human society. Both complement each other. These are the wheels of the chariot of life by which the journey of life runs

smoothly. The role of both has been equally important for stability in family and society. The basis of change and development in a society depends on the mutual interaction of men and women, walking step by step and equal mobility of both. A chaotic situation is created in social life when any one side lags behind. The history of mankind is witness to this that where women have been neglected, the development of the society has been stunted. The role of women in creation of creation, education of children, upbringing of family is much more important than that of men, thus her position becomes central in the society. Therefore, without the progress of women, there can be no upliftment of mankind and society. As far as India is concerned "Yatra Naryastu Pujayante Ramante Tatra Devta" means where women are worshipped. The deities reside there. With this ideal any Indian woman can feel pride in comparison to the western woman. The ideal of learning in Saraswati, the ideal of wealth in Lakshmi, the ideal of valor in Durga, the ideal of purity in Ganga, even the ideal of creation in the form of Jagad Janani we find only in India.



**Professor Akhilesh Shukla**  
Chief Editor

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## ***Analysis of the concept of victim logy with special reference to domestic violence***

•Akhilesh Shukla

••Aanchal Shukla

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**Abstract-** *Theoretically, domestic violence raises questions about its impact on victims' life. During the last decades, an increasing interest is shown organisations and governments to address the different types of domestic violence, such as intimate partner violence, for empowering women's human rights protection. This paper initially surveys the literature and reports what domestic violence is and how domestic violence is related to victimology. The rights of the victim are also necessary to understand the facts and circumstances. The paper proceeds with the exploration of the sociolegal aspects of domestic violence identifying causes and effects accruing from the persistence of gender stereotypes. For this purpose, the paper draws on recent theoretical research to evaluate these causes and effects. Analysis shows the concept of victimization and criminal justice could go further to support women to deal with domestic abuse. This paper will also suggest the changes that could be brought in the Criminal Justice system to ensure victims' rights and to bring in the concept of victimology. Enacting laws for victims' welfare and ensuring them a conducive environment are some of the suggestions of the study.*

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**Keywords-** domestic violence, victim, victimology, legal system, criminal justice

### **'Women are the only exploited group in history to have been idealized into powerlessness' - Karl Marx**

Violence against the women is one of the most important threats in our world. In any part of the country domestic violence is been there. Domestic violence is still an burning issue. The violence against women is increased or decreased cannot be measure over the past decades but the number of incidences is increased in country. In every 1 hour there has been a violence done against women and every woman is a victim. Domestic abuse is not a recent issue in society. Intimate connection abuse includes physical, verbal, sexual, and financial misconduct. One in three women have experienced physical or sexual abuse at some point in their lives, and 30% of women have experienced such abuse as a result of romantic relationships, according to the World Health Organization. Male aggression towards women has a detrimental effect on both their emotional and physical wellbeing. In India, women worry about their safety in married

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• BA LLB (Hons.) VII Sem, University of Petroleum & Energy Studies, Dehradun, Uttarakhand 248007

•• Professor, Department of Sociology, Government T. R. S. College, Rewa (M.P.)

homes. Because patriarchal culture doesn't provide women enough opportunities, this is the case. Their husbands, in-laws, or other people threaten them with harm.

The majority of women are being violated by their husband, they're in laws and other family members. From the study we have focussed on what is domestic violence, what different types of violence, causes, are and how victim can claim their rights in front of law. Domestic violence affects the lives of women in both the urban and rural areas. In rural areas women are not aware of the laws and they are being treated very badly but they should also know the laws which is being made for their benefits.

Violence against women is due to a variety of factors, not just one. Research has increasingly concentrated on the interconnectedness of diverse components, which should enhance our comprehension of the issue in many cultural contexts. Women have remained disproportionately vulnerable to violence against them due to a number of institutionalised, complicated, and interwoven social and cultural variables, all of which are reflections of historically uneven power relations between men and women. Socioeconomic forces, the family institution—where power relations are enforced—fear of and control over female sexuality, the notion that men are inherently superior, as well as legal and cultural restrictions—which have historically denied women and children an independent legal and social status—all contribute to these unequal power relations.

**The following are the ongoing reasons-**

1. cultural
2. economic
3. political
4. legal

There is no standard or singular cause of domestic violence. Domestic violence against women is a result of a complex interaction of sociological and behavioural, historical, religious, and cultural elements.

Factors related to sociology, behaviour, and culture include, among others, psychological instability (bipolar disorder, depression, stress, etc.), poverty, economic hardship, differences in social status, domineering nature, drug addiction, upbringing, and anger management issues or aggressive attitude. Domestic violence also results from the neglect of conjugal responsibilities brought on by extramarital affairs or a lack of trust.

**Historical Factors-** The intrinsic evil of patriarchy and the superiority attitude that has persisted among males for generations can be linked to historical factors.

**Religious Factors-** If not overt and obvious, a subtle kind of dominance over women is reflected in religion.

**Cultural Factors-** Desire for a male child is one cultural factor that contributes to marital violence. Domestic violence against women is caused by an obsession brought on by a lack of understanding and a sense of innate male superiority. This is not a complete list of causes, and other reasons may contribute to domestic violence.

Dowry is a type of sociocultural element. However, it is now crucial to bring it up individually due to the numerous domestic violence instances brought on by dowry demands that are illegal. The Domestic Violence Act's inclusion of dowry-related domestic violence as a separate category under "abuse resulting in domestic violence" helped the Parliament recognise this.

**Consequences of Domestic Violence Against Women-** Domestic violence can cause for short- and long-term basis and it affects the mental health also. The violence which has been done against women also affects their children, parents, and it causes a long-lasting impression on a family member.

**There are many factors which are as follows-**

1. **short term consequences** - Violence can have both small and significant bodily side effects that manifest quickly. They may include bruises, cuts, shattered bones, or wounds to internal organs and other body components. Without scans, x-rays, or other tests carried out by a doctor or nurse, it can be difficult or impossible to see some physical ailments. Long-term emotional and verbal abuse may have an impact on the woman's and children's moods in their daily activities and may also decrease productivity.
2. **Long term consequences** – Long-term health issues are associated with various forms of violence against women, including sexual and physical abuse. Violence against women can have long-term psychological impacts such as post-traumatic stress disorder, depression, or anxiety. The issue of substance misuse and drug addiction may result from this. Sexual assault can cause permanent harm to the victim as well as a loss of self-worth.
3. **Effect on children-** There is growing recognition that a youngster who experiences domestic abuse during his upbringing will experience developmental and psychological problems. Domestic violence can cause a variety of emotional and behavioural issues in children, including an increase in aggression, anxiety, and alterations in how they interact with peers, family, and adults. In addition to a lack of abilities like problem-solving, issues with attitude and cognition can start to emerge in schools.

**Who Are The Victim of Domestic Violence?** It can be very challenging for a victim of domestic abuse to admit that abuse is occurring, especially if it's emotional or psychological abuse rather than physical. However, now is the time to be truthful with yourself and realise that you are not to blame. You don't make your abuser hit you or harm you in other ways; they are the ones who do that.

However, it has been found that there are some people who have been the victim of domestic violence as follows-

1. Who has a poor self-image
2. When a person is economically or emotionally dependent upon the other one who is the abuser
3. Who has a low self-esteem
4. The person who is facing violence can't handle or stop it.



When people hear about domestic abuse, they frequently assume that it just refers to physical assault-especially when that assault is what is still clearly evident. There isn't much discussion about verbal abuse. This causes the effects of verbal abuse to become more commonplace. However, before it escalates to a full-blown pattern of violence, domestic violence typically begins as verbal abuse. Verbal abuse is classified as domestic violence under Section 3 of the Domestic Violence Act. Because of this, verbal abuse of women is a recognised kind of domestic violence. Verbal abuse damages a person's soul and sense of value, which causes self-doubt. Any attack on one's self-worth also leads to sadness and psychological distress.

### **Landmark cases where women faced domestic violence-**

#### **1. Smt. Haimanti mal v. state of west Bengal ( 2019)**

According to the Calcutta High Court, determining compensation must be based on logic and cannot be the result of conjecture. The High Court granted the wife compensation in the amount of Rs. 100,000. In this case, Justice Mitra made a ruling. The Calcutta High Court awarded the wife Rs. 1,000,000 as compensation for the mental suffering she had experienced as a result of her husband's activities. In the absence of any supporting documentation or materials, the award of compensation, however, cannot be substantiated. Section 22 of the Protection of Women from Domestic Abuse Act of 2005 offers compensation and damages for harms, such as mental torment and emotional distress, brought on by the respondent's domestic abuse acts.

#### **2. Inder raj malik v. sunita malik**

##### **Facts of the case are as follow-**

Sunita was complainant and inder raj was respondent and sunita was treated cruelly, beaten and she did not get the food by her husband and family. She was so tensed after the marriage. She was once subjected to severe physical and mental abuse in her marital house to the point of fainting, but no doctor was contacted for a check-up.

If Sunita Malik didn't force her parents to sell their land in Hauz Qazi, her mother and brother-in-law threatened to kill her and abduct her. As a result, it was determined that the complainant, Sunita Mailk, had endured terrible treatment from her husband and in-laws, including physical torture. To coerce Sunita Malik or anyone connected to her into fulfilling an unlawful obligation for both moveable and immovable property, harassment was used.

##### **Issues involved in the case**

- Are Section 498A of the Indian Penal Code, 1908, and Section 4 of the Dowry Prohibition Act, 1961, subject to the Double Jeopardy provision of article 20 (2) of the Indian constitution ?
- Is Section 498A of the Indian Penal Code, 1908, ultra vires?

##### **Judgment**

The Delhi High Court had to determine in this case whether a defendant may be found guilty under both Section 4 of the Dowry

Prohibition Act and Section 498A of the Indian Penal Code. The Court determined that a person is not subject to double jeopardy if they are found guilty under both Section 4 of the Dowry Prohibition Act of 1956 and Section 498A of the IPC. The Court determined that Section 498A, IPC, and Section 4 of the Dowry Prohibition Act are separate laws since Section 4 of the Dowry Prohibition Act only punishes acts of cruelty committed against newlywed women, whereas Section 498A also punishes the mere demand of dowry.

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State	No. of Incidence	No. of Victim	Crime Rate Per Lakh Population
Telangana	9468	9468	50.4
Andhra Pradesh	7092	7651	26.8
Kerala	4997	5079	27.1
Karnataka	2336	2408	7.1
Tamil Nadu	875	875	2.3

**Can any Man Lodge A Case Against Domestic Violence?** When there is discussion going on of domestic violence then there is only thing which comes into an mind is that women will be there who will be facing violence but no, there are so many men's also who are facing domestic violence. Now days, there are so many cases coming up where men's are also facing the same as women and they should get a equal protection as women get under so many acts. Since gender is a social construction, factors including race, caste, nation, class, culture, sexual preference, aptitude, traditions, etc. frequently have an impact on it. Gender roles are highly rigid in many south Asian nations, including India. Stereotypical ideas and gender biases are fostered by this rigidity. The Indian Penal Code of the country's penal laws, which are related to gender violence, do not apply to men who experience domestic violence at the hands of their wives or other close female partners.

Due in large part to the fact that the Domestic Abuse Act is essentially welfare law, the Domestic Violence Act, 2005 does not provide for men to file cases of domestic violence against women. However, under Section 13(1) (ia) of the Hindu Marriage Act, an unhappy male may seek for divorce or judicial separation on the grounds of cruelty.

Indian domestic violence laws contain no language addressing the need to protect men from domestic abuse. However, **in the cases** Hiral P Harsora vs. Kusum Narottamdas Harsora and Narayan Ganesh Dastane vs. Sucheta Narayan Dastane, as well as more recently, the Supreme Court of India, recognised the necessity to safeguard men from acts of domestic abuse. In the former instance, the Apex Court acknowledged cruelty towards men for the first time. For a gender-neutral society, cruelty and violence towards men should be explicitly condemned by the law. Additionally, it is important that the domestic violence movement for men's right to safety from domestic abuse develops traction now that homosexuality is no longer a crime in India.

In the other country one out of every ten men are facing domestic violence and they are being treated very badly by their spouses and because of it their mental health also gets harm and physical health.

**Here are the some facts which will tell how common it is against men now a days-**

1. According to a survey of 1000 married males in rural Haryana villages ranging in age from 21 to 49, gender-based violence affects 52.4 percent of them.
2. In terms of hitting their spouses, Indian wives are third in the world. The top two nations are the United Kingdom and Egypt.
3. Under current law, men are not given even the most basic protection, such as having an aggressor who is either a man or a woman stay away from them (a restraining or protection order).
4. Only a man can be held accountable for cruelty to his wife, according to Section 498A of the Indian Penal Code 1860. There is no paragraph or clause in the legislation that makes a woman responsible for domestic abuse.
5. More men die from suicide, despite the fact that women are more inclined to consider it.
6. General male stereotypes, apprehension over phoney allegations, social and familial pressure, and denial are the top four reasons why domestic abuse instances against Indian men go unreported. The overall preconceptions against men, the worry of fabricated cases, cultural and familial pressure, and denial are the four most frequent causes of domestic abuse instances against Indian men not being reported.
7. Fear of fake cases is also an important thing that men think that it will create nuisance in the society.
8. Family and societal pressure.

There are many false cases when women falsely accuse a guy of rape or domestic abuse because of the discriminatory laws in the Indian Penal Statute that favour women. The sad issue is that these biased laws inherently assume that a male can never be the victim. Women do not need to provide any kind of evidence to back up their claims. The biased laws assume that they are real animals.

### Biased laws in India

1. **Section 498A of the IPC-** only a man will be only held liable for their cruelty against a woman and in this section, there are no sub sections or provision which are in favour of men and no provision statues women to held liable for being cruel with his husband.
2. **Section 3 of domestic violence act-** this only protect women against the domestic violence. There is no provision in the full act hat safeguard the men against the violence. The whole act which are being made in India their main focus is that men are the wrongdoers and women are only the sufferers. It is true that women had faced a lot and how much women had faced no one else can face it but this does not give any justification to the violence against the men. There should be some laws which helps men also to take their stand in front of the court.

During the covid times, everyone is they're in the home and people were spending so much time with their families then also there are so many cases which has been came out where men is treated unequally.

**Judiciary role in ensuring the right of victim-** Justice exists during the process as well as in the final outcome. The only established principles of the criminal justice system in the past were control and prevention of crimes, punishment and rehabilitation of criminals, and protection of people and their property. Therefore, it is necessary to broaden the definition of justice. Justice must also work to win the trust of the witnesses in order to convict the guilty and, in particular, the victims of the crime. It should not be limited to the conviction or acquittal of the accused.

The criminal justice system was started by the victims by giving information about the crime, and for them, receiving justice is the biggest consolation. Due to the delay in collecting samples in rape cases, the entire case is rendered invalid, depriving the victims—who are typically women and children—of access to justice. Sometimes, in order to gather evidence, the rape victims are kept in protective custody without any sort of legal justification.

Although not a statutory entitlement in India, restitution of the victims must be established through legislation because it is insufficient to simply consider the victims' requests for redress or compensation for the harm they have endured. The Code of Criminal Procedure recognises victims' compensation as a right, but restricting it to the amount of fine that was actually realised and making it available only if a substantive sentence of fine is imposed limits the scope for compensation. **Although under section 357(3) of the CrPC**, a fine may be imposed by the Magistrate; courts are inconsistent in using this clause where one has not been.

The court is empowered to order the state to pay such compensations for the victim's rehabilitation under this section if the compensations awarded in accordance with section 357 of the CrPC are insufficient for the victim's rehabilitation or if the case results in an acquittal or discharge of the accused. Even if the offender is not put on trial, the victim has the right to ask

the State or District Legal Services Authority for rehabilitation. Only after it was required by the 154th Law Commission Report was Section 357A of the Criminal Procedure Code established or implemented. The important thing to remember is that it takes years to put a provision into operation, which is bad for a state because it delays victim justice.

In India, domestic violence affects women on a daily basis and is not just apparent. She is subject to violence from the moment her mother conceives her in the womb, and ever since, she has had to battle for her life in this brutal society. India's whole criminal justice system is focused on offenders. The rights of the accused or the criminal are frequently a source of concern for the judicial system, the legislative branch, and the executive branch. Justice for the victims must be served through the criminal justice system, and those who seek justice must have access to the legal system. Justice would only exist in letter and not in spirit if the system fails to ensure that the victims and witnesses can speak out without fear, participate in judicial procedures, and have their interests and rights safeguarded. Domestic violence laws in India only protect the women not the men and it clearly represent that men are perpetrators not the victim. The violence against the men is increasing day by day so they should also have a proper law. There should be special provision which will create gender equality. The most frequent causes of domestic abuse instances against Indian males not being reported are generalised negative preconceptions of men, fear of fabricated cases, cultural and familial pressure, and denial.

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