LEGALFOXES LAW TIMES

DISORGANISED SOCIAL STRUCTURE-A PATHWAY TOWARDS SOCIAL CRIME.

AUTHOR'S NAME: AYUSHI DWIVEDI

<u>DISORGANISED SOCIAL STRUCTURE-A PATHWAY TOWARDS SOCIAL CRIME</u>

<u>ABSTRACT</u>

It is widely accepted throughout the world that the discrimination on the basis ofrace/ethnicity, gender, age and our so called social structure led the way towards commission of the crime and even the heinous ones. This paper contains some of the social norms which slowly and gradually became the reason for the commencement of crimes not only in India but also throughout the world. More emphasis has been given on cases like increase in the business of prostitution worldwide due to increase in poverty and the gap created between the rich and the poor, increase in number of crimes against the male sexual abuse, etc. and theoutcomes of it. The data is supported by statistics of crimes which were based on motives related to the disorganised social structure. It, further describes the main reason behind thesocial structural crimes with suggestions in support of data related to it from various othercountries with its proper consequential data based on other countries' criminal record.

Keywords: Social structure, Discrimination,Prostitution Legality, Male abuse, Statistical data.

"What we are headed for is a sort of social structure in which the highbrows are the elite, the middlebrows are the bourgeoisie and the lowbrows are hoi polloi"

-----J.RussellLynes

INTRODUCTION

Traditional crime is now evolved into new crime in the form of cybercrime. The opportunities present have caught the attention of traditional criminals now "traditional Mafia groups are increasingly outsourcing their specialist operations to highly skilled freelance cybercriminals who promote their services on hidden websites."[1]Racism/ethnicity, social structure and the crime has the bigger relation since years. It became the threat to humanity and mankind that leads to the havoc of heinous crimes among the people of different countries. America and United Kingdom are the examples of worst of the crimes committed due to racism. Numbers of criminal activities are between the black and whites mostly noticed in the United States. Racial and ethnicity disparities become the major issue to be considered by the government and judiciary in the countries like U.S.A and U.K. and the people should be more acknowledged about the facts of issue and crime related to these disparities. Racial and ethnicity disparities been the major part of crimes in India and now the rate of crimes in India has been increased since years. Most criminal activities in India are characterised by ethnicity and evil social structure.It was quoted by the Steven Rattner that *"India's rigid social structure limits intergenerational economic mobility and fosters acceptance of vast wealth disparities".*The economic differences among

---

[1]Paul Peachey, "Mafia cybercrime booming and with it a hole service industry, says study," *Independent, September 29, 2014, available at https://www.independent.co.uk/news/uk/crime/ma-cybercrime-booming-and-with-it-a-whole-service-industry-says-study-9763447.html.*

people are the major factor behind commission of the crime in India as well as in the United States.

1.How the racism and social structure constructed?

In the period of reformation during [16th century 1500s and 17th century 1600s], Christianity religion had a question on the blacks and Indians that whether they had souls or were human. The Europeans were generally presented all the more every now and again to Africans and the indigenous individuals of North and South America and around then the congregation wavered between them.The churches at that time which were catholic and protestant arrived at different answers to the questions at different time, which ultimately created the differences between the two systems of slavery. Blacks and Indian had souls was first accepted by the Catholic Church and it was first time when they were admitted that it meant that it was against the Catholic law to kill the slave. During the reformation, the Protestant-Calvinist Church wanted to separate and distinguish themselves from Catholicism and therefore was much slower in recognizing the humanity of Africans and Indians.

As the increase in the importance of slavery, religion was used as a way to justify the racist division, the people were classified as the 'pagan and soulless'. However, as sub-stantial quantities of ethnic minorities were changed over to Christianity, and as religion itself lost a lot of its capacity as a legitimizing specialist, avocations for the ruthlessness of bondage changed." The slave based economy in the south required a bigot exploitative framework, which prompted the advancement of natural, zoological and organic hypotheses to 'explain human difference and to justify slavery.'**[2]**

2. Crimesrose by race/ethnicity and disorganised social structure.

The line of differences generated by the people among themselves on the basis of riches and poor is the major reason in the rise of crimes. The societal pressure leads to the greatest tension among the number of different individuals. According to the various surveys held among the criminals shows that the majority of the crimes were committed either for the sake of revenge or for the purpose of gaining extreme wealth and high status in the society. The crimes which are directly

---

[2] Uprooting Racism: How White People Can Work for Racial Justice by Paul Kivel – (page 127) New Society Publishers, Philadelphia and British Columbia, 1996.

related to the disorganised social structure were categorised into murder, trafficking, prostitution, kidnapping, abduction, male abuse, child abuse, robbery, theft, etc. comes under the section 300, 304B, 359, 362, 370, 378, 390, 391 of I.P.C., 1860.

The traditional crimes now have changed into the new cyber-crimes which includes hacking of bank accounts or personal accounts, forgery of documents or digital signature, etc. which are specified under the IT Act, 2000. These crimes just generated due to the curious minds of the present generation in order to take the undue advantages of the new technology. Social Structure has been classified into three theories i.e.

1. The *Social Disorganisation theory* which mainly focus on the deteriorated neighbourhoods, inadequate social structure, law violating gangs and group, conflicting social values;
2. *Strain theory* which mainly focuses on the unequal distribution of wealth and power, frustration, alternative methods of achievement.[3]
3. *Cultural deviance theory* which mainly focuses on the development of the sub cultures as a result of disorganisation and stress, subcultures values in opposition to conventional values;

2.1 Why the crime committed due to disorganised social structure?

---

[3]*See*A small community of Hardoi district of Uttar Pradesh often known as "Village of Bastards" is also one of them. The community being categorized as "dalits" suffered a lot from social discrimination and has a long history. Back to 1871,under British Era, with the passing of Criminal Tribes Act the community was believed to be involved in the "criminal activities".Britishers outlawed their rights and they were subjected to brutality, beaten up and were locked behind the bars. Women had no source to make their living and thus ended up opting prostitution. Women became the sole earner of their families. Slowly and gradually this sex trade became their tradition and the only source of their income. Even the society turns out to be hostile towards these socially backward classes thus forcing them to remain in such traps.https://www.vagabomb.com/Prostitution-Is-Considered-a-Tradition-in-Some-Parts-of-India/

Where the social disorganised theory is further classified into *poverty*which ultimately gives rise to the development of isolated lower class areas, lack of conventional social opportunities, racial and ethnic discrimination;

social disorganisation which ultimately gives rise to the breakdown of social institutions and organisations such as school and family, lack of informal social control;

Breakdown of social control gives rise to the development of gangs and groups; peer group replaces family and social institutions.

Criminal zones viewed as the territories where the area becomes wrongdoing inclined, stable of pockets of wrongdoing, create absence of outside help and speculation.

Social transmission alludes to the grown-up pass standards (central worries) to more youthful age, making stable lower class culture.

The community is disorganised which leads to antisocial behaviour and criminal activity. Nowadays, the females were not the only victim of such crimes generated through disorganised social structure. The males were also became the victims of these crimes. The society has now diverted from the era of male chauvinism into the male victimization due to some of the laws which were made for safeguarding the rights of the females but now these laws were misused by the same. In India, the cases of dowry have been increasing day by day and moreover behind it a large sum of money was asked from the side of the female who has gone for the divorce. But nowadays the cases recorded were found to have the reason for earning the ransom amount and has been proved to be the part of a plan for the purpose of loot to just match the high standards of the society and here in these cases the males became the main victim of the fraud having the back of law with the real accused and from here it started the phenomenon of male abuse.

In reference to the case laws, section 498A of I.P.C, 1860 was created keeping in mind for the protection of the married person from unscrupulous husbands however is clearly misused by few ladies and once more this can be strictly condemned in **Saritha v R. Ramachandran[4]**where the court did notice that the reverse trend and asked the law Commission and Parliament to create the offence a non-cognizable and bailable one. It's been a requirement of the court to condemn

---

[4]2002 (6) ALD 319

wrongdoings and shield the victim however what happens once the victim turns into the abuser. What remedy will the husband have here? On this ground, the lady gets to divorce her husband and remarry or perhaps gain cash within the form of compensation.

On the other hand crime which is known since decades or century is not less to mention that is *Prostitution*. The practise of prostitution is now one of the biggest crimes commonly called as '*forced prostitution*'. In reference to this the one of the backwards community of Madhya Pradesh i.e. "Bhedia", a low caste tribal community of Madhya Pradesh, lives entirely from prostitution. Two hundred years ago, the tribesmen were highway robbers and were identified as "criminal tribe" by British colonizers. In order to ensure their protection and shelter, they asked wealthy landlords for mercy and in exchange gave their daughters for their pleasure. Due to suppression and poverty, community women were forced to indulge in this profession in order to make their living. In fact, the community perceives it as a matter of pride for a lady to enter in such occupation as she is the sole breadwinner of her family. Even today when a "Bhedia girl" hits her puberty, her nose is pierced with a decorative pin which marks her initiation into prostitution. Then she is sent to serve the man who pays high price for her.[5]

2.2 Prostitution should be legalised?

Prostitution is a complex issue that has been the subject of debate in various countries and it is not wrong to say that prostitution is a sex business which is found to be done for the purpose of gaining the large amount of money all at once just to match the high standards and luxuries prevailing in society.

In reference to the case study from Haryana shows the real picture of racism, ethnicity and disorganised social structure that one of the semi nomadic tribe of Haryana known for their active involvement in prostitution. This tribe usually found in remote areas of Haryana and in Najafgarh district of Delhi. This community is the biggest example of women oppression and violence against them due to the shortage of money and ethical discrimination. They were forced by their husband and in-laws to atleast earn ₹1000-1500 only for their family by this

---

[5] https://apnews.com/f525f0192692281c4f226a664c3c6bff

selling their dignity and modesty. Unfortunately, for them entering such sex trade is not so unusual right after their marriages and childbirths.

The study shows that root of these crimes were generated through the above points mentioned regarding the disorganised social structure i.e. poverty, where the females are not supposed to live properly or have no parental support to meet the ends and the people who are not disciplined business into other means of making money get involved into the sex business to fulfil their needs or to complete their further studies. The victims of rape, child labour, and trafficking or those who are sexually abused are seems to give all the hopes of living their rest of the life with the dignity anymore so they get involved into these to lead a life full of pleasure in order to gain the money.

Peer pressure plays a big role in the indulgence of others into such activities. The people around influences a lot to get involved into something like this or the other. Laziness or say the quickest way to gain money is one of the reasons for most of the people in becoming the part of this kind of business. Lack of parental care leads to the distraction in children which ultimately diverts them in choosing the profession which is still not legal in some of the countries even after being one of the oldest profession of gaining money by both the male and females.

If prostitution become legal then the sexually transmitted diseases will be increased and the people will get more influenced to this only as it the easiest and quickest way for earning money and the other profession will not be opted by the majority of people. On the other hand legalising the prostitution will help those people who were forced to get into it either by kidnapping or by abduction or else due to human trafficking. The victims of forced prostitution were not be able to share their problems related to their physical disability like STDs' and they don't even have the right to die with dignity due to the failure in proper treatment to their diseases and due to shame of being the prostitute by the societal pressure.

2.3 Is disorganised social structure leads to the male abuse?

The recent studies shows that the increase in the rate of poverty and the feeling of revenge made large mass of people to commit the crime which is eventually become heinous in nature. Number of cases were noted where the ultimate victim is the man whose breakdown of marriage by his wife, who was the initial victim further founds to be the accused in the case and the husband

found to be the real victim on proper investigation by the investigating officer or by the attorneys of the parties.

Various groups were found who were just in regard of gaining the large amount of money at once leads them towards commission of crime of molestation and mental as well as physical torture to the male figure which leads to the 'male abuse'. In the name of domestic violence most of the males got hurt by their spouse only for the purpose of looting their husbands' assets or money.

A survey taken by the *ManKind Initiatives* for the disease control in 2014/15, a higher proportion of men suffered from force (37%) than women (29%). For emotional and psychological abuse the proportions were 61% and 63% respectively.[6]

3.Statisticaldata related to the crime raised by race, ethnicity and disorganised social structure.

The upcoming new crimes are generally the updated version of traditional crimes with more enhanced technological support. Various studies show that the percentage of gay men (5.1%) or bi-sexual men (5.6%) who suffered partner abuse in 2017/18 is double the number for heterosexual men (2.2%). Lesbian women (8.4%) and bisexual women (14.1%) as a percentage also suffered far more partner abuse compared to heterosexual women (5.1%) [7]

Men who are separated or divorced are more likely to suffer partner abuse than those who are married. 8.5% of divorced men (13.2% women), suffered partner abuse in 17/18 while only 1.5% of married men (2.1% married women. For cohabiting men, the figures were 2.5% and 5.2% for women.[8]

Of those that suffered from partner abuse 29% men and 23% of women suffered a physical injury, a higher proportion of men suffering severe bruising or bleeding (6%) and internal injuries or broken bones/teeth (2%) than women (4% and 1% respectively). 30% of men who

---

[6] ONS BCS Focus on Violent Crime and Sexual Offences 2014/15 https://bit.ly/1p8CGI0 Table 4.13 on Appendix Table: https://bit.ly/1M1diC5

[7] ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (https://bit.ly/2FY8UYc)- Table 8)

[8] ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (https://bit.ly/2FY8UYc)- Table 8)

suffer partner abuse have emotional and mental problems (47% women). Only 27% of men sought medical advice (73% of women) [9]

In terms of mental and psychological effects felt as a result of the partner abuse experienced in 17/18, 41.2% of men suffered from mental or emotional problems (55.8% women). 11% of male victims (7.2%) had tried to take their own lives.[10]

Nearly half of male victims fail to tell anyone they are a victim of domestic (only 51% tell anyone). They are nearly three times less likely to tell anyone than a female victim (49% as opposed to 19%). This has worsened since 2015/16 where the figures were 61% for men (88% women). What has changed is that men and women are less likely to tell someone they know personally (fall from 55% in 2014/15 for men to 44%). More men though are likely to tell the police (26.1% form 23%) whilst there has been a big fall in the numbers of women telling the police (33.4% now when in 14/15 it was 43%). It still means that though that only 1 in 6 men (15%) will tell the police they are a victim. Only 10.7% of men will tell a health professional (20.8%women).[11]

"*According to United Nations Education, scientific and cultural organization(UNESCO), Nigeria was claimed to be one of the leading African countries in human trafficking with cross border and internal trafficking"*. Tracing back its history between the 1870s and 1900, when Europeans invaded many African countries they realized that their skin tone does not matches with that of the natives of Africa. They used their skin tone as a powerful weapon to dominate and enslave the natives and from here the concept of "apartheid" came into light. This western ideology promoted racial discrimination which was aimed to subjugate blacks against white, curbed their basic rights, making them economically and socially weak. In order to support their families, the females ended up indulging in prostitution. At present a large group of African females are trafficked to European countries like Spain, Italy, Netherlands and many more. Although many governmental and non-governmental organization have devised many anti

---

[9] ONS BCS Focus on Violent Crime and Sexual Offences 2014/15 http://bit.ly/1p8CGl0 Table 4.17 on Appendix Table: http://bit.ly/1M1diC5

[10] ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (https://bit.ly/2FY8UYc)- Table 14

[11] ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (https://bit.ly/2FY8UYc)- Table 24 and ONS BCS Focus on Violent Crime and Sexual Offences 2014/15 http://bit.ly/1p8CGl0 Table 4.28 on Appendix Table: http://bit.ly/1M1diC5

trafficking strategies, taken steps to aid and rehabilitate uthe victims but unfortunately, such kind of racial sex slavery still prevails in our modern society.[12]

4.Conclusion

Changes in the commission of crimes due to advanced technology and extraordinary awareness of the people knowledge about the laws and ways of fabricating them on the contrary with the people who don't have sufficient knowledge about their rights and the particular crime committed leads to the transformation from the traditional crime to the new crime. This change will become more hazardous to the peace and security of the common people. The traditional crime which have been the part of people since years i.e. prostitution is still the crime in many of the countries at present but now in a more enhanced form. On the other hand, rise in new crimes like male abuse which has been noticed in many of the cases where the abuse of section 498A of IPC was done spontaneously. The rights which were given to the weaker part of the society have now been misused by them in the name of justice. The various studies show the increase in rate of crimes committed against the males in comparison to the females.

Race/ethnicity, social structure and crime itself correlated to each other where it shows that rise in any of the above activities will ultimately ends into an increment in the commission of crimes. U.S.A and U.K. are the countries where crimes were majorly on the basis of disparities done by these race and ethnical discrimination. Africans and dash were discriminated which gave rise to such crimes related to theft, murders, human trafficking, etc.

5.Suggestions

On the basis of our research work we furnish the following suggestions:

The phenomenon of discrimination on the basis of caste, creed, sex and religion is the main reason behind all the crimes which were occurring since years or say decades or centuries. This should be stopped by the collective work of the government as well as the educated people or

---

[12]https://en.wikipedia.org/wiki/Prostitution_in_Nigeria

more importantly by the educate youth to guide the people at large about the pros and cons, even destruction and disparities among the people which is residing cause of crime commission.

1. Laws of land need to get gender neutral so that the misuse of parted laws could be avoided.
2. Judiciary should be very precise and clear about the common problems arising due to the disorganised social structure.
3. The strong and eminent step should be taken by the government in regard of increasing crime rate due to societal imbalance.
4. Educated and young youth should need to understand the factor of unity and brotherhood among themselves and to convey the same to the one who don't know the exact laws and consequences of the particular act that ultimately turns into an offence due to their negligence and lack of knowledge.
5. Amendments in the statutes and laws should be done immediately in order to stop the further commencement of any of the crime.

Social mind-set is that powerful weapon which can bring some constructive changes in the society. The need is to adopt a logical and a clear mind-set full of prospects, with prayers and hope of creating a better tomorrow.