
A STUDY ON DOMESTIC VIOLENCE

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ABSTRACT

Domestic violence (also known as domestic abuse or family violence) is any form of violence or abuse that takes place inside the home, such as during a marriage or cohabitation. Violence against intimate partners and domestic violence are frequently used synonymously. When a couple is intimately involved, intimate partner violence occurs when one partner behaves violently against the other. It may occur in heterosexual, same-sex, as well as partnerships involving ex-spouses or ex-partners. The term of domestic violence in its fullest sense includes violence directed at minors, parents, and senior citizens. Domestic abuse can be physical, verbal, emotional, economic, religious, sexual, or assaults on the reproductive system. It may take many different forms, from deceptive persuasion to marital rape and other types of severe physical assault. Examples of domestic homicide include bride burning, honour killing, dowry death, and stoning.

Keywords: Domestic Violence, Domestic Abuse, Indian Penal Code, 1860, The Dowry Prohibition Act, 1961 and The Protect Women from Domestic Violence Act, 2005.

INTRODUCTION:

A pattern of behaviour known as domestic abuse is used to harm, dominate, or gain control over a spouse, ex-partner, or family member. It may occur at any time throughout a relationship, even after you've broken up. It may take the form of economic, psychological, emotional, or physical abuse. It may also manifest as aggressive, threatening, or domineering behaviour. Those who witness domestic violence can do substantial harm to children and teenagers. Section 3 of the Domestic Violence Act of 2005 defines domestic violence. Gender norms and ideals that put women in a subservient position to males are thought to foster and sustain situations of domestic violence against women. Physical aggressiveness or attack, such as striking, or threats thereof are only a few examples of domestic violence. Other types include sexual abuse, emotional abuse, controlling, intimidation, stalking, and economic deprivation. Administrations of social welfare, medical services, and law enforcement must work together to combat domestic violence in the home. Although efforts have been made in this direction, the majority of cases are not disclosed due of social pressure from families or public humiliation. In these situations, society's attitude may be changed for the better by providing training and enforcing tough regulations.

DOMESTIC VIOLENCE:

Domestic violence is a severe offence with wide-ranging legal repercussions. Domestic abuse is defined generally as any pattern of behaviour used by one spouse to obtain and retain power and control over another partner in an intimate relationship. The laws governing domestic abuse differ by country. Unfortunately, domestic violence occurs often in Indian society. In the Indian patriarchal system, mistreating women became a common practise. Domestic abuse may have a variety of causes, which is why India has a variety of laws regarding it. There are three laws in India that address the penalty and penalties for domestic abuse. The Indian Penal Code's Section 498A, The Dowry Prohibition Act, 1961 and The Protect Women from Domestic Violence Act, 2005. The purpose of this article is to simply discuss Indian domestic violence laws and domestic violence penalties.

Domestic violence is a crime in many places, and those who commit it risk being arrested, prosecuted, and imprisoned if they are proven guilty. Additionally, domestic violence victims may be qualified for a variety of legal safeguards, including as protective orders, restraining orders, and other types of legal remedies.

Domestic violence may involve any of the following, but is not limited to:

- Control by coercion (the use or threat of physical or sexual violence combined with a practise of intimidation, humiliation, isolation, and control).
- maltreatment on a psychological or emotional level.
- sexual or physical abuse.
- Economic or financial abuse.
- stalking and harassment.
- Digital or online abuse.

FEATURES OF DOMESTIC VIOLENCE:

Victim Resource: In accordance with the Act, victims must be given access to housing, healthcare, and legal representation as needed.

Counselling under Section 14: Counselling is provided to both parties or whichever party requests it, as ordered or directed by the magistrate, in accordance with Section 14 of the Act.

Protection under Section 9: A protection officer should be appointed in each district, as required by Section 9 of the Act. Preferably, the women should be female. A domestic violence incident report must be filed, and the officer is also responsible for getting the victim any necessary medical care and legal assistance.

Residence under Section 19: In order to protect the victim, the magistrate may forbid the respondent from speaking to the victim in person, orally, electronically, or over the phone.

Compensation under Section 22: The magistrate may order the defendant to pay the victim a certain sum in compensation and damages under Section 22 of the Act.

Section 32(2): In accordance with Section 32(2) of the Act, the court may assume that the accused committed the crime based only on the evidence of the victim. It is said that the offence is neither cognizable nor bailable.

Speedy Trials: Trials are conducted quickly according to the Act, which mandates that the court begin hearings within three days of receiving a complaint and render decisions within 60 days of the hearing date.

Section 16: Chapter 4 in Section 16 If either party requests it, the magistrate may conduct the hearing in secret under Section 16.

Section 21: The victim is granted custody of the kids. If the magistrate permits it, the respondent is permitted to see the kid.

Financial assistance under Section 20: The Act's Section 20 offers financial assistance to domestic abuse victims. According to Section 125 of the Code of Criminal Procedure from 1973, the injured party or her children get support.

DOMESTIC ABUSE:

Domestic abuse is defined as a single incidence or series of instances of controlling, coercive, threatening, demeaning, violent, or sexually violent conduct, typically committed by a current or former spouse, but also by a family member or caretaker. It occurs frequently. The great majority of the time, it affects women and is committed by men.

Domestic violence may have a variety of legal implication, such as:

- **Criminal charges:** Domestic abusers may be charged with assault, violence, harassment, stalking, or other offences that are connected. These charges may result in severe punishments, such as fines, probation, and jail time, depending on the jurisdiction and the extent of the abuse.
- **Protective orders:** Domestic abuse victims may be qualified for protective orders, which are judicial directives that forbid the abuser from speaking to or approaching the victim. A protection order violation may lead to criminal prosecution and other legal repercussions.
- **Custody and visitation:** When there are children involved, domestic violence can have a big impact on the arrangements for custody and visitation. In other situations, the

abuser may not be granted custody or visitation privileges or may only be permitted to see the kid under supervision.

- **Divorce:** If domestic abuse has been a pattern of behaviour throughout the marriage, it may also be a role in the divorce process. Domestic abuse victims may occasionally be entitled to file for a fault-based divorce, which may have an effect on how the assets are divided and other parts of the divorce settlement.
- **Employment:** Domestic violence may be grounds for dismissal in some jurisdictions, especially if it takes place at work or interferes with the victim's ability to fulfil their tasks.

It is important to note that the legal implications of domestic abuse can vary widely depending on the jurisdiction and the specific circumstances of each case. Victims of domestic abuse are encouraged to seek legal counsel and other forms of support to help them navigate the legal system and protect their rights.

KINDS OF DOMESTIC ABUSE:

Physical abuse:

Physical abuse refers to when someone injures or damages another person's body, causing them to feel agony. Slapping, beating, striking, kicking, punching, pinching, biting, choking, shoving, grasping, shaking, or burning another person are all examples of physical abuse. Any sort of touching or sexual contact without the other person's express permission constitutes sexual abuse. Any type of sexual interaction between an adult and a child under the age of 18 is considered sexual abuse.

Emotional or psychological abuse:

Shouting, swearing, calling names, bullying, coercing, gaslighting, harassing, infantilizing, threatening, intimidating, isolating, manipulating, or otherwise dominating another person are all examples of emotional or psychological abuse. Abuse of the mind or emotions may be equally as damaging as abuse of the body. Neglect is the failure to provide a child or a dependent adult with basic needs such food, drink, clothes, shelter, supervision, or medical attention. The failure to show a family member affection, care, and emotional support is an

example of emotional neglect.

Financial abuse:

Financial abuse refers to seizing control of a person's finances by limiting their capacity to earn money, limiting their ability to work, or racking up debt in their name.

Cultural abuse:

The misuse of a person's cultural identity to inflict harm is known as cultural identity abuse. This may be making threats to out someone as LGBTQ+, using racial or ethnic insults, or forbidding them from following religious traditions and rituals.

Technological abuse:

Technological abuse, in which the victim is threatened, followed, bothered, and treated badly utilising technology.⁶ Examples of this type of abuse include requesting access to someone's social media or email accounts and utilising tracking devices to observe someone's whereabouts or online activity.

Immigration abuse:

Abuse of immigrants refers to harming someone by threatening or limiting their freedom due to their immigration status. Threatening the person's family members, deleting or concealing their immigration documents, and threatening deportation are some examples of this.

CAUSES OF ABUSE:

According to research, a variety of factors, including the following, influence the frequency of domestic violence: -

- **Cultural Factors:**

Cultural variables Women and children, who are considered to be a man's property, have historically been allowed to be beaten and reprimanded in many patriarchal countries. In addition, the idea of a woman's sexuality is frequently connected to the honour of the family. As a result, any behaviour or action by a woman that is seen as a

dishonour to the family is received with criticism and contempt.

- **Legal Factor:**

Law enforcement organisations frequently view domestic violence as a personal family concern and may be reluctant to act or become engaged. Domestic violence is sometimes given a lighter sentence than crimes committed by strangers. In fact, in many cultures, intimate relationship sexual abuse is not even considered a crime.

- **Economic Factor:**

Domestic violence is frequently correlated with a lack of financial means.

- **Environmental factors:**

Adult perpetrators of domestic violence may be more likely to have watched or suffered abuse as children while growing up in abusive circumstances.¹⁰ The intergenerational cycle of abuse is what is meant by this.

- **Social factors:**

Because abuse victims are still frequently held accountable in society, it can be challenging for them to come out and denounce their abusers. Victims are frequently examined in great detail, and any flaws are used against them.

- **Substance Factor:**

Excessive use of drugs and alcohol can result in domestic violence.

EFFECTS OF DOMESTIC ABUSE:

Being abused can cause a person to:

- Think they did something to deserve the abuse.
- Believe they are unwanted and unworthy of love or respect.
- Feel guilty or ashamed.

- Feel helpless and powerless.
- Feel used, controlled, or manipulated.
- Be terrified of doing something that will upset their abuser.
- Behave differently in order to avoid upsetting their abuser.
- Have difficulty sleeping, concentrating, or participating in activities they once enjoyed.
- Develop mental health conditions such as depression or anxiety.
- They develop physical health conditions such as heart disease, digestive issues, muscle and bone conditions, fertility problems, and nervous system disorder

SIGNS OF DOMESTIC ABUSE:

Physical injury including bruises, wounds, and fractured bones are some indicators of domestic violence. Additional indicators of emotional abuse include name-calling, insults, and dominating behaviour. Domestic violence can also take the form of financial abuse, in which the abuser has control over the victim's finances.

PREVENTION OF DOMESTIC VIOLENCE:

Domestic violence prevention is a complicated problem that calls for a diversified strategy. The subject of domestic abuse should be made more widely known, healthy relationship techniques should be taught, and domestic violence shelters should be supported. There are some of the ways we can prevent it:-

1. Know the sign:

Domestic violence may be psychological, sexual, verbal, or financial, despite what you may have heard; it can affect anybody, regardless of their age, colour, or socioeconomic status. Some of the signs could be:

- Threatening violence.
- Threatening with a weapon.

- Doesn't respect the abused, their feelings or boundaries.
- Silent treatment as a punishment.
- Stalking through apps or other ways.
- Extremely jealousy of spending time with friends.
- Controlling what they wear and where you go.
- Controlling all decisions, especially financial ones.
- Embarrassing or shaming in front of other people.

Inform them so they can take appropriate action if you or someone you know is in a relationship with someone who exhibits this behaviour.

2. Gather the data you need:

When faced with domestic abuse, a person typically lacks clarity of thought and is unaware of what should be done. Get the phone numbers for a sex crimes lawyer, domestic violence shelters, and the national domestic violence helpline if you have any suspicions that someone is being subjected to domestic abuse by a spouse or other family member.

3. Don't Ignore It:

These symptoms are simple to spot in people, therefore you should alert the victim if you spot your friend, relative, or neighbour exhibiting any of these behaviours. You should intervene if you hear or see domestic abuse and not ignore it. Ring the bell to stop any domestic violence if you know that one of your neighbours is being victimised. As a pretext for interfering, you can ring the bell and request some milk or anything to borrow. Bring a companion if going alone makes you nervous. However, you might save their lives if you call the authorities right once if you think the abuser is carrying a weapon.

4. Record It.

If you often notice someone becoming the victim of domestic abuse, make a note of every occurrence you see, including the date, time, place, and whether any injuries occurred. You

should also get hospital receipts if the victim visited a hospital. By doing this, you will be assisting the victim in the event that they choose to contact the police and file a complaint of the abuse. You will be a witness for the victim, and they will have enough proof to take the matter to court and win.

5. Listen to others

Domestic abuse victims seldom discuss their experiences because they worry that no one will believe them or that they will be criticised. If someone starts talking to you about their relationship, pay close attention, refrain from passing judgement, and take what they say at face value. To learn precisely how to handle a victim of domestic abuse, you might conduct some study on how to assist them.

6. Contact them regularly:

You should check on your neighbour, friend, or family member once a day at odd times if you discover that they are a victim of domestic abuse and are unable to escape. You may also phone them to make sure they are safe.

7. Spread Knowledge in Your Community:

Educate your friends, family, coworkers, and neighbours about domestic abuse and how to stop it. You can either do this on your own or enlist the aid of a local domestic abuse shelter or other organisation.

These are some preventative measures can be taken for the domestic violence.

CONCLUSION:

Domestic abuse is a serious issue with significant legal implications. Victims of domestic abuse are encouraged to seek legal counsel and other forms of support to help them navigate the legal system and protect their rights. Even though several government organisations have worked to prevent domestic abuse, the number of incidents is constantly rising. The number of incidents of domestic abuse can be reduced by teaching individuals about their rights, conducting community screenings for domestic violence, providing safe shelters, and enacting strong regulations. The first step in creating a better society is educating girls. The goal of

campaigning should be to raise public awareness. Many NGO's have participated in these efforts and helped to illuminate people's paths. To ensure a life free from barbarism, it is critical that each social strata contribute.

REFERENCE:

ONLINE SOURCES:

- <https://www.womensaid.org.uk/>
- <https://mentalitch.com/>
- <https://www.verywellmind.com/>
- <https://blog.ipleaders.in/>

STATUTES:

- The Indian Penal Code's Section 498A.
- The Dowry Prohibition Act, 1961.
- The Protect Women from Domestic Violence Act, 2005.