

Domestic Abuse: A Comprehensive Guide for Women

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Abstract

“YOUR ABUSIVE PARTNER DOESN’T HAVE A PROBLEM WITH HIS ANGER; HE HAS A PROBLEM WITH YOUR ANGER.

One of the basic human rights he takes away from you is the right to be angry with him. No matter how badly he treats you, he believes that your voice shouldn’t rise and your blood shouldn’t boil. The privilege of rage is reserved for him alone. When your anger does jump out of you—as will happen to any abused woman from time to time—he is likely to try to jam it back down your throat as quickly as he can. Then he uses your anger against you to prove what an irrational person you are. Abuse can make you feel straitjacketed. You may develop physical or emotional reactions to swallowing your anger, such as depression, nightmares, emotional numbing, or eating and sleeping problems, which your partner may use as an excuse to belittle you further or make you feel crazy.”

— Lundy Bancroft

Introduction

Domestic abuse is a pervasive issue that affects countless women worldwide. It encompasses various forms of violence, including physical, emotional, sexual, technological, and financial abuse. The detrimental impact of domestic violence on women's health and overall well-being cannot be overstated. In this comprehensive guide, we will delve into the different types of abuse, explore the factors contributing to domestic violence, and provide resources for seeking help. By shedding light on this critical issue, we aim to empower women to recognize the signs of abuse, break free from toxic relationships, and build safer, healthier lives.

The Different Types of Abuse

Physical Abuse: The Visible Scars

Physical abuse involves any form of physical harm inflicted on a partner. This can include hitting, slapping, punching, kicking, burning, strangulation, or using weapons. The abuser aims to exert control and instill fear in their victim through acts of violence. The consequences of physical abuse extend beyond the immediate injuries, often leaving deep emotional and psychological scars.

Emotional Abuse: The Silent Torment

Emotional abuse is a subtle yet insidious form of violence that targets a person's self-worth and psychological well-being. It encompasses behaviors such as name-calling, insults, blame-shifting,

extreme jealousy, intimidation, humiliation, isolation, and controlling the victim's actions and relationships. The abuser manipulates their partner's emotions, leaving them feeling worthless, trapped, and constantly on edge.

Sexual Abuse: Violation of Consent

Sexual abuse is an abuse of power, where the perpetrator coerces or forces their partner into engaging in sexual acts without consent. This can involve sexual assault, rape, pressuring the victim to have sex with others, or inflicting physical harm during sexual encounters. Sexual abuse not only violates a person's bodily autonomy but also inflicts deep emotional trauma.

Technological Abuse: The Dark Side of Connectivity

In the digital age, technological abuse has emerged as a concerning phenomenon. It involves the use of technology to control, stalk, and manipulate a partner. Examples of technological abuse include hacking into personal accounts, tracking a partner's location and interactions, and demanding access to passwords. This form of abuse can be particularly prevalent among teenagers who use technology and social media without adequate monitoring.

Financial Abuse: Controlling the Purse Strings

Financial abuse is a form of control that revolves around money and resources. The abuser may restrict the victim's access to finances, employment, or education, leaving them financially dependent and vulnerable. Examples of financial abuse include controlling the partner's income, damaging their credit score, or preventing them from seeking employment.

Abuse by Immigration Status: Trapped in Fear

For immigrant partners, domestic violence can take on additional complexities. Abusers may exploit their partner's immigration status by destroying immigration papers, restricting access to language education, or threatening to harm their family in their home country. These tactics aim to exert further control and instill fear in the victim.

The Scope of Domestic Violence

Domestic violence knows no boundaries, transcending socio-economic, cultural, racial, and class distinctions. It is a global issue, deeply ingrained in societies worldwide. The World Health Organization reports that between 15% and 71% of women have experienced physical or sexual violence or both by an intimate partner. These staggering statistics emphasize the widespread prevalence of domestic violence and the urgent need for action.

Factors Contributing to Domestic Violence

Domestic violence is a complex issue influenced by various factors at individual, societal, and cultural levels. While societal norms, cultural practices, and gender inequality play crucial roles, individual-level variables also contribute to the perpetuation of violence. These variables include exposure to violence during childhood, absent or rejecting parental figures, and delinquent peer associations. Understanding the interplay between these factors can help us address the root causes of domestic violence.

The Impact of Domestic Violence on Women

The consequences of domestic violence extend far beyond immediate physical harm. Women who experience domestic abuse are at higher risk of developing various physical and mental health problems. Physical injuries are common, with 42% of victims reporting injuries resulting from abuse. Furthermore, intimate partner violence during pregnancy increases the likelihood of miscarriage, stillbirth, preterm delivery, and low birth weight babies. The emotional toll is equally devastating, with survivors experiencing depression, anxiety, post-traumatic stress disorder (PTSD), and a heightened risk of suicide.

Seeking Help and Breaking the Cycle

Breaking free from an abusive relationship is a courageous and challenging step. If you are experiencing domestic violence, it is crucial to prioritize your safety and seek help. Reach out to organizations such as the National Domestic Violence Hotline, which provides support, resources, and a safe space to discuss your situation. Remember that you are not alone, and there are dedicated professionals ready to support you on your journey to healing and empowerment.

Laws regarding domestic violence cases

India has a number of specific laws regarding the safety of married women, their partners and their families.

Protection of Women from Domestic Violence Act, 2005

This is a law passed by the Parliament of India to protect women from domestic violence. All kinds of physical, sexual, emotional and financial abuse against women, which are expressly stated in the law, are prohibited. Protects women from family members. The scope of the bill includes the protection of not only women married to men, but also women who are in legal relationships, as well as family members such as grandparents and parents.

Dowry Prohibition Act, 1961

This is a penal code that punishes giving and receiving dowry. The Dowry Ban Act of 1961 prohibits dowry. If a person awards, accepts or even requests, they can be sentenced to six months (i.e. 6 months) imprisonment or a fine of up to 5,000 Rupees.

Section 498A of IPC

This is the law that applies to the wives or relatives of husbands who abuse women. Harassment of the husband or a relative of the husband is a crime under Section 498A of Indian Penal Code (IPC). No. 1860. Bullying can take many forms, both physical and emotional. Although adultery is not a crime in India, forcibly having sex with a woman can be considered a "crime" in this section. Section 498A contains several elements. It also covers any practice directed at women that compels them to kill themselves or to risk their life, limb or health. In this case, health refers to the physical and mental health of the woman.

Landmark domestic violence cases in India

Lalita Toppo v. the State of Jharkhand, (2018)

Facts of the case

In *Lalita Toppo v Jharkhand and Anr.* (2018), in a case before the Supreme Court of India, the complainant, who is not the defendant's legally wedded spouse, applied to the house where a custody case was brought under the Protection of Women from Domestic Rights Act 2005, taking this article into account. 125 of the 2010 Crime Act prohibit the payment of alimony. In this case, the applicant has a legal relationship and has a son. When the couple divorced, the petitioner requested alimony from his wife, which was ordered by the Gumla Court to award him Rupees 2,000 per month and Rupees 1,000 for their children. The plaintiff appealed to the Supreme Court, and the court determined that the decision of the Family Court was wrong and decided in favor of the partner. The applicant then filed a lawsuit in the Supreme Court.

Issue involved in the case

- Whether a live-in partner can seek maintenance under the Domestic Violence Act, 2005?

Judgment given by the Court

Among the three justices of **the Supreme Court** is **CJI Ranjan Gogoi**, Judge **U.U. Lalit** and **K.M. Joseph** points out **that** those interested in the law should seek **more help than** is required by section **125 of the 1973 Criminal Code**.

Referring **to the provisions of the Domestic Violence Act**, the judge **noted that the petitioner in this case could seek remedies under the Act** even if he was **not the legal spouse and therefore did not need to seek attention under Section 1 of the Criminal Code**.

The court **also noted that domestic abuse** also includes financial abuse under **the Domestic Violence Act**.

Inder Raj Malik v. Sunita Malik, (1986)

Facts of the case

In this case, Sunita Malik (Complainant) and her husband Inder Raj Mailk (Defendant) were married. Complainant Sunita harassed, beaten, starved **and** harassed husband and wife after marriage, especially during the celebration period, in order to demand **more money and property**.

One day, he woke up from physical and mental abuse in the house where he **was** born, but he did not ask the doctor **to** examine him.

Sunita Malik was kidnapped and **threatened** with death **by her mother and brother unless she forces her parents to sell their property in Hauz Qazi**. Complainant Sunita Mailk **was** found to have physically assaulted **the husband and wife**.

Sunita Malik was harassed to force herself or someone associated with her to meet illegal personal and property claims.

Issues involved in the case

- Is 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 given by the Court

In this case the Supreme Court has to decide whether a person can be punished under Article 4 of the Dowry Prohibition Act and Article 498A of the Indian Penal Code. The court said that a person could be punished without double jeopardy under Section 4 of the Dowry Ban Act 1956 and Section 498A of the IPC. The court said that article 498A of the TMK and article 4 of the Dowry Prohibition Law are different due to article 4 of the penalty. Crimes against new women will be punished. Thus, it can be concluded that a person can be charged under Section 4 of the Dowry Prohibition Act and Section 498A of the Indian Penal Code.

Conclusion

Domestic abuse against women is a grave violation of human rights that demands immediate attention and action. By raising awareness, providing resources, and promoting a culture of support and understanding, we can work together to eradicate domestic violence. Let us stand united in solidarity with survivors, advocate for change, and foster a world where every woman can live free from fear and violence.

The provisions of the Indian Penal Code of 2005 and the Indian Penal Code of 1860 are very promising legislation providing civil and criminal sanctions to provide compensation to victims of domestic violence. The law includes police protection, medical facilities, and free orders to help abused women protect themselves and their loved ones. However, this design is not perfect. It is clear that the implementation of the law needs to be accelerated. According to Human Rights Watch, police often fail to submit an Initial Information Report (FIR), the first step in a police investigation, especially if the person is being tortured by low-income or disadvantaged groups.

In fact, the Domestic Violence Act does not address the issues that women and men face with regard to domestic violence and is often misapplied when the law is enforced. The organization needs more gender laws that treat men and women equally in family situations, instead of terrorizing innocent people and providing weapons of blackmail to different women, as most men do. On the face of it, House Rule Law seems gender-biased. The constitution should be amended to include more gender-neutral provisions to prevent violence and promote gender equality, justice and equality.