

RESEARCH PAPER

DOMESTIC ABUSE: A STEP AGAINST NON-VIOLENCE

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ABSTRACT

Domestic abuse can be characterized as a pattern of behavior in any relationship that is used to gain or keep up control over a partner. Abuse can be emotional, sexual, physical, economic or mental activities or dangers of actions that impact another person. This incorporates any behaviors that startle, threaten, terrorize, control, humiliate, fault, harm or wound someone. Domestic violence can happen to anybody of any race, age, sexual introduction, religion or sex. It can happen to couples that are hitched, living together or who is dating. Domestic violence affects individuals of all socioeconomic foundations and education levels. The administration of domestic violence essentially requires combined exertion of law requirements, social welfare and health care administrations. Genuine alter in these cases can be it brought almost by changing the mentality of society through education, valuable social gathering and better law authorization.

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INTRODUCTION

Domestic violence can be described as the power abused by an adult in a relationship to control another. It is the foundation of control and fear in a relationship through violence and other forms of abuse like social, mental, financial, physical, battering, family, sexual abuse.(1) The recurrence of the violence can be on and off, incidental or constant. Violence could be a relatively common sort of human behavior that happens throughout the world. Individuals of any age may be violent, although older youths and young adults are most likely to lock in violent behavior. Violence includes a number of negative impacts on those who witness or experience it, and children are particularly susceptible to its harm. Fortunately, numerous programs have been fruitful at avoiding and reducing violence.(2) Violence may be recognized from aggression, a more common sort of

threatening conduct that will be physical, verbal, or inactive in nature. Universally, the victims of domestic violence are overwhelmingly female, and female tend to experience more extreme forms of violence. They are too likelier than male to use intimate partner violence in self-defense. In some nations, domestic violence is frequently seen as legitimized, especially in cases of genuine or suspected infidelity on the part of the female, and is legitimately allowed. Research has set up that there exists a direct and important relationship between a country's level of sex equality and rates of household violence, where nations with less sex equality encounter higher rates of domestic violence. Domestic violence is among the foremost under reported violations around the world for both male and female. (3)

The United Nations Declaration on Violence Against Women defined domestic violence as:

"Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation."(4)

HISTORY

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In most lawful frameworks of the world, domestic violence has been tended to only from the 1990s onward; before the late-20th century, in most nations there was exceptionally small protection, in law against domestic violence.(6) Publication encouraged nations around the world to treat domestic violence as a criminal act, expressed that the right to a private family life does not incorporate the right to abuse family individuals.(7) Publication told the scope of the law, depicting the circumstance at that time as taking after:

"Physical discipline of children is permitted and, in fact, energized in numerous legal frameworks and a huge number of nations allowed moderate physical chastisement of a wife or, in the event that they don't do so presently, have done so inside the final 100 a long time. Again, most lawful frameworks fail to criminalize circumstances where a wife is constrained to have sexual relations to her husband against her will. Indeed, within the

case of violence against wives, there's a far reaching belief that ladies incite, can endure a certain level of violence from their companions."(8)

In recent decades, there has been increased consideration given to particular forms of domestic violence, such as honor killings, dowry deaths, etc. India has made endeavors to curtail dowry violence: the Protection of Women from Domestic Violence Act, 2005, taking after years of advocacy and activism by the women's organizations.(9)(10)

FORMS

Domestic abuse can be categorized in number of ways. It's mainly focuses on to gain control and power over the victim. Some of the significant forms of domestic abuse are as follows:-

- a. **Emotional Abuse:-** Emotional abuse includes threats, separation, public mortification, criticism, steady personal devaluation, repeated stonewalling, etc. Stalking could be a common form of mental intimidation, and is most regularly perpetrated by previous or current intimate partner.(11) Victims tend to feel their accomplice have about total control over them, significantly influencing the control dynamic in a relationship and disempowering the victim. Emotional abuse incorporates conflicting actions which are outlined to confuse and make insecurity within the victim.(12) These behaviors also lead the victims to question themselves, causing them to believe that they are making up the abuse or that the abuse is their blame. Involving in this, victims frequently suffer from depression, putting them at expanded hazard of eating disorders, suicide, drug and liquor abuse.(13)
- b. **Physical Abuse:-** Physical abuse is abuse involving contact planning to cause sentiments of intimidation, torment, harm, or other physical suffering.(14) It incorporates choking, slapping, pushing, hitting, punching, burning, and other sorts of contact that result in physical injury to the victim. Physical abuse can too include behaviors such as denying the victim of medical care when required, denying the casualty of sleep or other capacities necessary to live, or forcing the victim to engage in drug/alcohol use against his/her will.(15) In case an individual

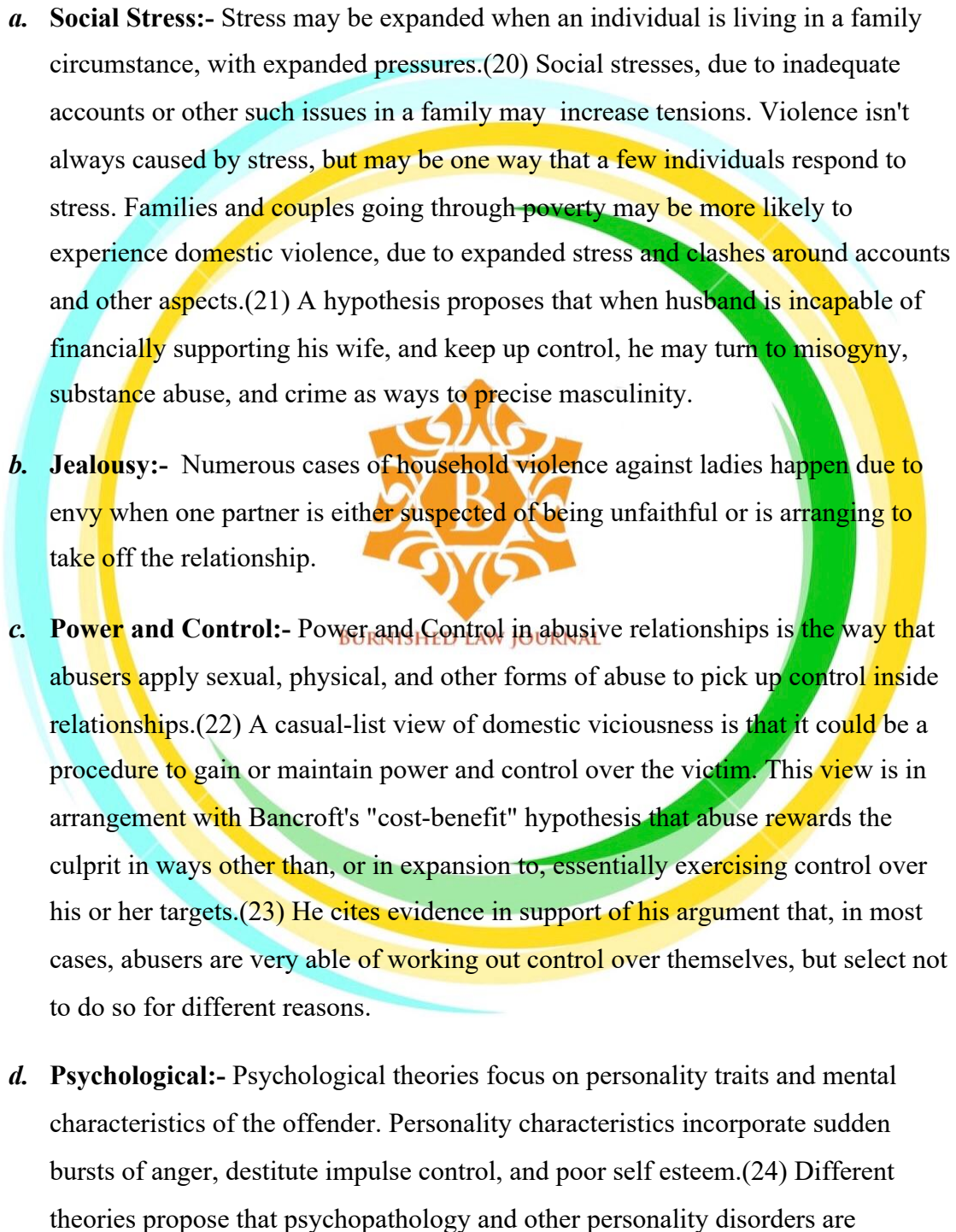
is suffering from any physical hurt at that point they are experience physical abuse. Homicide as a result of physical domestic violence makes up a more noteworthy extent of female murders than it do male crimes. The World Health Organization states that universally, around 38% of female murders are committed by an intimate partner. This torment can be experienced in any level.(16)

- c. Sexual Abuse:-** Sexual abuse, is characterized by World Health Organization as an attempt to get a sexual act, undesirable sexual comments, or acts to traffic, or something else directed, against a person's sexuality using coercion.(17) It too incorporates obligatory reviews of virginity and female genital mutilation. Aside from start of the sexual act through physical force, sexual abuse happens if an individual is verbally influenced into consenting, unable to get into the nature or condition of the act, incapable to decline participation, or unable to communicate unwillingness to engage within the sexual act. This might be because of underage adolescence, sickness, disability, or the impact on drugs, or due to intimidation or pressure.(18) In numerous societies, victims of rape are considered to have brought dishonor or disgrace to their families and confront serious family violence. This is particularly the case if the casualty gets to be pregnant.
- d. Economic Abuse:-** Economic abuse is a frame of abuse when one intimate partner has control over the other partner's access to financial resources. Financial abuse may include preventing a spouse from asset procurement, restricting the amount of assets to utilize by the victim, or by exploiting financial resources of the victim.(19) The motive behind preventing a spouse from securing assets is to decrease victim's capacity to support him/herself, in this way forcing him/her to depend on the perpetrator financially, which incorporates avoiding the victim of finding work, keeping up or progressing their careers, obtaining education and acquiring resources.

CAUSES

One point that all analysts and readers appear to agree on is that violence is multi casual,

meaning that no single factor is capable for violent conduct. Instead, violence comes about from a combination of components, counting those beginning within the violent person's social or social environment and those speaking to prompt situational powers. Some of the main causes of domestic violence are given below:-

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- a. Social Stress:-** Stress may be expanded when an individual is living in a family circumstance, with expanded pressures.(20) Social stresses, due to inadequate accounts or other such issues in a family may increase tensions. Violence isn't always caused by stress, but may be one way that a few individuals respond to stress. Families and couples going through poverty may be more likely to experience domestic violence, due to expanded stress and clashes around accounts and other aspects.(21) A hypothesis proposes that when husband is incapable of financially supporting his wife, and keep up control, he may turn to misogyny, substance abuse, and crime as ways to precise masculinity.
- b. Jealousy:-** Numerous cases of household violence against ladies happen due to envy when one partner is either suspected of being unfaithful or is arranging to take off the relationship.
- c. Power and Control:-** Power and Control in abusive relationships is the way that abusers apply sexual, physical, and other forms of abuse to pick up control inside relationships.(22) A casual-list view of domestic viciousness is that it could be a procedure to gain or maintain power and control over the victim. This view is in arrangement with Bancroft's "cost-benefit" hypothesis that abuse rewards the culprit in ways other than, or in expansion to, essentially exercising control over his or her targets.(23) He cites evidence in support of his argument that, in most cases, abusers are very able of working out control over themselves, but select not to do so for different reasons.
- d. Psychological:-** Psychological theories focus on personality traits and mental characteristics of the offender. Personality characteristics incorporate sudden bursts of anger, destitute impulse control, and poor self esteem.(24) Different theories propose that psychopathology and other personality disorders are

components, which abuse experienced as a child leads a few individuals to be more violent as adults. Relationship has been found between juvenile delinquency and household violence in adulthood. Studies have found high incidence of psychopathy among abusers.(25) Some enquiries recommend that approximately 80% of men in these domestic violence studies exhibited diagnosable psychopathology and typical personality clutters.

****EFFECTS****

- **Physical:-** Head injuries, broken bones, and internal bleeding are a few of the intense impacts of a domestic violence incident that require medical consideration and hospitalization. A few constant health conditions that have been connected to victims of domestic viciousness are migraine, ulcer, pelvic pain, irritable bowel syndrome joint pain, chronic pain, etc.(26) Victims who are pregnant during a domestic violence relationship experience greater chance of miscarriage, pre-term labor, and injury to or death of the fetus. Evidence of the association for physical well-being and violence against ladies has been collecting since the early 1990s.(27)
- **On Children:-** In a few cases the abuser will intentionally abuse the mother or father before the child to cause a ripple impact, harming two casualties at the same time. Children may intercede when they witness extreme violence against a parent, which can put a child at more prominent hazard for harm or death.(28) It has been found that children who witness mother-assault are more likely to show side effects of post traumatic stress disorder (PTSD).(29) Results from these children are likely to be more serious in case if their attacked mother creates post traumatic stress disorder (PTSD) and does not look for treatment due to her troubles in helping her child with handling his or her own experience of witnessing the household violence.
- **Financial:-** Once victims leave their perpetrator, they can be shocked with the reality of the extent to which the abuse has taken away their autonomy. Due to financial abuse and isolation, the victim usually has exceptionally little money of

their own and few individuals on whom they can rely when looking for help.(30) This has been shown to be one of the most prominent obstacles confronting victims of residential violence, and the strongest factor that can discourage them from taking off their perpetrators.

****HEALTH IMPLICATIONS****

Domestic violence could be a major supporter to the ill health of ladies. Domestic violence not only causes physical harm, it also undermines the social, financial, mental, spiritual and passionate well being of the victim.(31) These physical and mental health results have social and emotional feel for the person, the family, the community and the society at large. It has genuine results from women's mental and physical health, counting their reproductive and sexual health.(32) These incorporate injuries, gynecological issues, transitory or permanent inabilities, and suicide, in others. Identifying female survivors, giving them with satisfactory referral, and supporting them safely on a pathway to recovery might be a way to avoid the long-term impacts on violence and avoid further incidents of abuse. The clinician's role is to distinguish cases of abuse, survey the patient and her family level of safety, and give continuous medical care and non-judgmental support. This incorporates counseling on the nature and course of domestic violence and surveying the level of readiness to undergo changes, teaching the patient about the range of available support administrations and making the suitable referral, reporting findings, and assuring follow-up. In order to fulfill this role enough, the doctors need to be prepared for legitimate information and communication skills and be mindful of the resources available within the community.

****CYCLE OF VIOLENCE****



- Abuse – Your abusive partner lashes out with forceful, disparaging, or violent behavior. This treatment may be a control play planned to show you “who is boss.”
- Guilt – Your accomplice feels guilty after abusing you, but not because of their activities. They’re more stressed around the possibility of being caught and facing results of their abusive behavior.
- Excuses – Your abuser rationalizes what they have done. The individual may come up with a string of pardons or blame you for inciting them—anything to avoid taking responsibility.
- Normal behavior – Your partner does everything in their control to recapture control and guarantee that you’ll remain in the relationship. A culprit may act as if nothing has happened, or they might “turn on the charm.” This tranquil vacation phase may deliver you trust that the abuser has really changed this time.
- Fantasy – Your abuser starts to fantasize about repeating the mishandle. They spend a parcel of time thinking about what you’ve done off-base and how they’ll make you pay for it. At that point of time they will arrange for turning the fantasy of abuse into reality.
- Set-up – Your abuser sets you up and puts their plan in motion, making a

circumstance where they can justify mishandling you.

DEMOGRAPHICS

- Under-report:- Domestic violence is among the foremost under-reported violations around the world for both male and female. A 2011 survey article found that men tend to under-report their possess execution of domestic violence whereas women were more likely to under-report their victimization and overestimate their own violence execution.(33) Money related or family reliance, normalization of violence, and self-blaming were found to decrease the probability of self-reporting victimization in women. By contrast, fear and avoidance of lawful results, the inclination to blame their partner, and a narrative focus on their possess needs and feelings diminished the likelihood of self-reporting execution in men.
- Age groups:-
 - i. Adolescent Age- The common literature shows that adolescent boys and girls engage in intimate partner violence (IPV) at almost rise to rates, females are more likely to use less perilous forms of physical violence (e.g. slapping, kicking, pushing, scratching squeezing), whereas boys are more likely to choke, beat, burn, punch. Boys are more likely to utilize sexual hostility, in spite of the fact that both sexes are similarly likely to pressure their partner into sexual exercises. In addition, female are more times more likely to respond as having experienced assault and are more likely to endure fatal injuries incurred by their partner, or to require mental help as a result of the abuse.
 - ii. Children- There's a strong link between domestic violence and child abuse. Since domestic violence may be a pattern of behavior, these rates may increase in seriousness and recurrence, coming about in an expanded likelihood the children themselves will become victims. Today, corporal discipline of children by their guardians remains legitimate in most nations, but in western nations they still permit the practice, and there are strict limits on what is allowed. Sweden was the first nation to prohibit parental corporal punishment.

- Gender differences:-
 - i. Men- Domestic violence against men includes physical, enthusiastic and sexual forms of abuse, counting mutual violence. Male domestic violence victims may be hesitant to urge help for different reasons. One study investigated whether ladies who assaulted their male partners were more likely to avoid arrest indeed when the male contacts police, and found that, "police are especially impossible to capture ladies who attack their male partners." The reason being that they "accept that the man can ensure himself from his female partner which a woman's violence isn't unsafe unless she assaults somebody other than her accomplice". Another study concluded there's "a few support for subjective research recommending that court faculty are responsive to the gendered asymmetry of intimate partner violence, and may see female hint violence culprits more as victims than guilty parties.
 - ii. Women- Femicide may be a sex-based hate wrongdoing term, broadly characterized as "the intentional killing of females (ladies or girls) since they are females", in spite of the fact that definitions change depending on its social context. Feminist author Diana E. H. Russell defines it as, "the killing of females by males because they are female." Other women's activists put emphasis on the deliberate or purpose of the act being coordinated at females particularly because they are female. Femicides regularly happen in the context of DV, such as honor killings or dowry killings. For some purposes, femicide is frequently defined as any murdering of a lady.
- Same sex relationships:- People in same-sex relationships confront extraordinary obstacles in managing with the issues that a few researchers have labeled "the double closet". Sources state domestic violence among gay, lesbian, and bisexual people can be higher than among heterosexual people, that gay, lesbian, and bisexual people are less likely to report domestic violence that has happened in their hint connections than hetero couples are, or that lesbian couples encounter domestic violence less than hetero couples do.(34)

ADDRESSING WOMEN

Financial dependence has been found to be the central reason. Without the capacity to maintain themselves financially, ladies are forced to remain in abusive relationships and are not able to be free from violence. Due to deep-rooted values and culture, ladies don't favor to receive the alternative of partition or divorce. They moreover fear the consequences of reporting violence and pronounce an unwillingness to subject themselves to the shame on being distinguished as battered ladies. Lack of data approximately choices too strengths ladies to endure silently inside the four walls of their homes. A few ladies may accept that they deserve the beatings since of a few wrong activities on their portion.(35) Other ladies refrain from talking about the abuse since they fear that their partner will assist hurt them in reprisal for uncovering family secrets, or they may be embarrassed of their situation. Violence against women may be an infringement of essential human rights. It is dishonorable for the states that fail to avoid it and societies that tolerate it. It must be eliminated from political will, and by legitimate and civil action in all divisions of society.

ROLE OF NGO

Mahatma Gandhi, says-

“To call woman the weaker sex is a libel; it is man’s injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man’s superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her, man could not be. If nonviolence is the law of our being, the future is with woman. Who can make a more effective appeal to the heart than woman?”

Women empowerment, in concept and practice, is complex due to various dimensions involved in it. Non-governmental organizations and educate should conduct arrangement of classes, workshops gatherings at different places on different perspectives of violence/oppression against women. They ought to talk about in profundity the gravity, tremendousness and dangers of persistently breaking down law and arrange position,

deteriorating human values, self-centered state of mind of individuals and disturbing rise in inhuman acts against women, which makes it exceptionally hazardous for ladies to move unreservedly outside their homes and attempt to and out cure for it. Pioneered by female and NGOs, starting within the 1960s, women's rights development started to take shape. Women's rights movement, in expansion to condemning the social and financial structures that result in sexual orientation bias, moreover took the protected and other rights-based approaches to advance its change plan. Another stream, women's welfare development, centered on the welfare and recovery of ladies who were casualties of residential and other savagery against them. The push for financial independence became the key subject of another women's development. All these three developments (rights, welfare and financial autonomy) got to be the in general women empowerment development to battle all injustices against ladies.

****IS ABUSIVE BEHAVIOUR IS A CHOICE?****

In spite of what numerous individuals believe, domestic violence and abuse does not take place because of an abuser loses control over their behavior.(36) In reality, abusive behavior and violence may be a think choice to gain control. Culprits utilize a variety of strategies to control you and exert their control, including:

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- Humiliation – An abuser will do everything they can to lower your self-esteem or make you feel imperfect in a few way. After all, if you accept you're useless and no one else will need you, you're less likely to leave. Insults, name-calling, disgracing, and public put-downs are all weapons of abuse outlined to dissolve your self-worth and make you feel powerless.
- Intimidation – Your abuser may use an assortment of intimidation strategies outlined to alarm you into accommodation. Such strategies incorporate making debilitating looks or motions, smashing things before you, destroying property, or putting weapons on display. The message behind these activities is that violent results will take after on the off chance that you don't obey.
- Isolation – In order to extend your reliance on them, an abusive partner will cut you off from the exterior world. They may keep you from seeing family or

companions, or indeed anticipate you from attending to work or school. You'll got to ask consent to do anything, go anywhere, or see anyone.

- Denial and blame – Abusers are capable at making pardons for the indefensible. They may fault their injurious and savage behavior on a terrible childhood, an awful day, or indeed on you and the kids, the casualties of their manhandle. They may minimize the abuse or deny that it happened. Often, they will move the responsibility.
- Dominance – Abusive people got to feel in charge of the relationship. They may make choices for you and the family, tell you what to do, and anticipate you to comply without address. Your abuser may treat you like a worker, child, or indeed as their ownership.
- Threats – Abusers commonly use dangers to keep their accomplices from leaving or frighten them into dropping charges. Your abuser may debilitate to hurt or kill you, your children, other family individuals. They may too undermine to commit suicide, record wrong charges against you, or report you to child services.

LAW ENFORCEMENT

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The Protection of Women from Domestic Violence Act, 2005 is an act of the Parliament of India sanctioned to ensure women from domestic violence. It was came into force by the government of India from 26 October 2006. The Act gives for the first time of Indian law a definition of "domestic violence", with this definition being wide and counting not only physical violence, but also other forms of violence such as economic, sexual, verbal, emotional abuse, etc. It is a civil law implied essentially for protection orders and not for implied to be enforced criminally.(37) The Protection of Women from Domestic Violence Act, 2005 different from the provision of the Penal Code - section 498A of the Indian Penal Code - in that it gives a broader definition of domestic violence. Domestic violence under the act incorporates genuine abuse or the danger of abuse whether economic, sexual, emotional, verbal or physical. Harassment by way of illegal dowry requests to the female or her relatives would too be secured under this definition.

Some of the different kinds of order issued by the magistrate are as follows:-

- Residence orders- The magistrate being fulfilled that a domestic violence has taken put, pass residence order-

-Restraining the respondent from distancing or arranging of the shared household

-Directing the respondent to evacuate himself from the shared household

-Restraining the respondent or his / her relatives from entering any portion of the shared house hold where the abused person lives

- Restraining the respondent from dispossessing or in any way exasperating the quiet possession of the shared household

-Directing the respondent to secure same level of substitute accommodation for the abused person as enjoyed by her or to pay lease for the same in case the circumstances so require.

No order should be made against ladies beneath this section. Magistrate may force extra condition and pass any other order to secure the safety of the aggrieved individual or her child.

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- Protection orders- After giving an opportunity to the abused individual and respondent of being listened and the magistrate is satisfied that a prima facie case of residential violence has taken place or is likely to require place, pass a protection order in support of the wronged individual prohibiting the respondent from the following acts such as:

-Entering the place of work of wronged individual or on the off chance that the individual is child, its school or any other places

-Aiding or abetting within the act of domestic violence

-Committing any other acts indicated by the security officer residence orders

-Causing violence to the dependents, or other relative or any other individual who allow

the help to the abused individual

-Attempting to communicate in any form counting individual, verbal or written, electronic or telephonic contact.

- Custody orders- Magistrate can allow temporary care of any child or children to the abused individual or to the individual making application on her sake and indicate the arrangements for visit of such child by the respondent. Judge can deny the visit of such respondent in such case if it may hurtful to the intrigued of the child.
- Monetary relief- The judge may coordinate the respondent to pay money related alleviation to meet the costs of the wronged individual and any child as a result of household savagery and such help include:

-Loss of earnings

-Medical expenses

-Loss caused due to removal or harm of any property

Including the order under section 125 criminal procedure code or any other law.

- Compensation orders- Magistrate may pass order coordinating the respondent to pay compensation to the petitioner for injuries counting mental torture and emotional trouble caused by the acts of domestic violence committed by the respondent. Copies of orders passed by the judge might be provided free of cost to the parties concerned and police officer

Any order made under this act might be enforceable throughout India whereas disposing application the magistrate might take in to consideration any domestic occurrence report received from the protection officer or service provider.

****RELEVANT JUDGEMENTS****

1. Vijay Verma vs State Nct Of Delhi & Anr. on 13 August, 2010

2. Sanjay Bhardwaj & Ors. vs The State & Anr. on 27 August, 2010
3. Adil & Ors. vs State & Anr. on 20 September, 2010
4. Sou. Sandhya Manoj Wankhade vs Manoj Bhimrao Wankhade & Ors on 31 January, 2011
5. Indra Sarma vs V.K.V.Sarma on 26 November, 2013
6. Syed Akram Ali Syed Sultan vs Rubina Begum Syed Akram Ali on 20 November, 2014
7. V.P.Anuradha vs S.Sugantha @ Suganthi on 4 February, 2015
8. Mrs. Sarika W/O. Mahendra Sureka vs Mr. Mahendra S/O. Rajkumar Sureka on 19 September, 2016
9. Mr. Prakash Kumar Singhee vs Ms. Amrapali Singhee on 4 May, 2018
10. Rahul Arun Suryavanshi And Ors vs Lalita Rahul Suryavanshi @ Lalita on 8 January, 2019.



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CONCLUSION

Rev. Donna Mulvey says that:- "When it comes to abuse, you believe there's no way out. There is always help. There is always a way out."

Having looked at a delicate point of "Domestic Violence" in India, we all are ready to sense the significance of discussion of such a topic. A variety of programs have been created to decrease or avoid domestic violence in people that have already appeared a tendency towards violence. Violent offenders may get training to progress child rearing and other relationship aptitudes. Job is another common component of prison-based anticipation programs. In addition to this, educating women, society screening, strict law enforcement, nukkad nataks in village area, etc will be helpful in decreasing crimes based on domestic violence. Generally, the most-successful programs for avoiding violence are those that impact behavioral changes.

FOOTNOTES*

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