Subject Name: Domestic Violence Act
Topic Name: Kinds of Abuse

Table of Content:-

Section 3 Explanation I 1
Types of abuse under the Act 2
Leading Case Laws 4

Section 3 Explanation I

For the purposes of this section,—

(i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) "verbal and emotional abuse" includes—

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested;

(iv) "economic abuse" includes—

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic

relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Important Links for Judiciary Free Resources (Click on Each to Open Respective Pages)	
Subject Wise Mains PYQ Solution	Essay for Judiciary
Subject Wise Notes	Legal Doctrines
Landmark Judgements	GS Notes
Weekly Current Affair	Subject Wise Prelims PYQ Solution
Free Answer Writing Course	Judgement Writing
Telegram Link	Youtube Link

Types of abuse under the Act

1. **Physical Abuse**

Physical abuse constitutes the exertion of physical force upon a woman resulting in bodily injury or harm. It encompasses a spectrum of actions including physical assault, criminal intimidation, and the use of criminal force. Such abuse manifests in various forms such as beating, kicking, punching, and throwing objects with the intention to inflict harm. Additionally, damaging property, punching walls, and kicking doors are indicative of physical abuse as they create an environment of fear and intimidation.

The gravity of physical abuse extends to actions like abandoning a woman in hazardous or unfamiliar surroundings, using weapons to threaten or inflict harm, and forcibly evicting her from the matrimonial home. Moreover, physical force employed in sexual contexts also constitutes a form of physical abuse, wherein coercion or violence is utilized to perpetrate sexual violence against the victim.

Furthermore, physical abuse may also extend to the harming of children or using physical force against them as a means of exerting control or inflicting punishment. These actions not only result in physical harm but also cause psychological trauma and emotional distress to the victim. Overall, physical abuse encompasses a range of

behaviors aimed at exerting power and control over a woman through the use of physical force, intimidation, and coercion, thereby violating her fundamental rights and dignity.

2. **Sexual Abuse**

Sexual abuse, categorized under physical abuse, entails any scenario where a woman is compelled to engage in unwanted, unsafe, or demeaning sexual activities. This includes coercing the victim into sexual acts against her will, subjecting her to derogatory sexual remarks, and inflicting harm upon her using objects or weapons during sexual encounters.
The essence of sexual abuse lies in the violation of a woman's autonomy and bodily integrity, as well as the exploitation of her vulnerability. It encompasses a range of behaviors that undermine the victim's sense of safety, dignity, and self-worth. Moreover, sexual abuse can leave lasting psychological and emotional scars on the victim, often leading to feelings of shame, guilt, and trauma.

By perpetrating sexual abuse, the perpetrator exerts power and control over the victim, exploiting her physical and emotional vulnerability for their own gratification. Such acts not only constitute a grave violation of the victim's fundamental rights but also contribute to a culture of gender-based violence and inequality.
In essence, sexual abuse represents a reprehensible form of physical violence that robs the victim of her agency and dignity, perpetuating harm and suffering. It is imperative to recognize and address sexual abuse within the broader context of gender-based violence and to provide support and resources to survivors in their journey towards healing and justice.

3. **Verbal and Emotional Abuse**

Emotional abuse, though less visible than physical abuse, is equally damaging and pervasive. Regrettably, it is frequently underestimated or disregarded, even by the victims themselves. This form of abuse encompasses a range of behaviors aimed at undermining a woman's emotional well-being and autonomy. Verbal abuse constitutes a significant aspect of emotional abuse, characterized by acts such as yelling, name-calling, blaming, and shaming. These verbal assaults serve to diminish the victim's self-esteem and confidence, leaving her feeling inadequate and unworthy.

Beyond verbal attacks, emotional abuse extends to tactics such as isolation, where the perpetrator seeks to cut off the victim from sources of support and validation, thereby exacerbating her sense of loneliness and dependence. Intimidation tactics are also employed, instilling fear and anxiety in the victim, thus exerting control over her actions and decisions.

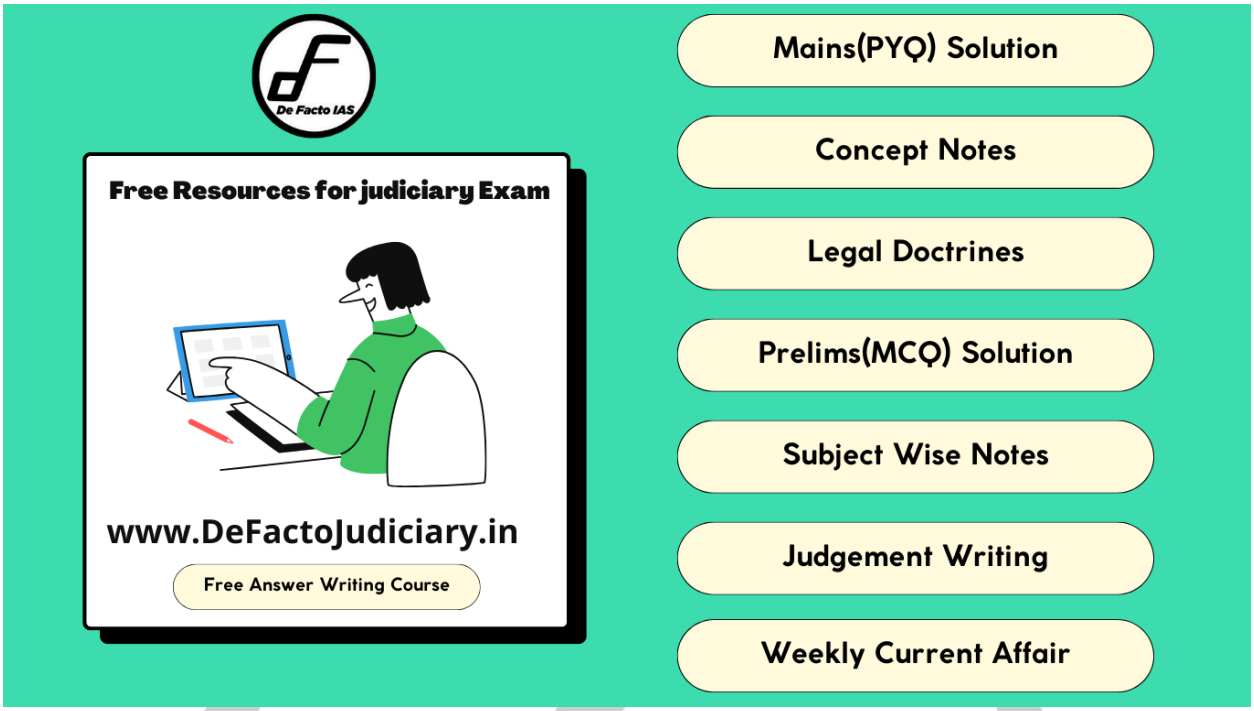
Controlling behavior is another hallmark of emotional abuse, wherein the perpetrator seeks to dictate and manipulate the victim's thoughts, feelings, and actions. This can include monitoring her movements, restricting her social interactions, and undermining her autonomy in various aspects of life. The insidious nature of emotional abuse lies in its ability to erode the victim's sense of self-worth and agency, often leaving lasting psychological scars. It creates a toxic environment of fear, insecurity, and self-doubt, making it challenging for the victim to recognize the abuse and seek help.

4. **Economic Abuse**

Economic abuse, while often overlooked, is a profoundly detrimental form of abuse that can have far-reaching consequences for women and their families. This insidious form of abuse encompasses various actions aimed at exerting financial control and dependency over the victim. One of the primary manifestations of economic abuse is the withholding of financial resources by a partner, thereby depriving the woman and her children of essential necessities such as food, clothing, and medical care. This deprivation extends to denying the woman the opportunity to seek gainful employment, thereby perpetuating her financial dependence and vulnerability.

Furthermore, economic abuse may entail coercing the woman out of the shared household without providing adequate financial support, even in cases where the property is rented. This not only leaves the woman homeless but also exacerbates her financial insecurity and reliance on the perpetrator. Another aspect of economic abuse involves restricting the woman's access to her rightful economic and financial resources as per legal or customary entitlements. This includes denying her access to shared household resources or disposing of her assets, whether movable or immovable, without her consent.

Additionally, seeking maintenance payments without any basis or alleging domestic violence unjustly to enrich oneself constitutes a gross abuse of the legal process. Such actions not only exploit the legal system but also perpetuate further harm and injustice against the victim. In sum, economic abuse operates as a means of power and control, undermining the woman's financial autonomy and independence. Recognizing and addressing economic abuse is essential for safeguarding the economic well-being and dignity of women, empowering them to break free from cycles of dependency and exploitation.



Leading Case Laws

In the case of ***Inder Raj Malik v. Sunita Malik***, the Delhi High Court addressed whether an individual could be convicted under both Section 4 of the Dowry Prohibition Act and Section 498A of the Indian Penal Code without facing double jeopardy. The Court ruled that the two provisions are distinct: while Section 4 of the Dowry Prohibition Act pertains to the mere demand of dowry, Section 498A of the IPC deals with acts of cruelty against a newly wedded woman. Therefore, the Court held that it is permissible for a person to be prosecuted under both provisions simultaneously.

In the case of ***Ajay Kumar v. Lata @ Sharuti*** (2019), the Supreme Court addressed whether a brother-in-law could be considered a "respondent" under Section 2(q) of the Domestic Violence Act, 2005. The appellant, Lata, was the brother-in-law of the respondent, i.e., his brother's widow. They resided together in a Hindu Joint Family Property.

The issue revolved around whether the appellant was obligated to provide maintenance to his brother's widow under the DV Act. Section 12(1) of the DV Act allows individuals to seek relief or financial assistance for losses incurred due to domestic violence. However, the appellant argued that maintenance payments were not mandated under this provision unless they were engaged in a business partnership.

The Supreme Court ruled that maintenance could indeed be provided to a widow by her brother-in-law under the DV Act. It rejected the appellant's contention regarding the definition of

"respondent" under Section 2(q), emphasizing the existence of a domestic relationship between the woman and her brother-in-law. The Court established a familial connection, affirming that the brother-in-law and the woman shared a joint family status.