

Exploring Different Aspect of Sexual and Domestic Violence on Young Children and Women

Devesh Makholia
Law, Amity University

Abstract- Domestic violence and sexual violence represent pervasive and devastating issues affecting women and children worldwide. These forms of abuse inflict profound physical, emotional, and psychological harm, leaving lasting scars on individuals and communities. Despite increasing awareness and efforts to combat them, they persist as significant public health and human rights concerns, demanding urgent attention and action.

Domestic violence, often referred to as intimate partner violence (IPV), encompasses a range of abusive behaviours perpetrated by a current or former intimate partner. These behaviours may include physical violence, sexual abuse, emotional manipulation, financial control, and coercive control. Tragically, women are disproportionately affected by domestic violence, with statistics indicating that one in three women globally will experience intimate partner violence in their lifetime.

Similarly distressing is the prevalence of sexual violence against women and children. Sexual violence encompasses a broad spectrum of abusive actions, including rape, sexual assault, molestation, and exploitation. It occurs within various contexts, including intimate relationships, familial settings, and community environments. Regrettably, women and children are particularly vulnerable to sexual violence, with studies suggesting that one in five women and one in four girls experience sexual abuse during their lifetime.

This research paper delves into various theoretical perspectives surrounding violence against women, shedding light on its multifaceted nature. It critically examines the impacts of both domestic and sexual violence on women and children, emphasizing the enduring psychological, emotional, and physical ramifications. Additionally, the paper analyses existing laws and legal frameworks pertaining to domestic violence and sexual abuse, assessing their efficacy in addressing and preventing such acts of violence. Through a comprehensive review of literature, this study aims to contribute to a deeper understanding of the complexities surrounding violence against women, while also informing policy and practice for the protection and support of survivors.

INTRODUCTION

Domestic violence (also referred to as domestic assault or family violence) is any form of assault or assault that takes place within the home, whether in a marriage or during cohabitation. Intimate partner violence and domestic violence frequently used interchangeably. When one partner in a close relationship behaves violently against the other, it is known as intimate partner violence. It can occur in same-sex or heterosexual relationships in addition to in partnerships or marriages that ended. Domestic violence is defined in its fullest sense to include aggression towards parents, children, and the elderly. A person may experience physical, verbal, emotional, financial, spiritual, reproductive, or sexual abuse as well as other forms of domestic violence.

Sexual violence is a pervasive issue that transcends all communities, impacting individuals of all genders and ages throughout their lifetimes. It represents a profound violation of an individual's fundamental rights, compromising their personal integrity, security, and sense of safety. Moreover, sexual violence is inherently tied to dynamics of power and control.

The repercussions of sexual assault can endure indefinitely, affecting not only the survivor but also their family, educational and professional environments, communities, and future generations. Sexual violence encompasses any sexual behaviours or act perpetrated against a person's will, whether through force, coercion, or manipulation. These acts can include completed or attempted assaults, with or without the presence of overt force or threats. Crucially, it is characterized by its non-consensual nature, occurring against the individual's wishes.

Review of literature

According to a study conducted by Sarkar, M. there is the need for legitimate female empowerment and advocates for a multidisciplinary approach to the development of public health policies that would best deal with the issue of domestic abuse.

Objective

The objective of this research paper is to explore various theoretical frameworks concerning violence against women, assess the impacts of domestic and sexual violence on women and children, and examine the legal statutes and regulations pertinent to domestic violence and sexual abuse. Through a comprehensive analysis of existing literature, this study aims to enhance understanding of the multifaceted nature of violence against women, its profound effects on individuals and communities, and the legal mechanisms in place to address and prevent such forms of abuse. By elucidating these interconnected aspects, this research seeks to contribute to ongoing efforts aimed at mitigating and eradicating violence against women.

Theoretical perspective

Self-Attitude Theory:

According to this hypothesis, people with low self-esteem commit violent acts in order to preserve their reputations in the eyes of both other people and them in a society, culture, or group that values violence.

The Frustration-Aggression Theory

Dollard proposed the Frustration-Aggression Theory in 1939 to explain the connection between aggression and frustration. When an individual fails to meet a goal or objective, they become irritated, which can lead to aggressive behaviour. This view holds that anger is always focused on the object of frustration.

Socio-psychological theories:

This model looks at the kinds of routine contacts, trying circumstances, or patterns of family interactions that result in violence. Aggression is the result of a frustrated culprit who loses patience when a goal or end is not reached. This view holds that anger is always focused on the object of frustration.

Feminist Theory: Domestic violence stems from male coercion due to unequal power dynamics. It critiques

patriarchal structures sustaining male dominance, advocating terms like 'domestic violence' over neutral language. Economic dependence exacerbates women's victimization.

Family System Theory: Domestic violence is part of broader family dynamics, facilitated by the private nature of family institutions. Spouse abuse and other forms of violence are rooted in familial power structures and relationships.

Physiological Theory: Male violence is attributed to biological factors including brain structures, hormonal imbalances, and genetic predispositions such as higher testosterone levels, explaining a propensity for aggression in men.

Impact of domestic violence on women

Women may experience scratches, bruises, burns, fractured bones, or more severe injuries that result in permanent impairment in the short term. Unwanted pregnancies are more common among women in violent situations. Furthermore, there is a chance that they will get STDs. Domestic abuse may not always result in physical harm; many victims of this type of abuse never get bruises or other physical damage. It can take many different forms, such as emotional or psychological abuse, and the effects can be just as serious and enduring, if not more. Additionally, women who have been victims of domestic abuse report greater levels of: depression, post-traumatic stress disorder and other anxiety and stress-related conditions eating disorders and low regard for oneself.

Impact of domestic violence on children

Growing up in a home where domestic abuse occurs has complicated effects. Children can sense that something is wrong even if they do not see the abuse firsthand. They might witness their mother's wounds or hear an altercation. Alternatively, observe the conflict between their parents, which can be frightening and perplexing to kids. According to studies, children who witness domestic violence in their families are up to 15 times more likely than their peers to experience physical or sexual abuse.

Impact of sexual violence on children

Potential short-term consequences of child sexual abuse may include heightened illness, bodily

discomfort, or other physical symptoms, diminished attendance or performance in educational settings, challenges with concentration or memory, shifts in mood, regression in behaviours, disruptions in sleep or eating patterns, diminished self-esteem, recurring nightmares, inclinations toward self-harm or suicidal ideation, feelings of self-loathing or diminished self-worth, unrestrained conduct, and instances of disengagement or inattentiveness.

Potential enduring repercussions of child sexual abuse could involve thoughts of suicide, symptoms associated with post-traumatic stress, difficulties of a sexual nature, struggles in forming enduring interpersonal bonds, challenges related to self-identity, complications in relationships, obstacles in parenting, misuse of alcohol or substances, the emergence of aggressive tendencies, and engagement in criminal activities.

“POCSO ACT 2012”

Chapter 1 of this act is preliminary, which includes short title, extent and commencement, and another section is of definitions. Chapter 2 deals with sexual offences against children, which includes section 3 to section 12, which tells about offences against children which are sexually nature and their punishments. Chapter 3 of the act talks about if a child is used for graphic purpose, then what are its punishment and this chapter includes section 13, 14 and 15. Chapter 4 of the act talks about abatement and attempt to commit the offence. This chapter includes section 16,17 and 18. Chapter 5 of this act talks about procedure for reporting of the cases it includes section 19 to 23. Chapter 6 of this act talks about procedure for recording of the statement of a child, it includes section 24 to 27. Chapter 7 of this act talks about special quotes; it includes section 28 to 32. Chapter 8 of the act talks about procedures and power of special quotes; it includes section 33 to 38. The last chapter of this act, chapter 9, talks about miscellaneous, which includes section 39,40 and 41.

“The Protection of Women from Domestic Violence Act, 2005”

Chapter 1 of this act is preliminary, which includes section 1 and 2. That talks about short title extent and commencement as well as definition under this act. Chapter 2 talks about domestic violence in this the definition of domestic violence is given. Chapter 3

talks about powers and duties of the protection officer, service providers and others. This includes section 4 to section 11. Chapter 4 deals with procedures for obtaining orders for relief. It includes section 12 to 29. Chapter 5 of this act talks about miscellaneous, which includes section 30 to 37.

CASE:-

Satish Ragde vs State of Maharashtra

Skin to skin case

In this case, it was held that Mary on the grounds of skin contact, it cannot be concluded that the offence under POCSO act as occurred, sexual intent of the offender is required to commit the offence.

A bench of Supreme Court judges was.

Justice U.U Lalit

S. Ravindra Bhat

Bela M Trivedi

CONCLUSION

In conclusion, this research paper has provided a comprehensive examination of the various theories concerning violence against women, the profound impact of domestic and sexual violence on both women and children, and the legal frameworks designed to address and prevent such forms of abuse. By synthesizing a wide range of theoretical perspectives, this paper has highlighted the complex interplay of factors contributing to the perpetuation of violence against women, including societal attitudes, power dynamics, and cultural norms.

Moreover, the discussion of the lasting repercussions of domestic and sexual violence underscores the urgent need for effective intervention and support services for survivors. The profound physical, emotional, and psychological trauma experienced by victims underscores the necessity for holistic approaches that address both immediate safety concerns and long-term healing and recovery.

Furthermore, the analysis of laws and legal measures aimed at combating domestic violence and sexual abuse has revealed both progress and challenges in the legal response to these issues. While legislative reforms have sought to enhance protections for survivors and hold perpetrators accountable, gaps in enforcement and implementation persist, necessitating ongoing advocacy and policy development.

REFERENCE

1. https://blog.ipleaders.in/what-is-domestic-violence-a-comprehensive-guide/#Effects_of_domestic_violence
2. Sarkar., A Study on Domestic Violence Against Adult and Adolescent Females in a Rural Area of West Bengal., Indian J Community Med. 2010 Apr; 35(2): 311–315. doi: 10.4103/0970-0218.66881
- 3.P. Sunitha, Domestic violence and theories., International Journal of Research in Economics and Social Sciences (IJRESS)., Vol. 6 Issue 12, December – 2016.
4. <https://www.safeireland.ie/get-help/understanding-domestic-abuse/impact-of-domestic-violence/>
5. Books Referred:
Bare Act –
 1. The protection of women from domestic violence act,2005
 2. The protection of Children from sexual offences act, 2012.
6. <https://bravehearts.org.au/about-child-sexual-abuse/what-are-the-effects-of-child-sexual-abuse/>
7. <https://csw.org.au/what-is-sexual-violence/>
8. <https://indiankanoon.org/doc/158325618/>