

DOMESTIC ABUSE

BY JEYASANKAR



Domestic abuse is any type of controlling, coercive, intimidating, bullying or violent behaviour between people in a relationship. It can happen to anyone, maybe between husband and wife or partners or family members. The domestic abuse can be in any form like physical, emotional and psychological, sexual or financial,

Examples of physical abuse include being kicked, pushed, punched, slapped and use or threat of use of weapons like knives etc.

Examples of emotional and psychological abuse include belittle you and put you down, preventing you from talking to friends or relatives, stop you from going to work or do other activities, telling you where to go and what to do etc.

Examples of sexual abuse include forcing you to have sex against your will, pressure you to have unsafe or unnatural sex or hurting you during sex etc.

Examples of financial abuse include taking full control of money, not allowing you to spend the money, not giving money for food, or purposely defaulting on bill payments etc

REPORTING DOMESTIC ABUSE?



Anyone who feels that they are at the danger of abuse, it is important to know that there is help and legal remedies available to them, including help from police.



If you are in immediate danger, call 999 and ask for the police and stay safely somewhere.



While dealing with an incident, the police in reasonable cases may issue a domestic violence protection notice (DVPN) to protect the victim from the other person.



A magistrate on application filed by the police may continue such protection by issuing a domestic violence protection order (DVPO).

APPLY TO THE COURT FOR INJUNCTION

The victim can engage a lawyer to file an application in the court to protect them and their family from domestic violence. The court may on application pass two type of orders

Non-molestation order

Occupation order

NON- MOLESTATION ORDER

The court may pass this nature of injunction order to save the victim from their spouse or partner from being violent or threatening to harm them or their children.



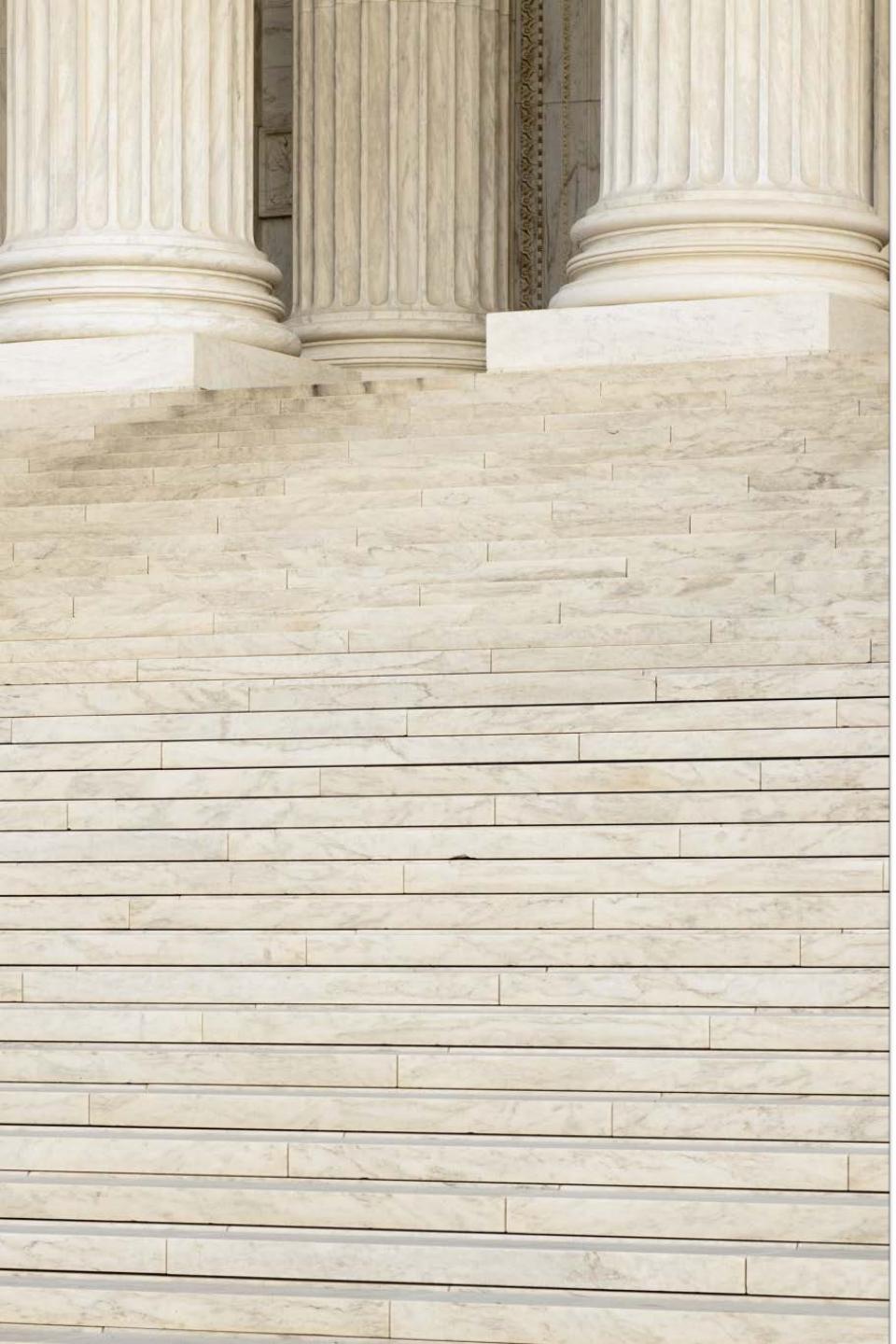
A non-molestation order is a very effective order of the court.



If the order is violated, then the person who violated such order can be arrested by the police.



Breaching a Non- molestation order is a criminal offence and person who breached the order could be subject to imprisonment for a period of up to five years.



OCCUPATION ORDER

- These types of injunction orders are passed by the court while deciding who can live in the marital home and who will pay the rent or mortgage on the property.
- If anyone is victim of domestic abuse, they can approach the court for an occupation order to keep the right to live safely in their family home.
- The court may pass order preventing the other person near to the family home.
- In cases where the act of violence is involved, the court may specify in the order the power of arrest for any violation.
- In those circumstances the breach of an occupation order is a criminal offence and person who breached the order could be punished by up to two years in prison or fine of up to £5000.

DOMESTIC VIOLENCE AND ILR (INDEFINITE LEAVE TO REMAIN IN UK)

Anyone can be subjected to domestic abuse irrespective of their sex or status.

Those who granted visa to stay in the UK as a spouse or partner of a British Citizen or settled person and facing domestic abuse can apply for permission to stay in UK as a victim of domestic violence.

The victims who do not have any income to support them can apply for a short -term permission under the destitute domestic violence concession.

If the application is successful, the applicant will be granted three months limited leave to remain in the UK with access to public funds.

The applicants before expiry of the three months limited leave must submit their ILR (Indefinite Leave to Remain) application.