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# **INVISIBLE CHAINS: ADDRESSING DIGITAL DOMESTIC ABUSE UNDER INDIAN WOMEN'S SAFETY LAWS**

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## **ABSTRACT**

The fast spread of digital technologies has changed not just communication but also the dynamics of intimate relationships, therefore creating digital domestic abuse—a kind of violence using technology to control, intimidate, and hurt women inside their houses. India's legal system is fractured and antiquated despite the rising incidence of such abuse; it lacks clear awareness of technologically enabled damage in domestic violence legislation. Exploring its several manifestations, like digital surveillance, online harassment, financial control using technology, and image-based abuse, this paper analyzes the notion of digital domestic abuse in the Indian context. It examines the present legal provisions under the Protection of Women from Domestic Violence Act, 2005, the Information Technology Act, 2000, and the Indian Penal Code and points out their shortcomings in effectively resolving digital abuse. Using recent case law, judicial attitudes, and comparative insights from nations including the United Kingdom, Australia, and the United States, the study finds important enforcement and protection holes. Moreover, it examines problems including inadequate digital literacy among law enforcement, obstacles in evidence gathering, and social stigma experienced by survivors. The article concludes by pleading for immediate legislative adjustments, judicial sensitization, more police training, and more accountability for technology platforms. To guarantee that Indian law develops to safeguard women's rights in the digital era, therefore reducing the legal vacuum around digital domestic violence, a multistake holder, technologically aware, and gender-sensitive strategy is imperative.

## **I. INTRODUCTION:**

Abuse has gone over physical boundaries and quietly entered the digital sphere in a society ever more reliant on electronic tools. From GPS-enabled stalking to limiting a partner's access to online banking, the shapes of domestic violence have developed well beyond bruises and

fractured bones. Still, India's legal system treats domestic abuse mostly from the perspective of physical and verbal violence, therefore neglecting the quickly expanding danger of digital domestic abuse—a kind of intimate partner violence (IPV) that is covert, constant, and usually invisible. The employment of technology—such as smartphones, social networking sites, monitoring tools, or even internet banking—to harass, intimidate, monitor, control, or otherwise abuse a partner constitutes digital domestic abuse. It might entail strategies such as monitoring movements with GPS, unauthorized access to social media or email accounts, threatening to divulge private photographs, or even limiting financial resources by modifying digital credentials. Though law enforcement or even the judiciary seldom identify these kinds of abuse as independent acts of violence, they sometimes coincide with physical or psychological abuse. Countries like the United Kingdom and Australia have progressively taken action to expressly include technology-facilitated abuse within their domestic violence systems. Conversely, though powerful in their terms, Indian laws like the Information Technology Act, 2000<sup>1</sup>, and the Protection of Women from Domestic Violence Act, 2005<sup>2</sup>(PWDVA) are fragmented and obsolete in addressing these new aspects of damage. This paper aims to investigate the legal acceptance of digital domestic abuse in India, assess the gaps in present legislation, and consider how this changing kind of violence impacts the constitutional and human rights of women. Using comparative perspectives from other legal systems, court comments, and lived survivor experiences, the paper makes the case for a technologically aware, gender-sensitive extension of Indian domestic violence legislation to cover digital abuse as an acknowledged form of abuse. In this way, the article advances the current discussion of domestic partner violence in the digital age, advocating legislative change, institutional capacity development, and a rights-based approach to guarantee that the law matches the reality of 21st-century relationships.

## II. Understanding Digital Domestic Abuse

Domestic abuse has spread into digital environments where technology is weaponized against partners in subtle, insidious ways rather than just to marks, threats, or shouted words. Often known as technology facilitated abuse, digital domestic violence is the usage of digital gadgets to force, threaten, isolate, monitor, harass, or control an intimate partner. It captures an expanding aspect of intimate partner violence (IPV) still woefully under acknowledged in legal systems, especially in India.

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<sup>1</sup> Information Technology Act, No. 21 of 2000 (India).

<sup>2</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005 (India).

Digital abuse is not only about online harassment by strangers or trolls; it happens inside personal relationships and can be very linked with other kinds of abuse—emotional, financial, and physical. Often using trust and access, the abuser might have previously already had the partner's device passwords or access to their accounts, therefore making the abuse more difficult to identify and report.

### **Digital domestic abuse comes in several forms:**

With technological advancements, the forms of digital abuse are varied and proliferating. Common occurrences include:

- i. Monitoring a spouse's physical location or phone use using GPS-enabled apps or spyware is known as surveillance.
- ii. Deleting emails or messages to distort or manipulate the victim's sense of reality is another form of digital gaslighting.
- iii. Image Based Abuse: Threatening to expose private images or videos—often referred to as revenge porn.
- iv. Gaining control of online banking passwords, restricting access to digital wallets, or tracking expenditures via apps constitutes financial abuse.
- v. Blocking the victim's contacts, pretending to be them online, or disseminating false information to damage their reputation constitutes social isolation.
- vi. Cyberstalking and intimidation include monitoring social media activity, repeatedly sending threatening messages, or using phony accounts to create panic.

These behaviors can happen alone or in groups, usually increasing over time. Victims may feel trapped, watched, or manipulated even when they are not with the perpetrator; therefore the abuse is always present and psychologically damaging.

### **The Invisible Nature of Harm**

Digital violence leaves no scars, unlike physical attack. Its evidence is buried in login logs, deleted messages, secret folders, or psychological discomfort—so it's simple to dismiss or disregard, even by law enforcement. Victims themselves frequently have difficulty defining the abuse, especially when it is tolerated as part of a controlling yet loving relationship.

Furthermore, because of poor awareness, digital abuse is rarely reported unless it results in a noticeable cybercrime, such as illicit picture sharing or financial fraud. By being legally invisible, abusers may exploit technological gaps in the law and act with impunity.

## **Gendered Character of Digital Abuse**

Although anyone can suffer digital domestic abuse, women are especially impacted, particularly in societies where control over women's movement, communication, and decisions is accepted. Technology enables intimate partners to exercise continuous control disguised as love, care, or protection, therefore becoming a tool to promote patriarchy.

## **III. INDIAN LEGAL SYSTEM**

Over the past two decades, India's legal reaction to cybercrime and domestic violence has developed significantly. Still mostly unaddressed is the intersection between domestic abuse and digital harm. The degree to which current laws enable digital domestic abuse is examined in this part, together with the gaps still present.

### **A. Women's Protection from Domestic Violence Act, 2005 (PWDVA)**

The PWDVA is historic legislation created to offer women experiencing domestic abuse in close relationships civil remedies (such as protection orders, home orders, financial assistance, etc.) Section 3 of the Act describes "domestic violence" to cover:

- Physical violence
- Sexual abuse
- Verbal and emotional abuse
- Economic abuse

Though the Act's language is broad and open-ended, it does not explicitly reference abuse facilitated digitally or technologically. Some courts have, nevertheless, taken a broad approach to include abusive WhatsApp messages, menacing emails, or emotional blackmail over phone conversations as forms of verbal and emotional abuse.

For instance, in *Suneel v. State of NCT of Delhi*<sup>3</sup> (2021), the Delhi High Court recognized that sending menacing or humiliating messages over social media might constitute mental cruelty and emotional abuse, therefore entitling relief under PWDVA. Still, because such interpretations are not uniform or formalized, victims of digital abuse are exposed to capricious consequences.

### **B. Information Technology Act, 2000<sup>4</sup>**

India's main legislation addressing cybercrimes is the IT Act. Among other terms applicable to

<sup>3</sup> *Suneel v. State of NCT of Delhi*, 2021 SCC OnLine Del 4987 (India).

<sup>4</sup> Information Technology Act, No. 21 of 2000 (India).

digital abuse actions, it has:

Section 66E: Privacy violation (e.g., covertly recording or disseminating personal images)

Section 67/67A: Spreading explicit or sexually explicit content in digital form

Section 66C: Identity theft

Section 66D: Cheating by personation employing electronic means

Section 72: Breach of confidentiality and privacy

Although these clauses condemn some kinds of abuse of technology, they do not specifically cover the relational context, namely, when the abuser is a close companion or spouse. Many times, survivors are compelled to submit several FIRs under several legislations—PWDVA, IT Act, IPC—which causes legal division and exhaustion.

### **C. Indian Penal Code (IPC)<sup>5</sup>**

In cases of digital abuse, some parts of the IPC can also be called upon:

Section 354D: cyberstalking

Section 499 & 500: Criminal Defamation (if reputational harm is involved)

Section 503 - Criminal intimidation

Section 509: Outraging a woman's modesty through words, gestures, or actions

Even if these clauses acknowledge internet damage, they are crime-specific rather than survivor-centric, and they fall short of catering to the pattern of coercive control seen in home circumstances.

### **D. Regime for Data Protection and Privacy**

The Digital Personal Data Protection Act of 2023<sup>6</sup> (DPDP Act) of India offers a framework for the safeguarding of personal data. It is industry-focused, though, and does not handle interpersonal misapplication of digital data (such as a spouse accessing private information without permission). Similarly, underused in situations of domestic violence is the Puttaswamy ruling (2017), which affirmed privacy as a basic right under Article 21.

### **E. Judicial Viewpoints and Enforcement Gaps**

Though Indian courts have sometimes taken progressive stances, implementation on the ground is still poor. Frequently untrained in managing digital evidence or spotting clandestine technologically enabled abuse, police officers and protection officers under PWDVA lack this

<sup>5</sup> Indian Penal Code, No. 45 of 1860 (India).

<sup>6</sup> Digital Personal Data Protection Act, No. 17 of 2023 (India).

expertise.

Furthermore, women from impoverished or rural backgrounds encounter more obstacles, including the absence of device access, digital literacy, and reluctance to report because of stigma or reliance.

Though Indian law provides sporadic remedies, it lacks a unified legal structure treating digital domestic abuse as a serious, independent form of harm inside close relationships. Ideally, via legislative amendment, judicial clarity, and systematic awareness, the gap between cyber rules and those governing domestic abuse has to be closed urgently.

#### **IV. CASES, LAWS, AND JUDICIAL ATTITUDE**

Although Indian law is silent on digital domestic abuse as a separate category, courts have, in a few instances, tried to construe current clauses more progressively to assist victims. Such jurisprudence, however, lacks consistency, is dispersed, and frequently depends on the digital awareness and sensitivity of the presiding officer.

##### **A. Digital abuse is acknowledged under PWDVA**

In *Suneel v. State of NCT of Delhi*<sup>7</sup>, 2021 SCC OnLine Del 4987, the Delhi High Court examined a complaint under the Protection of Women from Domestic Violence Act, 2005<sup>8</sup>, where the petitioner's husband had leaked private conversations and sent harsh and menacing WhatsApp messages. Under Section 3 of the PWDVA, the Court ruled that such behavior constituted mental and emotional abuse and fell within the range of "verbal and emotional abuse".

Even though the Act makes no particular reference to digital damage, this decision is important as it acknowledges communication over digital channels as a form of violence.

##### **B. Intimate Partner Surveillance and Cyberstalking**

In *Smt. Nisha v. State of Karnataka*<sup>9</sup> (Karnataka HC, 2020, unreported), the court handled a

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<sup>7</sup> *Suneel v. State of NCT of Delhi*, 2021 SCC OnLine Del 4987 (India).

<sup>8</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005 (India).

<sup>9</sup> *Smt. Nisha K. V. v. State Bank of India & Ors.*, W.P. Nos. 9183/2020 & 7757/2020, Karnataka High Court, decided on 6 November 2020.

complaint where a woman's estranged partner had used a GPS-enabled device and spyware to track her movements and communications. Though charges were brought under Section 354D (cyberstalking), the court noted that continuous digital surveillance might constitute harassment and privacy infringement, especially within a home environment.

Still, the scope of relief was constrained by the lack of clear provisions in PWDVA or IPC to classify this as domestic violence.

### **C. Judicial Silence or Dismissal in Most Circumstances**

Digital abuse is ignored as "not serious enough" to justify intervention in several lower court rulings. For example, where an estranged spouse often gained access to the woman's social media accounts, trial courts have often refused to acknowledge the psychological toll, dismissing such conduct as "domestic squabbles" or "technical issues."

Such rejections indicate insufficient digital literacy and undervaluing of the coercive power found in digital strategies.

### **D. Favorable Developments from Other Courtrooms**

Family courts and women's commissions have begun instructing survivors to save screenshots of abusive communications, social media posts, or deleted conversations as electronic proof, which has produced some encouraging signs. There is still no SOP—Standard Operating Procedure—for how judges or security personnel under PWDVA should approach digital abuse, particularly in rural regions.

### **E. The Supreme Court's Role: Beyond Puttaswamy**

The Supreme Court declared the right to privacy a basic right under Article 21 in Justice K.S. Puttaswamy v. Union of India<sup>10</sup> (2017) 10 SCC 1. Though the case centered on state surveillance and Aadhaar, its ideas apply to interpersonal violations of privacy, including nonconsensual image distribution by intimate partners or digital stalking. Notwithstanding this, Puttaswamy's privacy doctrine has infrequently been invoked in cases of domestic abuse—a missed opportunity to secure digital abuse within constitutional protection.

Starting to penetrate the surface of digital domestic violence, case law in India mostly through

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<sup>10</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

broad interpretations of current laws like PWDVA and IPC. The lack of legislative clarity and judicial consistency, meanwhile, subjects survivors to ad hoc judgments. To make sure that survivors of digital abuse are heard, protected, and empowered, there is a critical need for judicial education, incorporation of tech-specific abuse categories, and consistent standards for courts and law enforcement agencies.

## V. COMPARATIVE WORLDWIDE ANGLE

Though India is still negotiating the recognition of digital domestic abuse under its laws, some nations have already enacted or judicially recognized technology-facilitated abuse as a separate and significant type of injury. These global events provide insightful lessons for judicial interpretation and legal change in India.

### A. United Kingdom: Internal Abuse Act, 2021

Among the most forward-looking legal reactions to domestic abuse in the digital age is the Domestic Abuse Act of 2021<sup>11</sup>. It presents a thorough definition of domestic abuse, which encompasses:

- Coercive or controlling attitude,
- Emotional and psychological abuse and

Tech-enabled surveillance, harassment, and monitoring.

The Act acknowledges that abuse can occur without physical violence and makes available protective orders even in situations when the abuse is digital. Significantly, it has a "pattern of behaviour" norm that lets courts see a string of digital actions cumulatively as coercive influence.

India's lesson: Reflecting a pattern-based knowledge rather than an incident-specific focus, the Indian PWDVA might be amended to include a statutory definition of digital or technology-facilitated abuse.

### B. Australia: Technology & E-Safety Enabled Abuse

Australia has led the world in addressing tech abuse in personal partnerships. For victims of image-based abuse, cyberstalking, online threats, and tracking, the E-Safety Commissioner's office offers legal and counselling assistance.

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<sup>11</sup> Domestic Abuse Act, 2021, c. 17 (UK).

Under different state laws, Australian courts have granted Apprehended Domestic Violence Orders (ADVOs) for internet harassment, smart home device remote control, and digital surveillance.

Legal aid organizations and feminist groups also work together to educate law enforcement on managing digital evidence, spotting hidden abuse strategies, and engaging tech platforms.

Lesson for India: A central digital safety body, capacity-building for frontline police officers, and explicit procedures for dealing with online abuse evidence in home circumstances would all help India.

### **C. United States: VAWA and State-Level Protections**

Particularly in the context of intimate partner violence, federal laws such as the Violence Against Women Act (VAWA) in the U.S. contain cyberstalking and digital abuse clauses. Many states have passed domestic violence protection orders containing clauses limiting remote access, digital contact, or cyberbullying using technology.

California, New York, and Washington courts have issued restraining orders against spouses who:

- Controlled the victim using shared smart home devices (Alexa, Nest).
- Sent ceaseless threatening messages or kept track of online activity, or
- Engaged in impersonation using fictitious social media profiles.

Lesson for India: Modernizing protection orders under PWDVA to cover app/IoT misuse, internet reputation protection, and digital contact bans is required.

### **D. International Human Rights Standards**

Emphasizing that technology-enabled violence is a human rights concern that infringes women's right to privacy, dignity, equality, and free expression, the United Nations Special Rapporteur on Violence Against Women said<sup>12</sup>. The Istanbul Convention (Council of Europe) also includes digital abuse under the psychological violence category.

Lesson for India: Under Articles 14, 19, and 21, a rights-based framing can strengthen legislative and court reaction to digital abuse in India.

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<sup>12</sup> United Nations Special Rapporteur on Violence Against Women, Report on Technology-Facilitated Violence Against Women, U.N. Doc. A/HRC/41/42 (2019).

Other countries have come to accept the fact that contemporary relationships include abuse beyond just physical or verbal actions; technology can be used as a weapon of control and fear. India's legal system should use an intersectional, tech-aware approach to intimate partner violence and move from a crime-specific to a pattern-specific model of abuse.

## VI. OBSTACLE IN EXECUTION

Though knowledge of digital domestic abuse is expanding, law enforcement in India still has major challenges. These obstacles impede survivors, police departments, and the judiciary, therefore producing typically insufficient protection and justice.

### A. Absence of Training and Knowledge

Among the most difficult obstacles is the dearth of digital literacy among law enforcement personnel, security guards, and magistrates. Many first responders are insensitive to the subtleties of technology-enabled abuse, which results in:

- Dismissal of claims of digital abuse as minor or "technical problems,"
- Not understanding the psychological consequences of secret digital monitoring,
- Insufficient collection or preservation of digital evidence.

Especially in rural regions, training courses specifically designed for technology-related domestic violence are infrequent or nonexistent.

### B. Evidence Preservation and Gathering

Ephemeral and easily destroyed digital proof includes call logs, deleted messages, or location data. Survivors can:

- Not knowing how to save or legally present this evidence
- Afraid of retribution if digital traces are revealed, or
- Lack access to digital gadgets or forensic professionals.

Often, without forensic technology teams trained to extract information from phones, spyware programs, or social media sites, law enforcement organizations weaken the prosecution's case.

### C. Societal Stigma and Victim Blaming

Being intangible, digital abuse is sometimes minimized by families, communities, and even by victims themselves. Many women are reluctant to report such abuse since:

- Fear of ridicule or disbelief,
- Questions about rising violence if the abuser is challenged,

- Socio-cultural pressures to keep family dignity or privacy.

This stigma supports understatement and silence.

#### **D. Jurisdictional and legal fragmentation**

Without obvious integration or coordination, survivors negotiate a tangle of overlapping rules, including the IT Act, IPC, and sometimes civil remedies, PWDVA. This division creates:

- Multiple FIRs for several aspects of abuse cause confusion and procedural delays.
- Uncertainty regarding which law best matches digital abuse situations,
- Problems in getting protection orders that encompass both physical and cyber damage.

#### **E. Technological Platform Responsibility**

Often, sluggish or unwilling to work in abuse cases are social media firms, app developers, and device makers. The absence of:

- Obligatory data-sharing procedures for police officers,
- Clear systems for quickly deleting harmful material and reporting it,
- Responsibility for facilitating spyware or privacy breaches generates an atmosphere where abusers use technical loopholes.

#### **F. Digital Gap and Gender**

Women—particularly those in rural and underserved areas—have restricted access to smartphones, the internet, and digital literacy programs, hence creating a digital divide. This reduces their possibility to:

- Seek aid via internet sites.
- Make good use of digital evidence.
- Appreciate the ramifications of digital abuse.

The difficulties in enforcement show that merely legal change is inadequate. Urgent need for:

- Capacitizing and sensitizing police, judiciary, and protection officers;
- campaigns raising public knowledge on digital abuse and victim support,
- Development of forensic and investigative infrastructure for digital evidence
- Collaborating with technology companies to improve survivor safety.

The distance between law and the actual experiences of digital domestic abuse survivors may only be covered by a multistakeholder, technologically informed response.

## VII. NEED FOR REFORM

Dealing with digital domestic abuse in India calls for a whole overhaul of legal rules, judicial sensitization, enforcement processes, and public awareness programs. To preserve women's rights in the digital era, the current divided and out-of-date framework demands quick revision.

### A. Legislative Alterations

1. Explicit inclusion of digital abuse in PWDVA

The Protection of Women from Domestic Violence Act, 2005<sup>13</sup>, ought to be amended to expressly recognize technologically facilitated abuse as a form of domestic violence. Clear definitions of digital coercion, surveillance, and emotional abuse using digital platforms can empower courts and protection officers to grant specific relief.

2. Improving Provisions of the IPC and IT Act

To fully cover coercive control via technology, the Indian Penal Code<sup>14</sup> and the Information Technology Act must be modernized. Introducing new offences or clarifying existing ones related to digital stalking, unauthorized surveillance, financial digital abuse, and online harassment within domestic settings would help survivors seek justice without jurisdictional confusion.

3. Improved Protective Orders

Orders of protection under PWDVA should be widened to include restrictions on digital contact, requirements for abusers to stop all forms of technology-enabled harassment, and digital safety planning clauses.

### B. Training in Judicial Capacity

Courts and tribunals need instruction on:

- Digital abuse's nature and effects,
- Dealing ethically and effectively with digital evidence
- Using privacy rights concepts (e.g., Puttaswamy ruling) in situations of intimate partner violence.

This will encourage consistent legal approaches and lessen the discretion-driven instability survivors now experience.

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<sup>13</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005 (India).

<sup>14</sup> Indian Penal Code, No. 45 of 1860 (India).

### **C. Police and Enforcement Sensitization**

Law enforcement departments need:

- Specialized digital forensic teams,
- Standard operating procedures (SOPs) for gathering and archiving digital evidence;
- Programs on sensitization targeting the psychological effects of internet abuse.

### **D. Role of Tech Firms**

Should be required of social media platforms, app developers, and telecoms providers:

- Establish fast takedown rules for malicious material;
- Give victims unambiguous reporting channels.
- Protect privacy while working with law enforcement during inquiries.
- Government rules might make corporate responsibility more strictly enforced.

### **E. Public Awareness and Survivorship Assistance**

Targeted awareness campaigns aimed at vulnerable groups and communities can:

- Destigmatize digital abuse reporting.
- Teach women about digital safety and evidence preservation.
- Foster helplines, counselling, and digital literacy initiatives.

Growing and serious human rights problem, digital domestic abuse calls for a coordinated response from legislators, the judiciary, law enforcement, technology providers, and civil society. Survivors stay mired in an invisible abuse cycle that technology makes simple to perpetuate and difficult to show without change.

A technically aware, gender-sensitive legal system combined with strong enforcement and public education will guarantee that the law protects not only physical but also digital integrity, privacy, and dignity of women in intimate relationships.

## **VIII. CONCLUSION**

Digital domestic abuse—a new frontier of intimate partner violence—uses the widespread reach of technology to control, frighten, and damage women behind the innocuous screens. Indian law still needs to be able to deal with the subtleties and complexity of technology-facilitated harm within domestic partnerships, even if it has made great strides in protecting women from physical and psychological abuse.

The Indian Penal Code<sup>15</sup>, the Information Technology Act, and the Protection of Women from Domestic Violence Act all provide piecemeal solutions for digital abuse under the current legal structure. Survivors become vulnerable, and justice is elusive since there are no clear definitions, explicit recognition, and thorough enforcement systems.

The need to update Indian laws and enforcement procedures cannot be understated as technology finds increasing permeation of daily life. Lawmakers have to identify and criminalize digital means of coercion and control under domestic violence legislation. The courts and law enforcement have to be given the knowledge and resources to properly manage digital evidence and shield victims from continuing technological harassment.

Moreover, by installing strong security measures, responsive reporting systems, and working in concert with legal authorities, technology companies have a crucial part to play in reducing abuse, all while protecting user privacy.

Solving digital domestic violence calls for a multifaceted, rights-based strategy that emphasizes survivor dignity, accepts technological realities, and deconstructs patriarchal control masked in bytes and pixels.

Only then may the law effectively protect women's physical and digital autonomy, thereby guaranteeing that every kind of abuse, overt or covert, goes unquestioned.

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