

Domestic Violence amidst Lockdown in India

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Abstract

Covid-19 has severely impacted the world and has forced different countries affected by it to bitterly undergo either complete or partial lockdown in order to curb the threat. However, with the commencement of lockdown, particularly in India, severe challenges and unprecedented situations were faced across the length and breadth of the country. The country's people had faced gross infringement of fundamental human rights to food, clothing and travel. Nonetheless, with more and more people being forced to comply with the 'stay at home' restrictions, there has been an increase in gender-based violence testified by the World Health Organization. The efforts of various NGOs and other reports reflect the rise of domestic violence against women in India and across the world amidst the lockdown. Evident from the rise of domestic violence cases, home, ideally considered a safe place and only remedy against covid-19, had turned out to be perilous for women. Also notable from the National Commission for Women (NCW) Chairperson, Rekha Sharma's remarks, that the high number is attributable to the lockdown imposed as a result of the coronavirus outbreak, which had kept the abuser and victim together.

Nonetheless, domestic violence cases shall be estimated to be more than the reported number as the cases were reported mainly via emails and phones. Hence, a derivation can be drawn that only a section of women who had access to technology was mainly able to report the cases mentioned above during the lockdown. This essay scrutinizes domestic violence faced by women in India amidst lockdown and the lack of proper steps taken by the state in acknowledging and addressing the seriousness of the distress and its implications. This essay further institutes the need of maintaining social distance with misogynist ideas and practices existing in the society, in addition to physical distancing.

Keywords: *domestic violence, child, offences, covid19, WHO*

Introduction

An unprecedented situation had forced several countries across the world to undergo lockdown in order to tackle the Covid-19 menace. As per The Economic Times, "A lockdown is an emergency protocol that prevents people from leaving a given area. A full lockdown will mean you must stay where you are and not exit or enter a building or the given area. This scenario usually allows for essential supplies, grocery stores, pharmacies and banks to continue to serve the people. All non-essential activities remain shut for the entire period."

It had also given rise to other evils, such as domestic violence and abuse against women. India is not an isolated victim of this problem, but the problem of domestic violence is faced by most countries around the globe. The laws meant to protect women fell short as women failed to reach the concerned authorities, and thus, this led to a subsequent increase in domestic violence cases in the country. The reason behind such atrocities was an accumulation of frustration and a shift from everyday routine life. Various measures were undertaken by the governments across the state and country and also internationally to curb this menace. The pandemic is a silent signal, indicating how our laws had not been able to fulfil their essential purpose of protecting women and thus, there stands a need to introduce urgent measures and rectify the existing laws to stop such atrocities.

Women and Violence

Violence against women is a consequence of the old system of patriarchy. Various factors make it extremely difficult for women to leave violent households. Whether belonging to high or low strata of society, a woman's successful relationship with her family, especially her husband and in-laws, is used to validate her integrity; this societal pressure makes it hard for women to leave abusive partners and households. Due to poverty, lack of resources or even patriarchy, many women are left with insufficient or no skills to make an independent living, forcing them to be economically dependent on their husbands. Another reason why many women stay with their abusive partners is to protect their children. There are several instances of men being granted custody of their children even after showing abusive tendencies. Men who are abusive to their spouses and are likely to abuse their children as well. Many people had taken the pandemic as an opportunity to marry off minors, especially young girls, to older men. The cases of child marriages had increased radically due to the lockdown, which had led to parents of child brides marrying them off early; other reasons include the closing of schools, the weddings being less expensive due to lockdown restrictions

and laidback monitoring and surveillance during the lockdown, making it easy and convenient to marry off young children secretly. As reported in The Times of India, near about 92,203 interventions were made by CHILDLINE, which is a nodal agency working under the Ministry of Women and Child development to safeguard women in a troubling time of lockdown; out of total complaints, 35% were related to child marriage. Another report in The Times of India stated that in Latur, after her sister's death, a 15-year-old girl was the sacrificial bride on offer to a 50-year-old man. However, the marriage was timely intruded. Children trapped in abusive households often fall prey to emotional and physical trauma. Primarily due to the lockdown, children spend more time at home and are more exposed to mental health issues.

Laws against domestic violence in India

Domestic violence is one of the most predominant problems in India, and Indian legislation to curb the same had introduced laws. Some of the most prominent laws are the

Dowry Prohibition Act 1961

This is a criminal law and punishes taking or giving of dowry. Under this Act, if someone physically or mentally pressurizes shall be liable for imprisonment for six months or fined up to Rs. 5000.

498A of Indian Penal Code. (Criminal Amendment Act 1863)

The third law that helps women who face violent behaviour at home is section 498A of IPC. This law applies to husbands who are harsh or cruel to women. Cruelty means any conduct that compels the woman to commit suicide or causes grave injury to her life. It also encompasses harassment in the name of dowry. If convicted, there is imprisonment of 3 years.

Domestic Violence Act 2005

According to the preamble, this Act strengthens the constitutionally provided protection of women's rights, which are victims of domestic violence of any sort, as well as things related to or incidental to it. (Debalina Chatterjee, 2018). This law extends help to married women and any woman who was once in a domestic relationship and was subject to domestic violence. Also, this Act provides protection to children who are below 18 years and extends protection to the adopted, step or foster children. This Act allows the Magistrate to pass a protection order to ensure that the concerned woman does not contact the abuser. The abuser can be a husband or relatives of the husband, including men and women.

The procedure involved under the Act is tailor-made in order to safeguard the complete protection of women. Some of the critical sections are:

- 1.) The Act allows any person who believes that the Act of domestic violence has taken can report it to the Protection Officer (PO). (Section 4)
- 2.) Women under the Act shall be informed about their rights which includes making applications for obtaining remedy by way of a protection order or monetary relief, or any other order. (Sec 5)
- 3.) The (P.O.) makes a Domestic violence incidence report and then sends copies of it to the Police officer in charge (Sec 9). The Magistrate is required to fix a 1st date of hearing (Sec 12).
- 4.) The P.O. shall serve notice of hearing given by the Magistrate on the respondent and any other person as directed by the Magistrate. (Sec 13)

This particular Act, is a big step, in addition to prior legislations and gives this offence an expanded definition to the term domestic violence. Section 3 defines an act consisting of physical, emotional, mental, verbal and sexual abuse and includes harassment for the dowry. The Act also includes compensation from domestic abuse and encompasses maintenance in line with section 125 of CrPC. It is to be noted that maintenance allowed under this Act shall correspond with the lifestyle of the aggrieved party. This Act also provides support to the victims of domestic and emotional abuse. Also, the enactment of this Act was with recourse to Article 253 of the constitution, which confers power to parliament to make laws following international treaties. The Domestic Violence Act was passed after ratification by the U.N. Committee on the CEDAW.

Significant Impact of Laws

Section 498A was introduced to protect women from the cruel behaviour of husbands and their relatives. The section protects women against mental and physical cruelty. This section was only limited to cruelty to married women, and all other forms of domestic violence were covered under individual acts of violence given under IPC and but in IPC, there was no measure to allow her to stay in the matrimonial house and suffer from other shortcomings, thus to cover these shortcomings were covered under The Domestic Violence Act of 2005. This law was introduced to uphold rights provided to women under Articles 14, 15 and 21 of the Constitution to save women. The Act provides a piece of effective machinery to ensure the protection of women.

Even after having these laws, in a pandemic, there was a surge of domestic violence cases in India. The sole reason why laws were incapable of resolving the issue is that there is a lack of awareness among people for the existing laws. In Section 11 of the Domestic Violence Act itself, the government must endorse and raise awareness in society by reaching out to people and through the use of print media, which does not

adhere and is one of the reasons for the increase in domestic violence cases in the country. Also, the Act in section 7 requires

medical assistance to women, which is also not complied with. (Pooja Soni and Mitali Goyal 2020). No such awareness was undertaken by the government of India. Also, in India, marital laws have not been recognized as sexual offence and are considered a duty towards husband and thus, allows men to exert violence in the form of sexual violence and therefore, even when there is a destructive sexual relationship, it will not be considered as marital rape. Additionally, the laws failed to protect women because of the crippled form of communication in the lockdown. The contact number launched by NCW had limited reach, and women could not move out expressing their miseries. Thus, making this system a failure. (Kanika Arora and Shubham Kumar 2020). Often women who seek protection from abusive husbands are directed to live in shelter homes. However, often these shelter homes are overcrowded. Also, police who had to play an active role in ensuring women's safety mainly were deployed, ensuring that lockdown norms were maintained. If we read laws that are laid out for the protection of women, we come across the fact that there are many practical problems such as refusal by police to implement such laws and also low conviction under 498A in the criminal justice system.

Prevailing Violence during Covid-19

In order to protect its citizens from the perils of lockdown, the government of respective nations completely locked their countries down. However, this decision was viewed as a prudent approach to tackle the coronavirus, but with this lockdown, women experienced real danger as there was a surge of domestic violence cases. As per WHO, one out of the three women globally experiences bodily or sexual offence by the perpetrator in their life span, and these obnoxious acts arise during any emergency and epidemic. (WHO 2020) Older women, women with disabilities or women living as refugees and living in conflicted regions are more prone to such atrocious acts. United Nations chief Antonio Guterres also called for steps to observe, "horrifying global surge in domestic violence" against women. (United Nation 2020). The domestic violence issue was prevalent worldwide, and many experts expressed it as "intimate terrorism". (Amanda Taub 2020)

Similarly, there had been an increase in domestic violence cases in countries, such as the United Kingdom, where website visits, calls, and emails received had increased manifold. Also, there had been murders of women and children reported in the first three weeks. In Australia, there was a 40 per cent increase, and in Argentina, there was an increase by 25 per cent. (Amanda Taub, 2020)

Domestic Violence in India

In India, there was a substantial increase in domestic violence cases reported since lockdown started, with more husbands vent their anger on women. Within a few weeks of the lockdown, there was a substantial increase, as noted by the National Commission of Women (NCW). (ARJUN KUMAR, BALWANT SINGH MEHTA, and SIMI MEHTA, 2020). The NCW Chairperson, Rekha Sharma, further

Remarked that actual figures may be more than the ones reported as most of the complaints were via mail, or phones which is still not the preferred mode by most vulnerable women of India and also abused women may be prevented from using phones by violent perpetrators. Between March and April, there were more than 1000 complaints of violence against women. Being in lockdown with these violent perpetrators could lead to physical and sexual abuse and thus, can tarnish the mental stability of such women. Often women are forced into sexual intercourse, and thus, this calls for stringent law relating to marital rape.

National Legal Service Authority (NALSA) has collected data from the various legal service authorities about cases relating to domestic violence. NALSA, which reports to its executive chairman Justice N.V Sharma showed the increase in domestic violence cases in different states.

Causes

The primary reason for domestic violence amidst the lockdown is the frustration of losing jobs and being bound by various constraints due to lockdown. This frustration takes the form of abuse on the women of the house. Most victims are unable to seek help due to the restriction of staying at home. The police are exhaustively occupied with ensuring strict implementation of the curfew, leaving the suffering women with lesser modes of seeking help and support.

1. The pandemic has led to a decrease in payment for some and loss of jobs for others owing to lockdown. This has caused loss of financial security for many families leading men to turn towards domestic abuse.
2. The worry of financial instability and insecurity of not being re-employed leads to stress and anxiety. Some perceive masculinity as being able to earn bread and butter; in these instances, when a job is threatened, masculinity allegedly becomes vulnerable too.
3. Isolating oneself is new to most. The frustration of adhering to strict lockdown restrictions and being confined inside a limited space is one of the reasons.
4. Amidst stressful environments, many abusers have found solace in substance abuse. Alcohol and distress work synergistically. Alcohol is a depressant, and when it is consumed during suffering, it

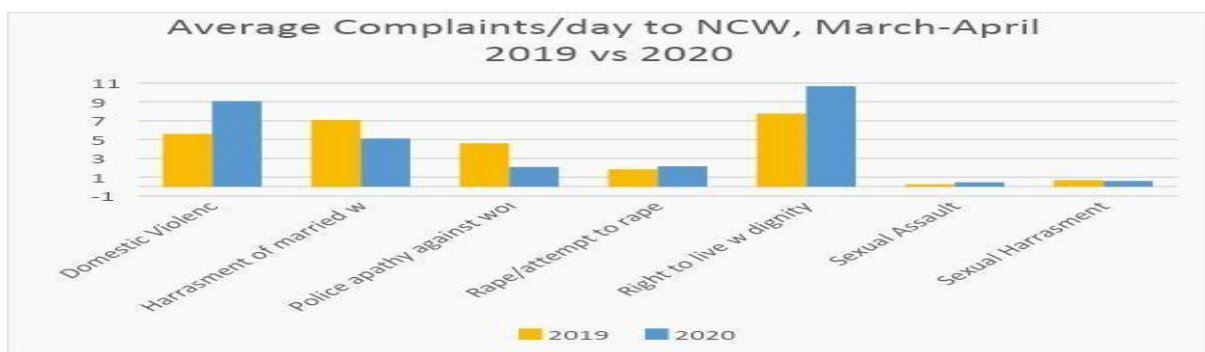
would only prove to elevate the misery in an abusive relationship. In one of the reported cases in Hyderabad, a woman and her son from a previous marriage faced abuse from her husband due to frustration of inability to access alcohol. Also, the first step taken by the government to ease lockdown was to open alcohol shops even in the most sensitive areas of lockdown, further aggravating the problem. (The

Indian Express 2020). The cruelty of the violence faced by women amplified after the husband came to know that she had filed a complaint. (Shemin Joy, 2020).

5. Due to lockdown, women are trapped with their abusers and even if they wish to seek help from friends and family, it would not be possible. Also, the restricted movement does not allow them to get help from the police and organizations. Thus, the women who wish to free themselves from the abuse cannot do the same.

6. How the victims could get help were also limited during the lockdown. The limited means were phones and the internet. Some women do not have access to phones and technology, which limits them from receiving help.

7. The police had specific duties to ensure the smooth imposition of the lockdown, which makes them not adequately responsive to domestic violence complaints. There had been incidents where the police did not cooperate with punishing the abusers.



(Source: Ashwini Deshpande, In locked down India, women fight coronavirus and domestic violence, Quartz India, (April 16, 2020) available at: <https://qz.com/india/1888351/indias-coronavirus-lockdown-leads-to-more-violence-against-women>)

U.N. domestic violence reduction recommendations:

- Recommendation of increasing investment in online services and civil societies.
- Ensuring prosecution of perpetrators of domestic violence.
- Setting up a warning and emergency mechanisms in pharmacies and groceries.
- Declaring shelters as an essential service.
- They are creating a safe passage for women to seek support.
- Avoiding parole and release of convicts of domestic violence.
- Increasing awareness and campaigns especially targeting men and boys.

Gaps in U.N. recommendation and government's response in India

All over, the worldwide outpouring of domestic violence cases did attract sufficient coverage by both national as well as international media. Various countries took safety measures to curtail the problem. However, the Indian government failed to step out to fight domestic violence, which is a pandemic in disguise. Also, the U.N. recommendations were not implemented in the country widely as no advisory was issued nationally in India. The Prime Minister of the country addressed the nation regularly, but there was no mention of the rising domestic violence cases during the lockdown. No measures guaranteeing the safety of the vulnerable women and children were taken by the child and women ministry. There was no mention of helping women from lower-income strata by launching or suggesting modes of filing complaints. Measures like the allotment of safe houses for the victims and their children were also not taken.

Initiatives and steps are taken to Curb Domestic Violence

In order to curb domestic violence cases, few initiatives were taken that were praiseworthy. The department of Education's Mahila Samakya organized initiatives of Nari Adalat and Sahara Sangh in 2 districts of U.P and Gujarat. Also, Salishe, a traditional method, was being utilized by NGOs (Shramajibee Mahila Samiti). Also, to create more awareness and reach out to women at large, ICRW held television programs on four channels which were entitled "Bol", which created a positive effect on women.

Police in Uttar Pradesh, which had the worst track records on domestic violence cases in India, had launched a new helpline number for women affected.

The High Court of Delhi directed the Centre government and Delhi in the suit filed by NGO, in case of All India Council of Human Rights, Liberties and Social Justice (AICHILS) V. Union of India. Delhi High Court was reached by the NGO to hold- up a top-level meeting in order to take measures to curb the rising cases of domestic violence in the country amidst lockdown and protect the victims. In hearing of the case, the government of Delhi and Delhi Commission of Women (DCW) submitted before the Court that was sufficient safeguards to ensure the safety of the victims and children. (NDTV, 2020)

Also, the Jammu and Kashmir High court on a suo- moto notice concerning violence against women during the lockdown. The Court issued notices to the Jammu and Kashmir governments to give a detailed report of the safety measures and forms of violence faced by women amidst the lockdown. (Leaf Let, 2020)

Role of Non-State Actors in India

In hard times when no one could move out of their houses, there were some significant initiatives taken for women by non-state actors, particularly NGOs who stood by to offer help and shelter to the victims of domestic violence.

Vishakha, an NGO in Rajasthan, was dedicated to supporting the working migrant women. Even though government machinery failed to serve the women around the country when the lockdown was announced, Vishakha continued working for deprived women. Understanding the dire need for sanitary napkins, contraceptives and emergency pills, the NGO addressed these necessary needs of the workers and women. (AATHIRA KONIKKARA, 2020) Similarly, Shakti Shalini, a Delhi based NGO, was running a 24-hour helpline to address the needs and issues of women. The NGO registered a stark increase in the number of calls made by women than what they used to receive before lockdown; also, the NGO pointed out that there could be more such victims, but since they live with abusers 24x7, it becomes difficult for them to reach out. (Dhamini Ratnam 2020) In Kolkata, an NGO named Swayam worked out to dispatch rations to women in need, and the NGO also maintained touch with women of the society who were facing domestic violence and needed support. The NGO also reported an increase in domestic violence complaints at the time of lockdown. (Print 2020) In Jharkhand, Association for Advocacy and Legal Initiatives ensured that the police registered cases and FIRs against abusive husbands and tried to reach out to women who had suffered violence (Neetu Singh, 2020). **Nazariya**, a Delhi-based organization that focuses on problems affecting lesbian, bisexual women, and trans people assigned female at birth, held weekly video-conferencing sessions. Zoom was used to compensate for the fact that in-person interactions with LGBT people who did not have a support system at home were impossible. (Dhamini Ratnam 2020). The work undertaken by the NGOs all over the country was a big help to women across the country.

Steps that should have been taken to protect atrocities against women in covid-

19

1. The initiatives undertaken at school are well placed to curb violence and offence against women. School centric programmes can address gender norms and attitudes before it gets too late and is ingrained in the hearts of society's children. Such initiatives focus on gender norms, dealing with sexual abuse among

teenagers and youth. Significant changes and positive reports have been reported for similar programmes named Safe Dates programme in USA and Youth relationship projects practised in Canada.

2. Women can be empowered, and men can be engaged through community actions. Gender norms and attitudes could be addressed in communities through a combination of microfinance for females and males—and methods that empower males as participants in the fight against gender-based violence. The most substantial proof is for the IMAGE microfinance and gender fairness initiative in South Africa and the stepping stones programme in Africa and Asia. Community programmes involving male peer groups can change attitudes about conventional gender norms and aggressive behaviour, but more thorough assessments are needed. The effectiveness of these interventions appears to be boosted by well-trained facilitators and community ownership.

3. It is essential to understand the role of media intervention; this intervention can change norms and advocate women's rights. Also, public awareness campaigns other such activities, which are delivered via T.V., radio and other print media and mass media, can be significant for changing perception and attitude towards women and gender norms. The most successful interventions seek to understand its target audience and engross with other members to develop more media content.

4. Also, it is to be noted that any initiative and programs shall engage both men and women. There are instances and proofs that microfinance schemes designed for empowering women (without involving males) may cause friction and conflicts between spouses, particularly in societies that follow rigid gender roles. Further, there is a need to explore how such possible adverse effects shall be overcome.

5. It is also necessary that policy interventions shall emphasize long-term goals of changing partisan social issues, eradicating gender gaps, whether they are educational, financial or economic. Also, the focus shall be on designing an aggressive and advanced policy that targets altering outcomes such as giving voice to women in the community.

6. The creation of national and state helplines in coordination with civil society was essential as there must be a dedicated hotline for victims of domestic violence in India, voluntary organizations which will receive complaints and coordinate with the concerned police station to ensure that there is no misuse or abuse of power by the police.

Conclusion

With the lifting of lockdown, the number of domestic violence cases might reduce, but the problem itself will not be solved as it is deeply rooted in the systematic oppression of women. The government had not only failed to tackle the rise in the cases mentioned above but also to acknowledge it. Although there are

numerous legislations to guard women, their mere existence is not sufficient for the protection of women. Particular policies are required to be made and implemented in emergencies such as a pandemic.

References

- THE DOWRY PROHIBITION ACT, 1961, India (28 of 1961).
- THE CRIMINAL LAW (SECOND AMENDMENT) ACT, Sec 498A. (46 OF 1983).
- THE Protection of Women from Domestic Violence Act, 2005, (43 of 2005).
- Economic Times (2020) What a coronavirus lockdown looks like, and what you can do & what you can't, Economics Times (ET), March 25, https://economictimes.indiatimes.com/news/politics-and-nation/coronavirus-outbreak-what-a-lockdown-will-look-like-for-you/articleshow/74760719.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.
- Pooja Soni and Mitali Goyal (2020) Analyzing the Hidden Pandemic: Domestic Violence SCC Blog, July 2 <https://www.sconline.com/blog/post/2020/07/02/analysing-the-hidden-pandemic-domestic-violence>.
- Kanika Arora and Shubham Kumar 2020, Locked-down: Domestic Violence Reporting in India during COVID-19, Oxfam August 3 <https://www.oxfamindia.org/blog/locked-down-domestic-violence-reporting-india-during-covid-19>.
- WHO (2020) COVID-19 and violence against women What the health sector/system can do, Human reproduction Program April-7 <https://www.who.int/reproductivehealth/publications/emergencies/COVID-19-VAW-full-text.pdf?ua=1>
- United Nation (2020) U.N. chief calls for domestic violence 'ceasefire' amid 'horrifying global surge', U.N. news April 6 <https://news.un.org/en/story/2020/04/1061052> .
- Amanda Taub (2020) A New Covid-19 Crisis: Domestic Abuse Rises Worldwide, THE INTERPRETER, The-New-York-Times April-14 <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>.
- ARJUN KUMAR, BALWANT SINGH MEHTA, SIMI MEHTA, (2020) The link between lockdown, COVID-19, and domestic violence, idr, April 17 <https://idronline.org/the-link-between-lockdown-covid-19-and-domestic-violence/>.

- PB, Mehta (2020) We need to question our addiction to cultural and political economy of alcohol, May 7 <https://indianexpress.com/article/opinion/columns/drink-for-thought-india-lockdown-alcohol-addiction-6397378>.
- Shemin Joy, (2020) Deccan Herald, New Delhi, APR 26, available at :<https://www.deccanherald.com/specials/insight/coronavirus-crisis-no-lockdown-for-domestic-violence-829941.html>.
- All India Council of Human Rights, Liberties and Social Justice (AICHLS) v Union of India Writ Petition (Civil) 2973 of 2020, Delhi High Court, decided on April 24, 2020.
- NDTV (2020) Steps Required to Curb Domestic Abuse Amid Lockdown, High Court Tells Centre, Delhi Government, April 20 available at <https://www.ndtv.com/delhi-news/steps-required-to-curb-domestic-abuse-amid-lockdown-high-court-tells-centre-delhi-government-2214984>.
- AATHIRA KONIKKARA (2020) Lockdown and domestic violence: As NGOs struggle to support women at risk, government, April, 15 available at : <https://caravanmagazine.in/gender/lockdown-domestic-violence-ngo-struggle-government-catch-up>.
- The Print (2020), Rise in domestic violence cases during lockdown, says West Bengal women's commission, The Print May 11, <https://theprint.in/india/rise-in-domestic-violence-cases-during-lockdown-says-west-bengal-womens-commission/418931>.
- Debalina Chatterjee (2018) Laws relating to domestic violence in India: Legal issues and challenges December 2 <https://www.legalbites.in/laws-relating-domestic-violence-india-legal-issues-challenges>
- The Leaf Let, (2020) COVID-19: J&K HC takes suo moto cognizance of increase in domestic violence cases amidst lockdown, the Leaf let April 18 available at: <https://theleaflet.in/covid-19-jk-hc-takes-suo-moto-cognizance-of-increase-in-domestic-violence-cases-amidst-lockdown>.
- Neetu Singh, (2020) The downside of the lockdown: Domestic violence cases are going up, Gaon Connection April 7 <https://en.gaonconnection.com/the-downside-of-the-lockdown-domestic-violence-cases-are-going-up/>.
- Dhamini Ratnam, (2020) In lockdown, domestic violence threat a worry, Hindustan Times April 26, <https://www.hindustantimes.com/india-news/in-lockdown-domestic-violence-threat-a-worry/story-EZy1svQYDa2xXoDLrnaXzN.html>.

