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DOMESTIC VIOLENCE AGAINST WOMEN DURING CORONA VIRUS PANDEMIC IN INDIA - A STUDY

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I] ABSTRACT

The research "*Domestic Violence against Women during Coronavirus Pandemic*" is made to analyze and determine, the rules and regulations made by the government like the imposition of lockdown period, practicing social distancing, work from home, etc. to control the global spread of coronavirus, whether caused an increase in domestic violence cases and abuses against women within the home. The pandemic forced the domestic partners to spend more time together in the household, which led to an increase in the cases of domestic violence cases also. Domestic abuse is widespread, but in the public domain, it has remained largely invisible, especially in the present era of the pandemic. This research also provided the reasons for the increased complaints of domestic violence as a part of pandemic after effects. Apart from this, it also explores that during these difficult times whether the government, NGOs, or the commissions for women have made successful attempts in protecting women from the abuse within the home. What were or could have been the legal measures or preventive steps concerning control of domestic abuses against women and were they helpful to the women or not. This paper is the outcome of various reports and complaints initiated during the pandemic concerning the domestic violence against women and some preventive measures that helped women from fighting against it.

Keywords: Domestic violence, pandemic, legal measures.

II] INTRODUCTION

Domestic violence means any type of violent or aggressive behavior within the home, involving the violent abuse of a spouse or intimate partner. All acts of sexual, physical, psychological, or economic violence come under domestic violence. The allegation of 'domestic violence' is raised when there is a close relationship between the victim and the abuser or committed by someone in

the victim's domestic circle. It is a human rights issue and considered to be a severe deterrent to development. The parliament in the fifty-sixth year of the Republic of India enacted an act as 'THE PROTECTION OF WOMEN AGAINST DOMESTIC VIOLENCE ACT, 2005'. It mainly aims to secure the rights of women that are guaranteed under the Indian Constitution. But, the safeguards under this Act are limited when it comes to restricting the abuses against women during the coronavirus pandemic.

Domestic partners and family members have spent more time together at home because of the pandemic. If there had already been domestic violence in a relationship, the coronavirus pandemic made it worse. The lockdown resulted in an increase in the rate of complaints against domestic violence in India and worldwide. This paper will help to understand whether the purpose of lockdown to "stay home stay safe" kept women safe or posed as a trap for many women in society. If it has become a trap the question is whether the government helped or not, to change the trap to a safer zone, needs to be answered. When the rules and restricted movements helped to spend more time together with the family, it has shown a new world and happiness to many people. But, it was not the same in all the families. Spending time together is a good thing, but when it leads to abuse, especially against women, there needs to be a safe window for those women who are struggling a lot to survive against this abuse. Society still shows this type of behavior against women and it is apparent from the increased rate of complaints filed during the strict lockdown period.

III] LEGAL FRAMEWORK OF DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA

Domestic violence includes not only physical abuse but also mental and economic abuse. What is called domestic violence and what all acts can be considered as domestic violence and who can be accused of domestic violence were interpreted differently till 2005. In 2005, the Republic of India enacted an Act called, '*The Protection of Women against Domestic Violence Act*'. It is a comprehensive law that includes all women-related issues in a domestic circle. For the first time, an act was enacted to deal with most of the problems of women and it cleared up several questions as to what exactly is considered 'domestic abuse'. Through this Act, the protection of women guaranteed under the Indian constitution becomes more strengthened.

Not only this legislation has been drafted precisely, but it also extends protection to other women in the home like sisters, mothers other than in a marriage or live-in relationship. It is therefore clear that 'domestic partnerships' are not limited strictly to the marital context. Domestic violence is not only carried out by husbands. It involves spouses and ex-partners, immediate family members, and associates of the family, including parents, in-laws, and other members of the family.

Now, after the enactment, there is an exact dimension to the term domestic violence which is also appropriately defined in section 3 of the Act. This provision says that abuse includes actual abuse or threat of abuse, whether physical, sexual, verbal, economic, and harassment by way of any type of dowry and all¹. Sometimes the abusive act by the partner also intends to make threats in the minds of parents or any other relatives of women to demand dowry. One issue which seems to have been ignored entirely is queer relationships. It is not defined in the Act. But, the Supreme Court specified that a live-in relationship is permissible only in unmarried persons of major age in heterogeneous relationships². Through this Act to protect women, there are many rights provided to the magistrate to make orders, such as; Protection orders, Residence orders, monetary relief, Custody orders, and Compensation orders; any remedies under this Act can also be sought before a civil court or family court³.

However, the Act only considers civil law and civil remedies rather than criminal law. Even somehow, this law shows a failure in providing more rapid and flexible relief for the victim. When it comes to comfort even in the matter of informing about the abuse or to take protection by the women, this law in India almost fails if looked into the pandemic situations. The lockdown is no more really a lockdown to domestic violence for many women in many places. The worst part is that it made more critical situations for women living in the home with this abuse.

IV] DOMESTIC VIOLENCE AND THE PANDEMIC

¹ Act 2005 (Act 43 of 2005).

² *S. Khushboo Vs. Kanniammal & Anr* SLP (Crl.) No. 4010 of 2008.

³ *Supra* note 1.

The right to live together within a shared household, itself provided by the law is a means to empower women especially when women do not have any type of income. But when the government announced the lockdown period because of the global spread of coronavirus, the partners started to spend 24 hours together, even the whole family without getting a chance to go outside. When we think about it, firstly it is a good thing that from the busy schedule of our lifestyle everyone got a chance to spend the time only with the family and make some good memories and moments. But, this was not the same for all households.

With the increased spread of the virus, many things happened apart from the physical and psychological health risks in the society like layoffs, salary reductions, closure of many businesses, mental stress, financial losses, etc. The impact of these things ended in abusive behavior against women in the home. When the government made rules and regulations to protect society from the virus, these kinds of consequences may be unexpected. The distress calls received from victims of Domestic violence who were stuck in closed spaces with abusive partners increased by 15 to 30 percent in several countries. As a result of physical distancing legislation and its associated lockdowns, many international organizations have become aware of a global rise in cases of domestic violence.

V] NO LOCKDOWN FOR DOMESTIC VIOLENCE IN INDIA

The Prime Minister of India Narendra Modi announced a national lockdown on the spread of the coronavirus on 24 March 2020. The National Commission of Women (NCW) recorded a 100 percent increase in the filing of complaints about domestic abuse cases within a fortnight. The NCW then launched a WhatsApp number for women to report domestic violence nationwide during the lockdown period. Although there was a rise in the number of cases of Domestic violence in India at the time, that is clear from NCW monthly numbers. In contrast to the initial months of 2020, it revealed a decrease in the complaints received during the lockdown. But suddenly after the lockdown measure relaxed, there was a rise in complaints too. The monthly data provided by NCW regarding the complaints during the restricted period is shown below;

Variation in Received Complaints [2020; January to June]



From the chart itself, it is clear that a huge increase in the cases of Domestic violence during the lockdown was correct; the instances were not reported actively. During March, 501 complaints are reported as per the provided report of NCW. When it comes to April, it becomes 377. The decrease in complaints does not mean that there was no domestic violence existed or that it got decreased. The reason why the number of complaints dropped is that there is no medium left for women to raise complaints during the lockdown period. That is proved when we see that there is a massive increase in complaints to the next month May and June 552 and 730 respectively. Not only had the NCW, the Delhi Commission for Women also registered fewer complaints related to domestic violence during the pandemic lockdown period, especially during March to June. A Helpline number (181) which received 6,909 complaints is also given, but last year, during the corresponding time between March and June, the number was 8,188. During the coronavirus pandemic, around 34,454 calls were recorded in the helpline. It makes clear that the abuses against women increased because of the lockdown when we compared them to previous data.

The statement by the authorities of the commission stated that "there was only a limited number of domestic violence cases reported in the initial days of the lockdown. It has been noted that when it progressed towards normalcy post lockdown, the domestic violence and other cases reported have also started increasing." However, national controls were eased by June, but separate lockdowns at the state and district level were later invoked by the respective

governments. The same situation repeated itself. During the lockdown, sexual harassment also has been increased. India has noticed a rise in the use and selling of sex toys and other related things that is suggesting an increase in sexual activity and implying the chances of infringement of sexual rights also. Because of the fear of retribution, many violent victims do not report events. Mostly during this period of the lockdown, the fear and apprehension were at their peak because of the restricted movement and less contact with the native family.

VI] STRUGGLES OF WOMEN TO FIGHT AGAINST THE VIOLENCE DURING PANDEMIC

It is clear that the lockdowns in India reduced the opportunities for reporting of domestic violence cases. Many difficulties are faced by women and become unsuccessful to let the authority to inform them about the abuses they are facing in the home. Not only this, because of the lockdown and other impacts of this pandemic the women are trapped in the house. Some of the struggle faced by women during the period were as follows:

- The restricted movement during the period preventing them from moving to safer places in cases of violence and abuse happens in the household.
- With men and women who were cohabiting together for more extended periods, the privacy of women plummeted, and instances of violence were rose.
- The WhatsApp number launched by the NCW had a limited reach as only 38% of women in India own the medium of phones.
- A fewer have an internet connection especially in the rural areas getting an internet connection is difficult. If at all it is available there will be a poor connection.
- The use of the internet and thereby, the online platforms were not possible for illiterate and uneducated women.
- Native family is usually the first point of contact for the victim. But during the lockdown, it made it impossible to contact them or to go to them to safeguard themselves from abuse which also made fear and not to initiate complaints as well.
- The Domestic Violence Act had not been identified as an essential service during the lockdown. The protection officers were unable to visit households of victims, and many other protections under this piece of legislation shown ineffective during this period.

- NGOs were not able to have physical interactions with the victims, even with those who have a history of violence that made more critical situations to those houses already existed domestic violence. If at all, there is no past such history it made the violence a start.
- Police officers being at the frontline to tackle COVID-19 and restrict the unnecessary movements and interactions kept avoided the violence against women and many other crimes during this period.

VII] WHY THE RATES OF ABUSES INCREASED?

As India is a traditionally patriarchal society, domestic work is mainly considered a task for women. The shortage of domestic assistance and spending all the time together between the couple and sharing household jobs increased the chances of domestic violence. Pandemics have an enabling climate of fear and misunderstanding that can intensify different types of violence against women. Besides, economic inequality, financial uncertainty, and alienation are also some of the reasons that make domestic violence much more common. During any natural disaster, the causation of domestic violence is multifaceted, precipitated by several, interdependent triggers such as physical containment stress, economic disturbance, business slowdown, potential unemployment, lack of required provisions, restricted social support. Income loss, less power over economic stability and thereby mostly making the male lead to more control over their spouses, this situation is worse if a female spouse is hired and a male is unemployed⁴. Women's unemployment destroys this shield and leaves them vulnerable to spousal abuse. Unemployment for women often means depending on a male partner, losing social relations, and being locked up 24 by 7 with the abuser made the conditions much worsen it

Apart from all these, in the presence of his family members, as the liquor outlets are closed during the lockdown, the offender may inflict violence on the spouse requesting to satisfy his alcohol consumption needs or may consume alcohol at home⁵. Domestic violence worsens in all the above cases. Consumption was inside the house, which is not just the issue of behavioral change again after consumption, worse the Domestic violence. In the era of the Indian pandemic, the perception of domestic violence offenders has tightened. Victims of violence are distanced

⁴ See, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7295494/>.

⁵ *Ibid.*

from their conventional support networks, making it impossible for them to call for assistance or any type of help.

VIII] PREVENTIVE MEASURES

However, when it was found that day by day the domestic violence against women is increasing, and the protection under the Domestic Violence Act is no more adequate to the society much new type of preventive measures have arisen, unlike the past standards. That helped a lot to the victims at least to a limited extent. It is important to note that those entire measures are in one or another way connected to online mode only. The main actions initiated are anti-domestic violence campaigns. The successes of Anti-domestic violence campaigns depend upon how they address the issue. Usually, the victims, bystanders, and perpetrators are the main three target groups of all types of Anti-DV campaigns.

An anti-DV video at the beginning of April by different Indian celebrities was released through various online platforms. Vidya Balan, Virat Kohli, Anushka Sharma, and a few other Bollywood celebrities, set in a black and white frame, urged "men to take a stand against" domestic violence and "women to break the silence" around it. It aimed to create awareness about the Domestic Violence practice as well as to decrease those kinds of abuses and try to educate about this in the viewers. The Chuppi Tod (break the silence) campaign was initiated by the Raipur police⁶. It helped to encourage victims to report any violence and abuse in the household while police enquired about the past complainants that somehow helped to create fear in the minds of abusers. However, it falls short of offering redress to victims until a case is reported.

In order to draw attention to the domestic violence victims, NGO 'Sneha', with the aid of many Bollywood actors, took to Instagram. Actresses Karishma Kapoor, Bipasha Basu, and others urged people to speak up against domestic violence as part of this '#LockdownMeinLockup' (locked up during the lockdown) movement⁷. Avon's '#IsolatedNotAlone' anti-DV campaign and

⁶Akshaya Vijayalakshmi, *Violence No More: India's COVID-19 opportunity for anti-domestic violence campaigns*, WARC, available at <https://www.warc.com/newsandopinion/opinion/violence-no-more-indias-covid-19-opportunity-for-anti-domestic-violence-campaigns/3641>.

⁷ *Ibid.*

Indian Merchants Association and International Advertising Association recently made a campaign to help with domestic chores. Similarly, campaigns like "*beat the virus to a pulp, not your wife*" that targeted perpetrators because of the perpetrator's violent behavior to provide behavior change support and found this issue that needs to be addressed⁸. The main strength of the movement is that it allows for a way to help the victims by anyone. Campaigns need to concentrate more on the attitudes of wife-beating behavior and victim shaming. Apart from the helpline numbers provided by the commissions and also the NGO's, it is clear that the significant role in preventing domestic violence is from the side of some good-hearted people in society.

IX] CONCLUSION AND SUGGESTIONS

After the global spread of coronavirus, the world witnessed many changes. Without any legal authority, how society reacted towards domestic violence is commendable when we are facing this kind of situation. When the legal protection and legislations like The Domestic Violence Act become ineffective, and the commission and NGO became helpless, the society will take over the responsibility. That is proved now. To overcome domestic violence, the first step is always learning about domestic violence, increasing domestic violence awareness, and understanding domestic abuse meaning and what it entails. Need to be confident, aware of legal rights, and also fearless those will help to abolish and to make a huge difference in domestic violence cases. If we also try to determine if there is any domestic abuse or not with the survey on covid-19, it would help the victims of domestic violence also.

The available resources in the present time, such as *ASHA* workers (an NGO) and other social and health workers who are currently conducting surveys would be helpful for many victims. We can see that when a pandemic raises the protection of the laws become helpless, so a right amendment to the existing Domestic violence Act is a necessity to safeguard the women from domestic violence in any situation in the future also. If a pandemic again happens in the future, the difficulties faced now should not be faced once more. So, the law should be amended because the right for women guaranteed under the Indian constitution should also be protected in emergent situations pandemics.

⁸ *Ibid.*