

“Domestic Violence: A Social Malaise”

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COVID-19 is the greatest challenge that the whole world is facing after World War 2. It has not only caused global health crisis but has also impacted major world economies. At the domestic front, COVID-19 led lockdown has added fuel to the fire. Our country, India is not only fighting the evil of coronavirus but also dealing with lockdown led problems like increased domestic violence, reverse migration of poor labourers and loss of livelihood. One of the grave concerns among all of these is menace of domestic violence because it is affecting not only poor class but every class of the society be it middle class or rich class. Various reports related to violence perfectly describe the position of women in our country, India, where Goddesses are worshipped every year for nine days on the auspicious occasion of Navaratri. Ironically, this is the very same country where every year the news of horrendous crimes committed against women slap the helpless faces of police authorities and government.

Domestic violence is prevalent all over the globe and it does not discriminate people or society regardless of their age, caste, race or gender. It is a psychological problem that blurs people's mind and conscience and does not allow them to differentiate between right and wrong. It is a fundamental breach of human rights which makes the victim feels degraded and worthless. As rightly said by Mahatma Gandhi, “I object to violence because when it appears to do good, the good is only temporary. The evil it does is permanent”¹, violence does no good to anybody. Sometimes just the fear of domestic violence makes a devastating effect on minds of victims and makes them to continue to live with this fear. According to Black's Law Dictionary, Domestic Violence means “Violence between members of a household, usu. spouses; an assault or other violent act committed by one member of a household against another or The infliction of physical injury, or the creation of a reasonable fear that physical injury or harm will be inflicted, by a parent or member or former member of a child's household, against a child or against another member of the household. Also termed domestic abuse; family violence”². According to Domestic Violence Act, 2005 Domestic violence means “Causing hurt, injury or danger to life, limb, health, safety or well-being, whether mental or physical or Causing harm, injury, or danger to the woman with an intention to coerce her or any other person related to her to meet any demand for dowry”³.

Impact of domestic violence is ever lasting on the minds of sufferer as well as for other witnesses of such abuse. Sometimes victims are so much brutalised by the disease of

¹ Domestic Violence Scene in India, June 2,2020 11:10, <https://www.lawteacher.net/free-law-essays/family-law/domestic-violence-scene-in-india-law-essay.php>

² Bryan A. Garner, Black's Law Dictionary (8th ed. 1891)

³ Domestic Violence Act – 2005, May 29, 2020, 10:57, <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/meera-didi-se-poocho/domestic-violence-act-2005>

domestic violence that they begin to doubt the reason for their existence. They doubt their self-esteem, self-confidence and they begin to look down upon themselves. Domestic abuse includes physical, psychological and emotional abuse. In short their overall well-being is affected. The psychological abuse is incorrigible and leads the victims' way to depression, anxiety, insomnia, substance abuse and suicides. They also face economic consequences of abuse which includes loss of employment, debt etc. But the most important abuse is emotional abuse whose impact cannot even be measured. When the domestic violence becomes most lethal and reaches the zenith of tolerating the abuse then women takes the baton in her own hands and resists the abuse in her own ways which varies from verbal to physical. Sometimes this leads her to a quagmire of crimes which again has dire consequences. Ultimately it is the women who suffer physically as well as emotionally, as she is battered and shattered by the social malaise of domestic violence. Although women are majorly hit by domestic violence, children are not immune from this abuse. These horrific instances leave an indelible mark on the psyche of the innocent child. The child when grows up turns out to be the same emotionless man and treat women in his life as objects because of what he saw in his childhood. This leaves deep imprints in his subconscious mind that women can be controlled in this manner only.

Every day we read through the columns of newspaper the incidents of a girl being burnt for dowry, school kid being beaten by his father etc. There are more such cases which are not reported, because they are buried behind the close doors of homes all across our country. It is happening everywhere, from villages to urban areas and from small towns to metros. It is becoming a legacy which has been passed over from generations. The menace of "Domestic Violence" has emerged as one of the major problem in times of COVID-19 not only at the domestic level but also as the international level, that is why it has been called as "Shadow Pandemic" by UN. As per data collected by UN, domestic violence cases surged 30% in France. Also countries like Argentina, Cyprus and Singapore marked a sharp increase in emergency calls for domestic violence by 25%, 30% and 33% respectively. The same trend has been witnessed in the major economies of world also⁴. Though India has reached many milestones still the country is gripped with evil of gender based violence and one of them is domestic violence. Out of every three women across the globe one woman experience physical and/or sexual abuse from their partners or non-partners according to 2017 report of World Health Organisation (WHO); Fourth National Family Health Survey report says that 31.1% of married women aged 15-49 years experiences spousal violence at least once in their lifetime; The National Crime Records Bureau reports that, "Majority of cases under the category of 'crimes against women' as recognized by the Indian Penal Code (IPC) were registered under 'Cruelty by Husband or His Relatives'⁵. This data paints the grim picture of

⁴ With lockdown, gender violence is a "shadow pandemic": UN Women, May 28, 2020, 10:05, <https://www.thehindu.com/news/national/with-lockdown-gender-violence-is-a-shadow-pandemic-un-women/article31282619.ece>

⁵ Domestic Violence and Connected Laws Indian Women Should Know Of, June 9, 2020, 9:20, <https://www.shethepeople.tv/law-and-her/domestic-violence-and-connected-laws-indian-women-should-know-of/>

widely prevalent domestic violence across the horizons. Also, this shows the seriousness of this issue demanding united action as a sign of moral society.

Domestic violence is the most underreported crime against women because the perpetrator is her family member only. Number of women reporting domestic violence cases are equivalent to a drop of water in an ocean. The viral tagline for COVID-19, “Stay Home, Stay Safe”, which has flooded the internet nowadays is turning out to be complete contradictory. For women it is more like “Stay Home, Stay Unsafe”. Moreover reporting domestic violence in times of COVID-19 is next to impossible as there is no social support available for women and they cannot even leave their houses due to lockdown. Victims are locked with their abusers, which has exacerbated the domestic violence. They have no escape from their abusers. This lockdown has given men an opportunity to unleash more violence. Women are helpless as they can’t even knock the doors for help. Normally they had options to escape the violent situation, but that option is ruled out right now. And even if they escape, there is no one to help or we can say there are less chances that they could be helped as shelter homes are already flooded, social workers cannot reach them due to lockdown, they cannot even reach the police stations. One such instance happened in Idukki district in Kerala, where a woman and her daughter hid in a forest after her husband threw them out of the house. It was when her brother called the Kerala State Women Commission that they alerted the Idukki police and took the husband into custody. In another case, a man in Tripura complained to National Commission of Women that his sister could not get out of the house due to lockdown and is being harassed by her in-laws. Sadly these are just a few instances, there are many such instances where the cases of domestic violence are not reported due to fear, lack of resources and help mechanisms. That is why we cannot see a true picture of domestic violence cases. Rekha Sharma, the head of National Commission for Women says in an online interview that this number may be a little far from the reality. She said, “There’s a lot of pressure of domestic work on women, along with child care and the added burden, if, she stays with her in-laws. The woman, playing the role of the primary care-giver, is stretched to her limits. We aren’t able to receive any direct complaints, postal or telephonic, since the office numbers can’t be reached. People who are not familiar with complaining online will not be able to reach us, which is why we think that the actual number of cases maybe more”⁶.

There are many reasons for soaring of domestic violence cases in lockdown, to cite few-financial distress, psychological issues and loss of livelihood are the major ones. All these reasons make men to take out their frustration on women and this has made their situation vulnerable. In India, there are mainly three laws that protect women against domestic violence- these are Protection of Women from Domestic Violence Act, The Dowry Prohibition Act and Section 498A of the Indian Penal Code. But all these seem to be futile due to lockdown. Although home seems to be a safe place in lockdown but it is not so for many people as there is No Lockdown for domestic violence.

⁶ Shamita Harsh, COVID-19 Lockdown: India is Failing Domestic Violence Victims, May 26, 2020, 15:48 <https://www.storiesasia.org/2020/04/25/covid-19-lockdown-india-is-failing-domestic-violence-victims/>

The stakes are higher this time as women are in dire straits. This is because they have to deal with twin public health emergencies, COVID-19 and Domestic Violence. This virus upheaval is like throwing women out of the frying pan into fire. They are not only affected by COVID-19 but also the evil of domestic violence. It is not that in every area the domestic violence complaints are increasing. Some states have reported a decline in domestic violence complaints whereas some states have reported an increase. It totally depends on the ability of victims to complain or they being resourceful. As we take necessary steps to fight this global pandemic of COVID-19, we also need to take necessary steps to flatten the curve of this Shadow Pandemic.

Various measures and interventions have been taken by various individuals and agencies. Some of them include Non-Government Organisations, National Commission for Women and Courts along with the government. In the month of April, an order was passed by the Jammu & Kashmir High Court taking suo moto cognizance of domestic violence cases during the lockdown, and offered guidance including creating a special fund and designating safe spaces for women like grocery stores and medical stores, where they could report domestic abuse without alerting their abusers, Also The High Court of Karnataka asked the state government about the helplines, and action taken on domestic violence complaints⁷. All the states should take this into consideration and ask the concerned authorities to institute a proper team to deal with domestic violence issues. Many steps were also taken by the National Commission for Women to curb domestic violence in the country. During lockdown NCW has launched a Whatsapp helpline number to provide a platform for women to report the cases of domestic violence and the commission has made a special team to handle these complaints. Self Help Groups and One Stop Centres are also working towards this cause. There are certain hurdles in resolving the matters of domestic violence by Women's-rights NGOs due to lockdown as they are unable to move beyond telephonic medium still they are trying their level best. Although these steps by different organisations are praiseworthy yet much more needs to be done to remove this blot from our society.

Though there are laws protecting women in our country but they will only be of use if women are legally aware. Hence, it has become quintessential for women to take charge of their situation and empower themselves educationally as well as financially. Also, it is the responsibility of every citizen of our country to educate and empower girls and women and lead them to a better and brighter tomorrow.

⁷ Dhamini Ratnam, Domestic violence during Covid-19 lockdown emerges as serious concern, June 3, 2020, 00:29, <https://www.hindustantimes.com/india-news/domestic-violence-during-covid-19-lockdown-emerges-as-serious-concern/story-mMRq3NnnFvOehgLOOPpe8J.html>