

“Domestic Violence in India: Root and Pandemic”*Tejaswini Kakade¹**Symbiosis Law School Hyderabad**Symbiosis International University, Pune*

Where is the safest place in the world for a human? When this question is asked, often the answer is ‘Home’. But is it the truth?

Patriarchy has been prevalent all around the globe for a long time. India is one such country where patriarchy and patrilineal has been followed for generations. Religions have played a significant role in the oppression and violence against women.

Ancient Hindu Society has always been a male-dominated society where women are considered secondary to men. *The Sanskrit saying, "Na stri swatantramarhati-'Swatrantam Na Kachit Striyah", means that women were unfit for any independent existence and was the rule of ancient Hindu society. A woman was considered less than fully human, an object to be preserved by her male guardians.*² This depiction clearly states how women were seen as weaker sex unable to take care of herself. Even the Hindu classics such as Ramayana shows that when Sita, the wife of then exiled Shri Ram was forced to prove her chastity to the kingdom upon return and when she refused to do so, the people of the kingdom refused to accept her as their queen and hence she leaves and lives in an ashram.

Though Hindu Mythology has strong women characters such as Goddess Shakti (Goddess of Universal Power), Goddess Mahalakshmi (Goddess of Wealth) and Goddess Saraswathi (Goddess of Knowledge), women have not been seen as an equal in society.³ When a female child was born, she was raised by her father then married a Man for the reproduction of a male offspring. In simple words, an unmarried daughter was taught how to fulfil her duties towards her husband after getting married.

From the Muslim perspective, Islam provides women a position of honour and respect, with clearly stated rights.⁴ Contrary to that, historical circumstances colour a different picture and have disfavoured Muslim women due to the predominant tradition and customs of male authority over the centuries. This made it difficult for women to avail themselves of such rights which were guaranteed under the Quran.

“Men are in charge (or: are the protectors) of women, because God has given preference to the one over the other, and because (men) provide support for (women) from their means. Therefore, righteous women are obedient. (S 4:34)”⁵

¹ Tejaswini Kakade, Symbiosis Law School Hyderabad

² Vol. 24 No.2, Debarati Halder and K. Jaishankar, Property Rights of Hindu Women: A Feminist Review of Succession Laws of Ancient, Medieval and Modern India, Journal of Law and Religion, pp.663-687, 2008-2009.

³ Debarati Halder and K. Jaishankar, Supra 1

⁴ Vol. 47, No. 4, Jane I. Smith, Women in Islam: Equity, Equality, and the Search for the Natural Order Journal of the American Academy of Religion, pp. 517- 537, (Dec. 1979).

⁵ Jane I. Smith, Supra 2

This above verse is from the Quran. This clearly states the male superiority over women and male are in charge of women and are supposed to protect them. The history is the witness that males have interpreted this in their favour.

Muslim women were not given proper education, the ability to decide for themselves, earn, etc. In simple words, if women were not educated about their rights then they won't tend to use it. This gave the upper hand to the males and hence the abuse of power.

When a person is considered as a property as the women are seen in society, the Man is bound to abuse his power and strength. This started the centuries-long violence against women.

Coming to the 21st Century, circumstances have changed significantly for women. Right to Education, Vote, Work and earn, Inheritance of Property, Adoption, etc were given to women. These rights are sure to present on paper but how many are in practice? Violence against females is a grave violation of Human Rights. Though equal rights are presented to women, the violence against them has not stopped. Rape, Molestation, female infanticide, dowry violence, forced marriage, domestic violence, the list is never-ending, at the very point that international organizations have to categorize this violence. Though many laws are made in favour of women to protect and punish against such crimes, it is unable to reach its full objective.

United Nations has defined, *“Domestic abuse also called "domestic violence" or "intimate partner violence", can be defined as a pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviours that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.”*⁶

Usually, women are at the end of the rope of domestic violence because of centuries of manipulation of power and authority. Domestic abuse is categorized into 5 types, Physical, Sexual, Emotional, Economical, Psychological.

Even today wife is pressurized to have multiple pregnancies till a male child is born irrespective of her health. Multiple C-sections can lead to Bladder-bowel injuries, heavy bleeding, etc. Multiple natural births mean series of pregnancy pain. The question here arises is a Mother's life less important than a male child?

The wife is physically abused by her in-laws and husband for multiple reasons. It can be for dowry, for household chores, or sometimes for mere satisfaction. Wife-beating or in more extreme cases, wife battering is the most common form of abuse worldwide irrespective of class, religion, community, and in cases of India caste background.⁷

⁶ United Nations, What is Domestic Abuse, Covid-19 Response, <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

⁷ Vol. 33, No. 27, Malavika Karlekar, Domestic Violence, Economic and Political Weekly, pp. 1741-1751, Jul. 4-10, 1998.

A report brought out by the women's organization, Karnika, characterized the habitual scolding, nagging, non-communication as well as feigned ignorance about their needs and ailments as informal; this form of violence, argued the report, could be sometimes worse than physical injuries.⁸

If considering the worldwide statistics, 1 in 3 women has experienced physical or sexual violence mostly by an intimate partner, and almost 3 in 5 women are killed by their partner or family in 2017.⁹

Even though laws are made such as the Domestic Violence Act, 2005, it does not reach its objective to give justice as many women don't come forward with their cases. Along with laws, society needs to change its mindset and normalize the word 'Divorce', and help such women.

In the year 2020, the whole world is going through a pandemic of Corona Virus, also known as Covid-19. The virus was first traced in Wuhan, China after which it spread throughout the world. Many countries-imposed lockdowns stating everyone should remain at home.

In India, a lockdown was imposed since 22nd March 2020. The whole nation came to standstill. Many people lost their jobs, were financially struck, etc. Along with the increase in Co-vid patients, the cases of domestic violence have also increased around the globe. Where 'Home' is supposed to be a safe place against this on-going pandemic, some women and children are in danger in their own homes. The factors such as unemployment, frustration, reduced income, alcohol abuse have also contributed to an increase in domestic violence. This pandemic has also endangered the lives in a pre-existing abusive household. Women are silently suffering the abuses at home.

Domestic abuse not only affects the women but also the children in the house. For a child, it is heart-wrenching to even stand the idea of their mother getting physically or emotionally abused. This leaves a mark on their existence. Further, when some of these children grow up, they tend to think this is how a woman is supposed to be treated. The abuse becomes normal for them. The daughters grow up with an untrusting nature towards men. Is this how we want to build our society?

This pandemic has released havoc in some households. A PTI report stated that during March 20-31, the first week of the lockdown, the Childline India helpline 'CHILDLINE 1098' received over 92,000 SOS calls from across the country, asking for protection from abuse and violence.¹⁰

⁸ Malavika Karlekar, Supra 5.

⁹ Global and regional estimates of violence against women, WHO, 2013; Global Study on Homicide 2019, UNODC, 2019,

<https://interactive.unwomen.org/multimedia/infographic/violenceagainstwomen/en/index.html#intimate-2>

¹⁰ Rishabh Suri, Domestic Violence, child abuse cases on the rise in this Lockdown, experts explain why? Hindustan Times, (May 30, 2020, 11:32 am) <https://www.hindustantimes.com/sex-and-relationships/domestic-violence-child-abuse-cases-on-the-rise-in-this-lockdown-experts-explain-why/story-UZUC4v491KIWBkXmQ7x3SM.html>

Celebrities have voiced their opinions in a hashtag such as #lockdownmeinlockup.¹¹ Alas, these Instagram posts, Twitter tweets just remain words in hashtags and do not help victims. No hashtag trend is going to make a vulnerable woman come forward and file police complaints or leave that household. If women from rural areas are taken into consideration, they don't even know such movements and hashtags exist due to a lack of technology and education. Such women think a husband slapping his wife is normal.

An article of Times of India against Domestic Violence; data released by National Legal Services Authority (NALSA) reports that cases from the start of the lockdown till 15th May 2020 have significantly increased with Uttarakhand being the highest with total 144 cases. Haryana reported 79 cases and Delhi reported 69 cases.¹² While these are only the reported cases, at the same time there might be hundreds that remain unreported.

Women are unable to reach the Police due to this pandemic as it is not safe to get out of the house and even if these women do report, they will be in more danger once the husband is released on bail as they will be unable to return to their natal homes.

People even today frown at the word of divorce. In some households, when a woman complains of such incidences of domestic abuse, her natal home tells her to comply with her husband's wishes so that he won't physically abuse her. They don't ask her to return home in the fear of 'What will people say?'

There is a social stigma when it comes to the fact that a woman left her marital home and came back to her natal home. People talk about how it must be the fault of the woman, etc. To avoid the shame of society, she keeps quiet of this abuse. In this lockdown, when a husband has become abusive, wife tends to make excuses for them such as, 'it is because of the lockdown, once this lockdown gets over, it will stop, etc.' This is not right irrespective of the circumstances.

As a society, we have given so much importance to our so-called 'culture', we have forgotten the difference between the right and the wrong. As a society, we have disappointed our women concerning their safety and protection. It is true that biologically men are physically stronger than women, but this strength has become a nightmare to a woman who is facing abuse.

In this lockdown, as medical stores, essential item stores are open for people, the need to keep the NGOs that help women against domestic violence be open. Each area should have at least one such place available to deal with such situations and make women feel safe. The government should make helpline numbers available where people are working and can help these women.

The Government, Women Commission, and NGOs need to take measures to help such woman who leaves their marital home and don't have proper education find employment so that they can

¹¹ Rishabh Suri, Domestic Violence, child abuse cases on the rise in this Lockdown, experts explain why? Hindustan Times, (May 30, 2020, 11:32 am) <https://www.hindustantimes.com/sex-and-relationships/domestic-violence-child-abuse-cases-on-the-rise-in-this-lockdown-experts-explain-why/story-UZUC4v491KIWBkXmQ7x3SM.html>

¹² TimeofIndia.com, Domestic violence cases in India on the rise during a lockdown, Times Of India, (May 18, 2020, 14:00) <https://timesofindia.indiatimes.com/life-style/relationships/love-sex/domestic-violence-cases-in-india-on-the-rise-during-lockdown-says-report/articleshow/75801752.cms>

help themselves and rebuilt their lives. As a society, we need to educate ourselves and remove various social stigmas to move forward as a healthy society.

Roma, co-author of *My Mom is a DJ* who said, *“Women can only be completely free when we’ve shed all expectations of conforming to the ideal of a ‘good woman’ in society and stop taking mental and physical torture lying down.”*