



DOMESTIC VIOLENCE: A FORGOTTEN AGENDA AMID LOCKDOWN IN INDIA

By Shaurya Gupta
From Fairfield Institute of Management and Technology

I. ABSTRACT

In the overture to the proclamation of nationwide lockdown in the wake of global pandemic COVID-19 starting 00.00 hours of 25th March'20, there were many areas where the government failed to craft game plan to address probable fallouts. One such facet which was beyond the purview of government was the way to deal with the events of Domestic Violence. Domestic violence against women is a concern rooted in social and economic norms. It is very common and intermittent towards women. Abuse against women can be of any type. It maybe physical, sexual, economical or psychological. It has been seen earlier also that during the time of such emergencies or epidemics violence against woman tends to increase. According to a survey 41% of women reported experiencing domestic violence during their lifetime and about 30% of women in past year. It constitutes the reality of most girls and women's life in India. The present paper aims at discussing about the types of violence against women, its causes, constitutional right to life and personal liberty and brief overview of domestic violence against women amid locking down India. Further suggestions

¹ United Nations. Declaration on the elimination of violence against women. New York: UN, 1993, available at:

were made at the end of the paper to eradicate this menace form the society.

Key Words: - *Domestic Violence, Gender Discrimination, Abuse, Lockdown, Menace*

II. INTRODUCTION

What a man can do, the same a woman can do in contemporary India and in ancient Hindu cultural texts women were given status of Goddess but this status has been jeopardize over a period of time as "Torturing the bride for the dowry demand", "Harassment of wife by husband, tweets video of Domestic Violence" are some headlines that we usually read in our daily newspapers with a cup of tea.

"Where women are respected, there the God reside, the heavens open up and angels sing paeans of praise,"
~says Hindu law giver Manu

According to United Nations Domestic Violence against women is defined as, "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."¹ As defined by the Protection of Women from Domestic Violence Act 2005, Domestic violence (DV) is, physical, sexual, verbal, emotional, and economic abuse against women by a partner or family member

<https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx> (Visited on June 6, 2020)



residing in a joint family, plagues the lives of many women in India.²

Even in 21st century issues like dowry death, female infanticide, domestic violence, sex selective abortions are still prevalent in society. Domestic violence is the act of physical, sexual violence, emotional(psychological) abuse and controlling behaviour. Where whole world is suffering from COVID-19 epidemic, there is spike in cases of domestic violence during lockdown across the globe. Events of domestic violence has been increased across the globe amid COVID-19 lockdown especially in developed countries like United States of America, China, United Kingdom. On 6th April 2020, UN Secretary-General Antonio Guterres pleaded governments to pay attention and avert **“horrificing global surge in domestic violence”**. As people are encouraged to stay at home, the World Health Organization has said that the risk of violence between the intimate partner is likely to increase.

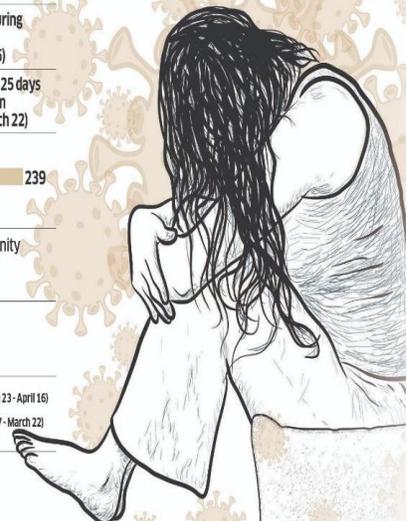
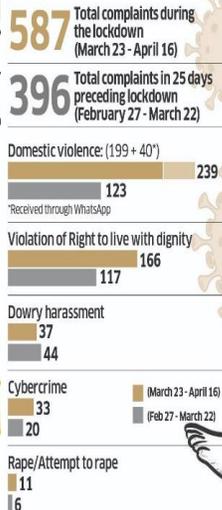
III. THE VICIOUSNESS OF COVID-19

Powered by requisite rules to stay at home, social distancing norms, economic uncertainties and anxieties caused by the global COVID- 19 pandemic, cases of domestic violence have increased across the globe. For example, countries like USA, China, UK, Brazil, Australia and many other countries have reported an increase in the cases of domestic violence. India is also in

the list of countries showing symmetrical trends, peculiarly when it is ill-famed for being the fourth worst country for gender equality. According to the reports of Crime in India 2018, every 1.7 minutes a crime was recorded against women in India, every 16 minutes a rape was committed and every 4.4 minutes a girl is subjected to domestic violence.³

TRAPPED AT HOME

Complaints received by the National Commission for Women



Within few days of lockdown in India, National Commission of Women provided (NCW) a data in mid-April suggesting almost 100% of increase in cases of domestic violence during lockdown. In between March 23 to April 16 (25 days), 239 complaints have been received by NCW via emails, dedicated WhatsApp numbers⁴ and 348 complaints via

² Domestic violence against women in India: A systematic review of a decade of quantitative studies, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4988937/> (Visited on June 6, 2020)

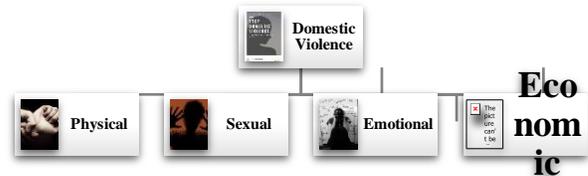
³ Government of India, Report: *Crime in India* (National Crimes Research Bureau, 2018).
⁴ Coronavirus Crisis: No lockdown for domestic violence, available at: <https://www.deccanherald.com/specials/insight/coron>



other sources (in total 587). During the period of crises, 885 complaints were received by NCW in other forms of domestic violence such as dowry deaths, outraging the modesty of women, rape or attempt to rape and sexual assault. Since the imposition of lockdown in India, various women's right organizations have also been receiving numerous complaints of domestic violence. The number of reported cases might not be equally proportional to the actual number of cases of domestic violence. There are chance where many cases were left unreported because the victim locked down with the perpetrator does not get the access to mobile phones or may not have courage to call for a help. According to WHO, one in every third women (35%) all over the world witness physical or sexual violence by an intimate partner.⁵

Premature studies suggest that there is every reason to believe that during the time of these catastrophe there is a tremendous increase in gender-based violence. But it's not about the numbers only it is also about the social and psychological impact that the lockdown would have on women.

IV. FORMS OF DOMESTIC VIOLENCE



- 1) **Physical Violence:** - It refers to the intentional act of causing injury or trauma to another person through bodily contact. Physical violence includes the act of slapping, kicking, hitting, burning, pushing and other type of acts which causes physical injury to another. According to National Family Health Survey, 30% of Indian women in the age group of 15-49 faced physical violence.
- 2) **Sexual Violence:** - It means forcing or manipulating someone into sexual activity without their consent. In other words, sexual violence means use of force or threat to acquire involvement in sexual activities. It includes rape or sexual assault, intimate partner sexual assault, sexual harassment etc.
- 3) **Emotional Violence:** - Emotional Abuse also known as psychological abuse or mental abuse leaves no physical scars but the mental health and wellbeing of the victim is adversely affected. The person experiencing emotional abuse can feel anxious, depressed and even attempts to commit suicide. It includes verbal abuse, rejection, gaslighting, bullying and intimidation etc. According to

[aviruses-crisis-no-lockdown-for-domestic-violence-829941.html](https://www.ncw.gov.in/aviruses-crisis-no-lockdown-for-domestic-violence-829941.html) (Visited on June 7, 2020)

⁵ World Health Organization. Violence against women, *available at:* [https://www.who.int/news-](https://www.who.int/news-room/fact-sheets/detail/violence-against-women)

[room/fact-sheets/detail/violence-against-women](https://www.ncw.gov.in/room/fact-sheets/detail/violence-against-women) (Visited on June 7, 2020)



National Health Family Survey, 13% of Indian women are victim of emotional abuse.

- 4) **Economic Abuse:** - It refers to any act or behaviour of causing economic injury to intimate partner. The acts involve damaging property, restricting access to financial resources or limiting the amount of resources to be used by the victim, or by not performing economic responsibilities such as alimony. The objective of perpetrator behind such abuse is to reduce victim's capacity to support herself so that she becomes totally dependent on perpetrator or on his family financially.

according to what they have learnt from their surroundings. Youth who believes or learn that women should not be valued and respected or they should not be treated equally are more likely to abuse women when they grow up.

- 3) **Economic Causes:** - Unemployment, alcohol, drugs are some reasons that sometimes contribute to violent behaviour against women.

- 4) **Socio-Cultural:** - Dowry deaths and honour killing is also a reality that testifies domestic violence.

V. CAUSES OF DOMESTIC VIOLENCE

There is no specific cause of domestic violence rather it is a learned behaviour. Sometimes abusers witness it in their own family or they learn from their friends or popular culture. Abuse is a choice and not the one that anyone has to make. External forces such as drug or alcohol addiction, societal influence, unemployment etc. also contributes in the escalation of domestic violence against women. Following are the common causes of abuse against women: -

- 1) **Patriarchy:** - People with traditional beliefs thinks that women are not equal to men and they inherit the right of controlling them. According to the data of National Health Family Survey, 42% of the men believes that there is at least one reason to beat wife.
- 2) **Societal Influence:** - Society plays a vital role in development of a human being. Abusers learn this kind of behaviour from their family members, people in their community etc. They automatically behave

- 5) **Individual Factor:** - Low self-esteem, jealousy, difficulties in regulating anger and other strong sentiments are some of the individual factors because of which abusers feel the need to control their intimate partner or when perpetrator the perpetrator feels that he is inferior in education and socioeconomic background to the other partner.

VI. INDIAN CONSTITUTION & WOMEN

Protecting gender equality, right to life, liberty and right to live with dignity are the pillars of our constitution. These ideals of natural justice are enshrined in certain important provisions of Indian Constitution which are as follows:

Preamble:

The preamble states that **the State shall endeavour to secure for its people "social justice....., Liberty of thought, expression, belief,.....,Equality of status and opportunity, and to promote among them all; Fraternity assuming the dignity of the**



individual and the unity and integration of nation.” These ideals of natural justice can only be protected to each and every citizen of a country when all the citizens have the requisite conditions for the development of their distinct personality.

Equality Provisions:

Article 14 of the Indian Constitution, 1950 guarantees to every person equality before the law and equal protection of the laws. Therefore, the provision prohibits chauvinism between male and female, casts and creeds, religion etc. Thus, the provision of Article 14 strikes out the arbitrary actions of State and confirms fairness and equality of treatment.

Article 15(3) of the Constitution states that nothing in this article shall prevent the state from making any special provision on women and children. The framers of Indian Constitution knew that the women need protection and therefore provisions in this regard have to be made. The Protection of Women from Domestic Violence Act, 2005 encourages the fundamental rights of women guaranteed under Articles 14 and 15.

Article 21 states that no person shall be deprived of his life or personal liberty except according to procedure established by law. The Supreme Court in the case of Francis Coralie vs. Delhi Administration⁶, held that **Right to ‘live’ is not merely confined to physical existence but it includes within its ambit the right to live with human dignity, and that goes along with it.** Accordingly, right to life includes the right of women to live a peaceful and dignified life.

Right to Dignity

The Apex Court emphasised the fact that the right to life included in its ambit the right to live with human dignity.⁷ The right to dignity would include the right against being subjected to disgracing sexual acts. The right against being insulted would also be included in right to live with dignity.

Fundamental Duties towards women

Article 51- A (e) provides that “it shall be the duty of every citizen of India to promote harmony and spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity to women”.

VII. SUGGESTIONS

- Setting up well publicised helplines in coordination with police and NGO’s.
- Offering services like counselling, shelter and medical support.
- Educating communities about the need to support women survivors.
- Creating certain specified provisions for the institutional quarantining of assassin of domestic violence with a known history of abuse.
- Easy access to police assistance for filing non- cognizable offence reports or FIR.
- If necessary, providing easy access to courts and lawyers.
- Appointment of protection officers under the Protection of Woman from Domestic Violence Act.
- Re-establish one stop catastrophe centres as a part of crucial service.

⁶ AIR 1981 SC 746.

⁷ *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan*, (1997) 11 SCC 123.



- If there is any difficulty in appointing protection officers then temporary officers shall be appointed till the lockdown is in force.
- Initiating neighbourhood campaigns in order to increase awareness and to develop a support system.
- Have a widespread media outreach media that forbids domestic violence, empowering victims of such violence with survival strategies, pushes attitudinal change in assassins.

Members of the society must be sensitive of the increased danger to women's health and life in the lockdown days, and they must develop the spirit to condemn the violence and shoulder the duty of offering all possible assistance to ensure their safety.

“Every mother should tell her son that if he violates a woman's dignity he will not be allowed to come back home. The public will anyway ostracise you; the family will not hesitate to do the same”

**~Arvind Kejriwal
CM, Delhi, India**
