

Tackling Another Pandemic - Domestic Violence

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Introduction

While the whole world is facing the COVID-19 pandemic sitting in their homes with cases mushrooming every second, the life of women has been disproportionately affected across different countries. The increasing number of domestic violence cases with the popularity of #AntiDomesticViolenceDuringEpidemic on Chinese social platform Sina Weibo portrays the appalling situations faced by women amidst this novel coronavirus pandemic. UN Women Asia and Pacific's Maria Holtsberg, humanitarian and disaster risk advisor said that "Crisis always exacerbates gender inequality" and soaring domestic abuse cases are typical epitome of it.¹ India is not left untouched with a steep rise in crime against women every day amid the imposed lockdown restrictions.

With the initiation of Lockdown 3.0 in India and opening up of liquor shops from May 4, 2020, the situation may become worse with limited hands to help the aggrieved women. The Delhi High Court has also issued directions to put a check upon rising domestic violence cases.² The National Commission of Women (NCW) has received 237 new complaints related to domestic violence from March 23 to April 17 which raises severe concerns regarding the safety of women in these trying times. The chairperson of NCW, Rekha Sharma said that the cases may be high but will go unreported as the victim along with the abuser is confined in her home during this lockdown period. Many women generally send their complaints to the NCW through post only and are unaware of using emails as an alternative source. They lack the adequate capacity and support to come out of their houses seeking help from friends, relatives, or acquaintances.

The pandemic challenges create logistic problems for them to reach out to police or state commissions due to social distancing and isolation norms. The lack of adequate financial resources along with the continuous fear of health security makes them vulnerable to sufficient medical aid. The Pandemic has hit the poor strata of society badly, especially rural or migrant

¹ Lara Owen, *Coronavirus: Five ways virus upheaval is hitting women in Asia*, BRITISH BROADCASTING CORPORATION, (Mar. 8, 2020) <https://www.bbc.com/news/world-asia-51705199>.

² *Delhi High Court issues directions to check domestic violence during Covid-19 lockdown*, THE LEAFLET, (May 4, 2020) <https://theleaflet.in/delhi-high-court-issues-directions-to-check-domestic-violence-during-covid-19-lockdown/>.

women dependent on agriculture, construction works, and other economic activities to make ends meet. These factors contributed heavily to the mushrooming cases of domestic violence and add to the plight of women amidst the Covid-19 crisis.

Patriarchal Power Dynamical Structure

The Indian society has been patriarchal from time immemorial and even with the onset of modernization and industrialization; the subjugation of women by men has been intensified with an increase in atrocities faced by the majority of women in the society. Domestic abuse stems from power dynamics held by men who want to exert their force over the bodies of women to pride themselves as superior to them.

Women are subjected to constant domestic violence to reinforce the idea of oppression. Women are presumed to be childbearing machines and are confined to household chores only. They are treated as ‘things’ meant for pleasure to serve the needs of men only. The culture of marital rape can’t be ignored as when men without the consent of women violates the bodily sovereignty of women, the narrow line between consensual sexual activity and rape is often defied.

Inadequate Legal Infrastructure

The women have to resort legal alternatives to protect their rights but the Indian legislature deeply fails to uphold the latter as the legal mechanism developed over a decade can’t stand the test of time. The *Protection of Women from Domestic Violence Act, 2005* enacted by the Parliament defines domestic violence for the first time in India. It provides that actual abuse or threat of abuse whether sexual, physical, or verbal abuse can be termed as domestic violence under the Act. It also covers harassment through unlawful dowry demands made by in-laws and relatives.

The various anomalies in the Act can’t be ignored and require comprehensive amendment for safeguarding the interests of women in the society. The act only serves as civil law and the criminal proceedings can be initiated against the accuser only if he violates a Protection Order under the act. The Act fails to serve its designed purpose due to the apathetic attitude of the Indian government regarding its effective implementation. The Protection Officers (POs) who form the lynchpin of the Act are not yet appointed in every district as envisaged strongly by the Act.³

³ Puja Awasthi, *A Law to help women, but who is enforcing it?*, INDIA TOGETHER, (Jul. 02, 2014),

Section 498A of the Indian Penal Code (IPC) was a major step to criminalize cruelty against women by their husbands, in-laws, and relatives.⁴ But the scope of the Act is limited as it considers only severe cases of violence and abuses and fails to take into account the daily tortures faced by the women in the four walls of her matrimonial home. The Court while deciding cases of domestic abuse fails to consider the quotidian mental and emotional agony faced by women every day. The researcher also identifies the misuse of Section 498A by various women but instead of throwing the baby out with water, the amendments should be made to propagate the idea of gender equality.

The recent lockdown provides the whimsical husbands the opportunity to vent out their anger upon women at their houses. The women can't approach the police or relevant authorities for justice due to family or societal pressure and these additional pandemic challenges worsen their situation. Even if they reach the court, the chances of accused getting punished are minimal as the conviction rate is less than 10% only. In these difficult times, the Court has also agreed to employ video conferencing methods for urgent matters and needs to be more vigilant and sensitive to give more priority to domestic abuse cases so that the survivor, not the victim will be protected from the accused on immediate basis.

Opening Liquor Shops - Aggravating Domestic Violence Issues

The problems for women may aggravate due to opening up of liquor shops as according to National Family Health Data presented by the government there is a direct link between alcohol use and violence conducted by men. So, it will also lead to an escalation in the cases of domestic violence as people are already facing financial difficulties and are deeply stressed due to job loss, food security, and health emergency issues. The frustration along with the consumption of intoxicants will add fuel to the current state of crimes against women.⁵ Instead of generating revenue for the government, the situation will have more exasperating effects on the lives of the women.

Ameliorating Measures

The difficulties faced by women locked in their houses have deeply aggravated the number

<http://www.indiatogether.org/protection-of-women-against-domestic-violence-act-loopholes-women>.

⁴ LawWarrior10, *Section 498A I.P.C.- Its Use & Misuse*, LEGALLY INDIA, (Feb. 25, 2011), legallyindia.com/views/entry/section-498a-of-ipc-its-use-misuse-html.

⁵ IANS, *Opening liquor shops will increase crimes against women*, PUNE MIRROR, (May 4, 2020), https://punemirror.indiatimes.com/news/india/opening-liquor-shops-will-increase-crimes-against-women-activists/articleshow/75532539.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

of domestic abuse incidents in recent times. The hazy vision and inefficient planning have adversely affected the lives of women who were already vulnerable to the whims of their husbands. If the precautionary warning about the unending lockdown extension had been provided earlier, the women would have had the option of moving to safer places. It is palatable that immediate measures need to be enforced to protect their rights with an effective healthcare system reaching out in every part of the country to safeguard them against domestic abuse.

The National Commission of Women (NCW) has introduced WhatsApp helpline number 7217735372 to contact state commissions or the designed authorities in times of violent attacks faced by the women.⁶ According to a study by International Centre for Research on Women, the women fear to resort to police at a basic level because they might have to go through the trauma of character assassination and police generally don't take their claims seriously and advise them to solve their family issues through compromises. Various All Women Police stations have been set up across the country but they are mostly understaffed with inefficient resources. Specific women forces need to take the charge and help out in reaching to distressed women.

India is not the only country facing this stalemate but many developed countries like China and Tunisia face perils of domestic abuses as the former reported doubled cases during the pandemic with the latter showing a fivefold increase in numbers.⁷ France has also reported a 36% rise in cases related to domestic violence and has provided for hotel rooms for the survivors to stay safe during these deadly pandemic times. Countries like Spain have come up with a unique idea where women claiming "*Mask 19*" are identified as victims of domestic abuse as a specific code word and the relevant pharmacist contact the assigned authorities if the women find themselves unable to report it. India can learn these methods and install them actively for securing the interests of the women so that another pandemic developing in these times is ceased successfully.

Conclusion

Raising consciousness with spreading legal awareness has been the foremost step to eradicate the social evil, but relevant laws need to be constructively amended to stand the

⁶ PTI, *NCW launches WhatsApp number to report domestic violence during COVID-19 lockdown*, THE ECONOMIC TIMES, (Apr. 10, 2020), <https://economictimes.indiatimes.com/news/politics-and-nation/ncw-launches-whatsapp-number-to-report-domestic-violence-during-covid-19-lockdown/articleshow/75082848.cms?from=mdr>.

⁷ Amanda Taub, *A New Covid-19 Crisis: Domestic Abuse Rises Worldwide*, N.Y TIMES, (Apr. 6, 2020), <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>.

test of time. It is the need of the hour that dowry laws need to be strictly implemented so that no women are subjected to bride burnings or domestic abuse at the cost of protecting the illusionary reputation of her in- laws. India needs a sharp transformation from patriarchal based society to a gender-equal society where women should be treated as an essential part of society and their rights should be upheld to eliminate increasing domestic violence cases.