
THE SILENT PANDEMIC IN INDIAN HOUSEHOLDS: DOMESTIC VIOLENCE

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ABSTRACT

COVID-19 has wreaked havoc on the lives of people around the world and social scientists are just beginning to understand its consequences on human behaviour. According to the United Nations, one in three women worldwide experience physical or sexual violence mostly committed by their intimate partner. Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all types of violence against women and girls, particularly domestic violence, has intensified. This is the Shadow Pandemic. As COVID-19 cases continue to strain health services, essential services, such as domestic violence shelters and helplines, have reached capacity. More needs to be done to prioritize addressing violence against women in COVID-19 response and recovery efforts. Recently the instances where three young women who were subject to harsh domestic violence concerning dowry and their subsequent suicides has trembled the Indian state of Kerala. Such incidents have become so common that we can't even imagine the amount of abuse cases that go unreported due to various reasons. Abusive households with added financial constraints and spread of disease become more explosive and eruptive. 'Stay Home Stay Safe' is that the global norm enforced and glorified over a year to regulate the spread of the virus but we must disappointingly accept that the staying house is not safe for all. Although initiatives have been taken by various non governmental organisations, the need for more and more is visible as the harassment cases are increasing minute by minute. There are limitations for the global organisations to work from grass root levels in a nation like India where the socio, economic and political stature is highly varied from region to region. This calls for the action of local or regional organisations who can have a greater impact on the lives of people.

Introduction

When work places were the only resort to escape an abusive partner, imagine being locked up with him for more than a year. Horrid, isn't it? When new strains keep emerging accompanied with lockdowns, it indeed shuts down the peace of at least 1 in 3 women as it exposes them to various forms of violence at their own household.¹

Protection of Women from Domestic Violence Act, 2005 defines domestic violence as physical, sexual, verbal, mental, and monetary maltreatment against a lady by her partner or relatives dwelling in a joint family². It is a broad term that encompasses intimate partner violence (IPV), a form of abuse that is perpetrated by a current or ex-partner.

Around the world, as communities have gone into lockdown to stop the spread of coronavirus, the mass efforts to save lives have put women in abusive relationships more at risk.

The Guardian (2020) reported on how the increase in domestic violence cases is recurring globally³. The article published reports cases from several different countries, highlighting shocking figures.

In one region of Spain, the government claimed that the number of calls to its helpline increased by 20% in the first days of the lockdown period, while in Cyprus, a week after the country confirmed its first diagnosis, calls to similar hotlines increased by 30%. During the same period, visits to the government refuge website increased by 150%⁴.

From the above discussion, it is obvious that the increase in domestic violence during the pandemic is not a local problem, but a global threat like the Covid 19 virus itself.

The Never-Ending Patriarchy

The world has seen various type of governments over these numerous centuries and this load of political framework depended on a male dominated society, yet we slowly created and

¹ WORLD HEALTH ORGANIZATION, <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence> (last visited Jul 4, 2021).

² Protection of Women from Domestic Violence Act, 2005, §3, No.43, Acts of Parliament, 1949 (India).

³ THE GUARDIAN, <https://www.theguardian.com/global-development/2020/apr/28/calamitous-domestic-violence-set-to-soar-by-20-during-global-lockdown-coronavirus>, WORLD HEALTH ORGANIZATION, <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence> (last visited Jul 4, 2021).

⁴ BBC, <https://www.bbc.com/news/uk-52157620>, (last visited Jul 4, 2021).

adopted the concept of rule of law by the 19th century. We started favouring the values of Liberty, Equality, Justice, and to secure them we established various institutions and mechanisms. Despite all this, the evil domination of patriarchy still prevails amongst us and during the crucial time of pandemic this evil has become more rampant, vigorous and visible.

The misdeed of domestic violence is not a new concept rather is as old as human civilization. The Indus Valley Civilization is supposed to be the oldest civilization of the world and it is observed that in this era women enjoyed an honourable position in the society. However, with the onset of Later Vedic period and the evolution of the 'Raja System', men started dominating women⁵. Although discrimination against women began with the aim to protect and respect them later it turned into a mere excuse to tie them down and create an impression that their only role is to create the next generation and feed their families.

Many rulers came and gone, many kingdoms were built and rebuilt, in this span of thousand years everything changed except the condition of women.

In India, sadly, the concept of patriarchy is still followed and, in such societies, men are in the dominating position and they prohibit certain actions which may be reasonable or not purely due to their interest or ego. Various instances can be quoted where women are subject to massive amount of violence just because she goes against what 'the man of the house' wants her to do. Women are considered as a man's property; till marriage it's her father and after marriage its her husband. Its sad to note that large sections of the society still believes that women must lie at the foot of her husband and her sole purpose after marriage must be to satisfy him and his family hence "adjust" to all violence and abuse at her marital home.

The perfect ground for abusers

There is a preliminary evidence to conclude that domestic violence during the COVID-19 increased globally.

On 22nd March 2020, the Prime Minister of India announced a cross country lockdown for one day. This lockdown was accordingly stretched out for seven days, later on it extended to months. India announced COVID-19 as a "advised catastrophe" under the Disaster

⁵ Atasi Mahapatra, Gender equality and ancient Indian culture: A study, 7 IJHSSI.22, 22 (2018), [http://www.ijhssi.org/papers/vol7\(8\)/Version-3/D0708032226.pdf](http://www.ijhssi.org/papers/vol7(8)/Version-3/D0708032226.pdf)

Management Act, 2005. Broadened lockdown and other social separating measures forced to control the pandemic made women powerless against the abusive behaviour at home.

Public Commission for Women's (NCW) information showed that abusive behaviour at home multiplied after the onset of lockdown. The Tamil Nadu Police announced an expansion in aggressive behaviour at households⁶. They got around 25 calls each day during the lockdown time frame and enlisted at any rate 40 such cases. Such instances clearly show that women indeed suffered a lot during the lockdown, sadly, in their own homes.

Isolation paired with psychological and economic stressors accompanying the pandemic likewise potential increases in negative coping mechanisms (e.g., excessive alcohol consumption) can come together in an exceedingly perfect storm to trigger an unprecedented wave of family violence.

As social distancing measures came into place, alcohol good sales rose, however as restaurants, bars, and pubs were shut down, people began drinking within the confines of their homes.

In many States as lockdown strengthened its grip, alcohol availability became scarce and habitual drinkers almost became insane due to its unavailability. To alleviate the frustration, many resorted to domestic abuse of their partner⁷.

Unemployment figures around the world rapidly rose, with millions signing up for welfare payments and a worldwide recession predicted in the near future. Substance misuse, financial strain and instability, and isolation are all well-known domestic abuse factors.

During isolation, there also are fewer opportunities for people living with family violence to imply help. Isolation also makes the abuse hidden with physical or emotional signs of family violence and abuse less visible to others.

⁶ S Vijaya Kumar, State police receive 2,963 calls on domestic violence in April, THE HINDU (April. 20, 2020, 11:57 AM), <https://www.thehindu.com/news/national/tamil-nadu/state-police-receive-2963-calls-on-domestic-violence-in-24-days/article31435103.ece>

⁷ Palak Jagtiani & Swathi Ganesh, Gender Justice And Constitutional Values: A Reflection On Concept Of Family And Rights Of Women 377 (Cwfs 2021).

Nevertheless, we can confirm that the economic problems that occurred due to the pandemic crisis is the most important factor in the surge of domestic violence, as the greatest number of cases are reported from the worst-hit and economic chaotic regions⁸.

Pandemic or similar rare events increase rates of domestic violence and the severity of abuse. For example, since the 2011 New Zealand Christchurch earthquake, domestic violence has increased by a fifth. The reason cited was the change in alcohol consumption at home due to business closures.

A Suitable Target: A Helpless Woman

Recent research has suggested that lockdown scenarios raised by rare events like natural disasters and pandemics put families in close contact with each other for prolonged periods; this reduces the safe time available and increases the probability of domestic violence occurring⁹. Due to the lockdown, many women are actually trapped with their abusers.

Looking around we see instances where a victim of regular verbal and emotional domestic abuse claimed that she had her job as a saviour from her husband's brutality. Her husband's job also kept him aloof from her. With the imposition of the lockdown, she had to live in an exceedingly constant state of fear of victimization. In another case, a victim of domestic abuse shared that she would run into the narrow lanes of a slum when she was beaten by her husband.

Travel restrictions hamper even the tiniest chance for these victims to leave their homes.

These scenes reflect how the deficiency of a 'watchman' or 'guardian' spiked the harmful conduct at home during the lockdown. Policemen were deployed with covid duty and they were at the bleeding edge¹⁰. The excessive workload accompanied with the irregularities in the working of courts became an added boon for the abusers.

Now and again state of women who looked for help from their families was unfortunate because of mental and monetary pressure presented by the lockdown. Many families declined

⁸ Akshaya Krishnakumar & Shankey Verma, Understanding Domestic Violence in India During COVID-19: A Routine Activity Approach, SPRINGER LINK (July. 04, 2021, 2:00 PM), <https://link.springer.com/article/10.1007/s11417-020-09340-1>.

⁹ Shalini Mittal & Tushar Singh, Gender-Based Violence During COVID-19 Pandemic: A Mini-Review, 1 FRONT. GLOB. WOMENS HEALTH, (July. 04, 2021, 2:30 PM), <https://www.frontiersin.org/articles/10.3389/fgwh.2020.00004/full>.

¹⁰ Supra Note 8.

their daughters to leave the matrimonial house concerning the added financial burden they might add to their families.

Neighbours are the ones who can be considered as gatekeepers in situations where there is a limit to mobility and when the victim's family do not have the power to mediate. Substantial evidence can be provided by the neighbours who may record or report such abuses.

Alcohol: The Spark To Gunpowder

Researchers have found that drinking alcohol leads to increased impulsivity and significantly affects inhibition. In addition, drinking alcohol reduces the activity of the prefrontal cortex, which is responsible for the body's decision-making and rational thinking processing. This clearly shows that drunk people can hardly control their behaviour, which makes the abusive partner more violent and severely hinders their ability to control¹¹.

Alcoholism has a deep relationship with domestic violence, and the triggering effect of the former on the latter cannot be ignored. In many cases, drinking alcohol may not be the direct cause of abuse, but it will certainly aggravate the aggressiveness of the violent person. Therefore, a person who could control impulsive violence loses control when drunk¹².

Jurisprudential Analysis of Domestic Violence

Men and Women have been living together since the birth of mankind, but gradually things changed and man began to dominate their partner. For thousands of years, men have exploited women in all aspects. Now, due to the continuous development of society, the dynamics have changed or it's better to say that it has been changing.

Generally speaking, the concept of crime is defined as a certain form of harmful behaviour that social order faces. The analysis of the definition of domestic violence is carried out with the help of consensus theory and crime conflict theory¹³.

¹¹ Varalika Mendiratta, Gender Justice And Constitutional Values: A Reflection On Concept Of Family And Rights Of Women 301 (Cwfs 2021).

¹² Id.

¹³ Isabel Ruiz-Pérez, Juncal Plazaola-Castaño & Carmen Vives-Cases, Methodological issues in the study of violence against women, NCBI (July. 04, 2021, 5:00 PM), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2465770/>.

Two theories that explain concept of crime are consensus and conflict theory. The consensus theory, says that crimes are harmful human behaviours that the sovereign hopes to prevent by imposing punishments after following due procedures.

Conflict theory treats crime as a tool in the hands of the dominant agency. Therefore, the crime is related to the conduct that the dominant party decides to prohibit for its benefit. In India, which is a patriarchal society, men are in a dominant position.

According to conflict theory, men prohibit certain behaviours that may be reasonable or irrational. Here, rationality is not important as only the interest of the dominant part is considered. Disobedience to the same behaviour is considered equivalent to crime. Here, all of these prohibitions and responses to violations of such prohibitions are affected by domestic violence¹⁴. This question is not a question of particular caste, class, belief or community, but a patriarchal thought superimposed on our minds.

Routine Activity Theory

Cohen and Felson proposed RAT in 1979, after analysing the changes in US crime rates from 1947 to 1974. Instead of emphasizing the peculiarities of criminals like contemporary people, they focus on factors that promote criminal activity.

According to Cohen and Felson three factors occur simultaneously in space and time to induce criminal activity¹⁵. They are motivated criminals, appropriate targets and absence of competent guardians. Motivated criminals are those who are prone and can commit crimes. A good target is a person or a thing that can be threatened by a potential criminal. Competent guardians are those or things that can prevent potential crimes.

According to theorists, the daily activities of our lives are influenced by the convergence of these three elements in time and space. These daily activities are called daily activities. Felson and Cohen believe that criminal and non-criminal activities are interdependent and, although our daily activities are legal, they provide opportunities to commit crimes.

Felson in 1987 found that criminals often want to spend as little time as possible performing criminal activity, such as walking distances short enough to find a target or choosing a target

¹⁴ Id.

¹⁵ Supra Note 8.

that is apparently close. This explains the increase in domestic violence cases amid COVID19. Indeed, the house has become the very space where the three elements identified by Cohen and Felson have perfectly merged and balanced itself. Motivated criminals have to make minimal effort to find their current target.

The presence of a criminal with intention is not enough for a crime to occur. The presence of a suitable target is just as essential. RAT analysis identified four components for assessing goal suitability: value, inertia, visibility and access.

If a criminal has to first recognise any value in the target and it depends on how desirable the target is to a potential criminal. Inertia is the aspect of a person or property that will or will impede fitness as an object. Correct targeting can lead to the risk of detection by criminals, combined with easy target access are two other factors that make a target more relevant.

When lockdown was announced in India in a short span of time, women who experienced domestic violence didn't get relevant time to evacuate to a safe place. RAT requires for the occurrence of a crime is the absence of a competent guardian. As women got stuck with their abusive partners in the absence of any guardian, this element was fulfilled.

Application of the RAT to understand domestic violence is not limited to the period of lockdown. Studying all three theoretically confirmed factors can contribute to a deeper understanding of the contextual factors that contribute to domestic violence and help policy makers frame better legislations as solutions.

Present Legal Framework

Section 498A of Indian Penal Code¹⁶

This section provides safeguard to married women who have been subjected to any form of cruelty by her husband or his family. Under Section 498A of IPC domestic violence is considered as a cognizable offence which implies that the person against whom the complaint is filed can be arrested without a warrant

However, it cannot be ignored that the law is not as efficient in its implementation. Many a time the police officials are reluctant to register complaints under this section as it might ruin

¹⁶ Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

the reputation of the husband's family.

Another despairing aspect of this law is a meagre conviction rate. It is difficult for women to get easy access to her matrimonial home after filing the complaint. An economically dependent woman who doesn't have access to an alternative home might suffer a lot in these circumstances¹⁷. Moreover, dropping the case is often put up as a pre-condition by the husband's family to get an easy divorce.

Protection of Women Against Domestic Violence Act 2005 (DV Act)¹⁸

The definition of domestic violence enumerated under this act includes any kind of physical, mental, emotional, sexual, verbal, economic, etc., abuse inflicted by the in-laws or husband of the woman. It's a civil remedy, and it includes relationships with wife, live-in partner, and other members of the family like daughter, mother, sister, etc.

In the case of Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan¹⁹, the supreme court recognized the right against emotional and sexual abuse.

The DV Act also talks about the appointment of "protection officers" and the creation of "shelter homes" to assist the aggrieved women. But however good these laws might sound on paper, in reality, their implementation lags immensely. The shelter homes provided are usually overcrowded by women, and there's a severe lack of funding.

Especially when there's a deadly virus attack globally, taking the recourse of shelter homes doesn't seem to be the best option. Moreover, the protection officers often don't have access to the right guidelines to implement the law, which makes the process cumbersome. Thus, efficient virtual services become quintessential during the lockdown period as women do not have the means to move out from their homes to a secure place easily²⁰.

Strategic Recommendations

The first step to tackle the difficulty of rising gender violence in the times of pandemic is the acknowledgment of the difficulty, which has been ignored during the pandemics in the past²¹.

¹⁷ Supra Note 11.

¹⁸ Protection of Women Against Domestic Violence Act, 2005, No. 43, Acts of Parliament, 1860 (India).

¹⁹ Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan, (2001) 1 GLR 204.

²⁰ Supra Note 11.

²¹ Supra Note 9.

- **Improving Domestic Violence Reporting²²**

Community partnerships and spreading awareness about the importance of reporting incidents of abuse are crucial to reducing the amount of such cases. Previous studies show that, unlike other forms of violence, domestic violence cases are more likely not to be reported by victims, and in many cases, suspects have left the crime scene.

This issue is especially problematic during the Covid19 period because the perpetrator is with the victim due to blockade restrictions and therefore the victim often doesn't have the chance to file a complaint.

A significant step to attain a higher reporting is to educate the neighbours to sound an alarm in need of help. This education can be conducted through government agencies or even through advertising and encourages community members to report cases of domestic violence in the neighbourhood.

To answer the dilemma of report mechanisms, policy makers and governments may set up rules and regulations for flexible reporting and immediate action so that victims can come out before they ask for help. In many cases, victims suffer from extensive clerical processing and long reporting hours making them extremely vulnerable to further abuse for reporting the crime.

- **Fast track mechanisms**

Crimes of such nature require fast handling and solutions rather than years of arguments and lengthy paper works which mentally, physically and financially drain the victims. According to Bradbury and Isham, a way to handle the issue of domestic violence is by constantly asking if people feel safe at home²³. However, it's very crucial that the people asking these questions have the time and emotional resources. It's often possible that the victims may communicate in subtle and indirect ways, which may be easily missed. There's also a strong need to strengthen the helpline services which victims of gender violence can utilize without alerting their offenders.

For instance, France has founded warning systems at groceries and pharmacies to enable victims of gender and family violence to alert the authorities²⁴.

²² UNODC, https://www.unodc.org/pdf/youthnet/tools_strategy_english_domestic_violence.pdf, (last visited July. 4, 2021).

²³ Supra Note 11.

²⁴ Méliissa Godin, French Government to House Domestic Abuse Victims in Hotels as Cases Rise During

In a research conducted, the staff of Association for Advocacy and Legal Initiative (AALI), Lucknow, revealed that the actions being taken by the authorities in India are insufficient to house the issue of gender violence during COVID-19²⁵. NGOs have requested to publicize the phone numbers of the protection officers by sticking them outside their offices to create them more accessible to the victims. The AALI staffer also expressed concern over a lack of sense of urgency when handling domestic abuse cases under lockdown.

- **Understanding Heterogeneity**

A strategy is required to identify the members of communities that undergo severe forms of violence and abuse. In India, although all communities and classes equally are answerable for the harm they cause to the women, minorities require special attention.

Migrant workers and their families are the worst effected, due of lockdown, it may not be feasible for these communities to return to their native places. Again, as job opportunities become limited, women of these sects likely to face abuse and have barely any assistance to report such crimes.

Furthermore, additional victim populations who are more vulnerable to Covid-19 are people with a higher risk of severe illness, immunocompromised individuals, older adults, and other people with pre-conditions like asthma, HIV, liver diseases etc. Therefore, during Covid19, these communities need special care²⁶.

For policy makers, it is important to pay special attention to vulnerable groups by strengthening awareness or providing isolated services. For victims belonging to a vulnerable group, prior notification of the condition to the service provider will help them search for priority services. The creation of special response groups special hotline numbers and special service procedures for the benefit of vulnerable groups to service providers helps to curb adverse impacts.

- **Digital Monitoring²⁷**

Most countries are leveraging digital surveillance of their citizens during the Covid19 crisis. A dedicated app can also be used to track potential suspects and can be enabled on SOS systems

Coronavirus Lockdown, TIME (July. 04, 2021, 9:29 PM), <https://time.com/5812990/france-domestic-violence-hotel-coronavirus/>

²⁵ Supra Note 11.

²⁶ Amallesh Sharma & Sourav Bikash Borah, Covid-19 and Domestic Violence: an Indirect Path to Social and Economic Crisis, (July. 04, 2021, 8:05 PM) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7386835>.

²⁷ Id.

where claimants can report problems along with domestic violence. The government should endeavour to open the hotline 24 hours a day, 7 days a week.

Although this strategy can be costly, it has long-term social and economic benefits. The proliferation of digital surveillance is the next step that authorities need to think. As the world moves into the "all digital" revolution, digital surveillance needs to be set up. In this context, policy makers and the government must provide new modes of assistance and help for the victims, and victims and communities need to adapt to it.

- **Building Psychological Capital²⁸**

One of the principal explanations behind abusive behaviour at home is an absence of financial prosperity. Exploration of prosperity recommends that making positive mental capital (counting trust, versatility, hopefulness, and self-viability) is indispensable for making a positive future. Albeit no research has yet centred around understanding mental capital in instances of abusive behaviour at home, keeping an inspiration toward the future might be significant as the situation is so dubious.

Conclusion

The dread and vulnerability related with pandemics give an empowering climate that may intensify or start assorted types of exploitations and abuses. Governments and policymakers should create awareness about the expanded danger of brutality during pandemics and create necessary requirement for individuals to stay in contact with one another. It's a sad fact that the greatest number of victims are the ones who are never suspected to be undergoing any form of domestic abuse. Although advertising campaigns and initiatives continue, the real impact it has created in the society is meagre. Data about authorities accessible locally (for example hotlines, tele-wellbeing, relief administrations, covers, assault emergency focuses, and directing) should be spread for the overall population through a scope of sources, including online media, the established press, and wellbeing offices. Emotional well-being experts can uphold individuals by giving first-line mental help, including listening compassionately and without judgment, enquiring about necessities and concerns.

Recently, in the State of Kerala, the chairperson of State Women's Commission behaved rudely and arrogantly to a woman to had called her to report the abuse she faced at her matrimonial

²⁸ Supra note 26

house²⁹. The incident sparked huge protest in the state and due to the political and social pressure, she resigned the post. Authorities must ensure that such megalomaniac persons must not be given the authority especially when their prime task is to speak to the victims with compassion and find solutions to it. Similarly in Uttar Pradesh, a member of State Women's Commission made remark that girls should not be allowed to use phones³⁰. In an age where we speak about digital education, women's right, empowerment and what not, we still see people worried about girls running away rather than talking about how she must be given autonomy over her life, she getting educated and living a happy and healthy life rather than getting beaten up in a house to which she was married off even after giving dowry worth lakhs. Let us all hope for the bare minimum that a woman would at least be safe at her own home.

²⁹ Vishnu Varma, 'Then, you suffer': Kerala women's panel chief faces flak over remarks to complainant, THE INDIAN EXPRESS (July. 04, 2021, 10:29 PM), <https://indianexpress.com/article/india/kerala/kerala-womens-commission-chief-backlash-remarks-domestic-violence-complainant-7374134/>.

³⁰ Deepali Sharma, Girls should not use mobile because...'; UP women commission member's comment sparks row, HINDUSTAN TIMES (July. 04, 2021, 10:32 PM), <https://www.hindustantimes.com/india-news/girls-should-not-use-mobile-because-up-women-commission-member-s-comment-sparks-row-101623311192401.html>.