

“Domestic Violence: An Invisible Pandemic in 2020”

Abhishek Sharma
Faculty of Law,
Banaras Hindu University

Introduction

The pandemic “Covid-19” which came as a monstrous disaster over the humanity which affected more than 180 countries around the world and placed half the population of the world into lockdown, there is another hidden pandemic which is hitting more hard from inside i.e. “Domestic Violence”. As the whole world is facing the wrath of corona virus, streets and public places are looking quite peaceful but the situation is absolutely inverse behind the closed door of the houses. Where the relations between individuals are no more soothing, which eventually leading towards the extreme violent reports of domestic violence. Incidences is increasing with the no. of days people are spending together. According to the recent data released by NALSA which suggest that the nationwide lockdown has led to rapid increase in cases of domestic violence.¹ So when the government authorities are dealing with the outside pandemic, we need to take control of this invisible pandemic and make people more aware about this crime and try to provide them redressal of their grievance.

Domestic Violence

Domestic Violence often refers to the violence between married and cohabiting couples, although in broader sense it refers to the Violence against other members of the household also. Generally any abusive, coercive, violent, forceful or threatening word, act or behavior of one member of the family on another can constitute Domestic violence.

It occurs in every religious, racial, socio-economic and ethnic group. Conditions such as poverty, mental illness, drug or alcohol abuse increases the likelihood of domestic violence. Women are the most affected section of the society as more than 70% of the victims of Domestic violence are women².

The enacted laws has provided security to the women by entering into their household and protecting them behind the closed doors where no one dare to touch them and these laws are working as a shield for them. India has a special legislation i.e. “Protection of Women against Domestic violence act, 2005” for safeguarding women against Domestic Violence.

¹ “Domestic Violence Cases in India on the Rise during Lockdown (2020), Says Report - Times of India.” *The Times of India*, The Times of India, retrieved 7 June 2020 from timesofindia.indiatimes.com/life-style/relationships/love-sex/domestic-violence-cases-in-india-on-the-rise-during-lockdown-says-report/articleshow/75801752.cms.

² BBC NEWS | World | South Asia | India tackles domestic violence. (2006). Retrieved 6 June 2020, from http://news.bbc.co.uk/2/hi/south_asia/6086334.stm

The Study of Past

Domestic Violence has a long history, during **Pre-Vedic Period and Vedic period**, a man and a woman were treated as equals. Violence as a concept was not in existence. But during **Post Vedic period and Muslim Period**, women were projected in dual roles one as an empowered Goddess and the other as submissive dependent ideal wife. Women were slowly becoming objects of control. These episodes inculcated in women a deep seated inferiority complex where they accepted them being secondary citizens under the shadow of men. Men formed perception that women are inferior to them and they were allowed to exploit them. But the **British Empire** reformed the social structure with legislative measures and tried to uplift the status of women. Whereas in **Post-Independence Period** Women experienced changes as they educated themselves, but patriarchy still avoided them. Men in public accept women as equals whereas in private still assert the patriarchal authority.³ As a result women faced violence at home without finding any resort. Therefore domestic violence is not a new concept and it has deep roots inside the society and requires herculean efforts to curb this crime.

Forms of domestic violence

Many times it is hard to observe that a certain act will amount to domestic violence. People continue to live in such toxic relationships and face violence by remaining silent and believing it to be normal. This includes:

1. **Physical Abuse:** Most common form of violence it involves the use of force against the victim, by a punch or a kick, stabbing, choking, slapping, forcing you to use drugs, etc. Withholding or refusing to give basic necessities.
2. **Sexual Abuse:** It includes Rape, Sexual assaults including harassment, unwelcome touching, exploiting the victim, coercing for not using contraception⁴, making the victim to have sex with others, unwanted penetration (oral, anal or vaginal), etc.
3. **Emotional & Psychological Abuse:** This involves the destruction of the victim's self-worth, persistent insult, humiliation, or criticism, consistently ignoring, or neglecting the victim's requests and needs, etc. it is often subtle, almost insidious, and pervasive. Includes Monitoring phone calls, controlling clothing styles or hairstyle, invading the privacy, using the children as spies, etc.
4. **Verbal Abuse:** Any abusive language used to denigrate, embarrass or threaten the victim.
5. **Financial Abuse:** It is extremely common form of abuse, often the victim is completely dependent on their partner for money. The abusive partner may withhold money for food, clothing, and more.

³ India, I. (2020). Domestic Violence Against Women Causes And Cure. Retrieved 7 June 2020, from <http://www.legalservicesindia.com/article/1709/Domestic-Violence-Against-Women-Causes-And-Cure.html>

⁴ Types of Domestic Violence. (2020). Retrieved 8 June 2020, from <https://family.findlaw.com/domestic-violence/types-of-domestic-violence.html>

Therefore awareness can help the victims to seek help either from the police authorities or from their relative.

Reasons behind Domestic Violence

These are possible causes to better understand why an abuser believes it is acceptable to abuse their partner and no cause justifies their actions, nor should it be used as a rationale for their behavior.

- 1. Patriarchy:** Domestic violence is systematic and structural mechanism of patriarchal control that is built on male superiority and female inferiority.⁵ Abuser feel that use of physical force or its threat against wives is an integral part of the family and is one of the mean to control it.⁶
- 2. Frustration-Aggression:** Whenever something interferes with an individual's attempt to reach some goal or end, he feels frustrated and this leads to some form of aggression.⁷ Increased tension and restless or feelings of anger that lead to destructiveness and hostile attacks.⁸
- 3. Low self-esteem of aggressor:** Domestic violence is often marked by beating up on weak, helpless targets who pose no risk of retaliation.⁹ People tended to hit their spouse and children after they felt that their self-worth had been attacked or threatened.¹⁰
- 4. Stress:** Family violence is the result of stressors whether economic, social, or personal, that affect families at all levels.
- 5. Social isolation:** It prevents victims of abuse from getting the help they need and works as an opportunity for the abuser to oppress the victim.
- 6. Alcohol addiction:** A common feature of a violent prone family. It provides excuses and abuser can more easily deny remembering violent incidents.
- 7. Social Learning:** The violent and abusive adults learned this behavior as a result of being the victims of or witnesses of aggressive and abusive behavior as children. If children observe that parents hit each other, they may develop a greater propensity towards abusing their spouse.¹¹
- 8. Psychiatric Reasons:** Issues such as mental illness, personality disorders, increased hormone level, brain abnormalities, etc.¹²

⁵ Henslin. M. James. "Social Problems". 1990. p. 167.

⁶ Tod. Goldsmith, M. (2020). What Causes Domestic Violence? Retrieved 7 June 2020, from <https://psychcentral.com/lib/what-causes-domestic-violence/>

⁷ Myers, G. David. "Social Psychology", 1996. p. 436.

⁸ Erwstr, Hilyard. introduction to Psychology". 1975, p. 435

⁹ Green. Russell, and Donnersten, Edward.. "Human aggression: illness Research and Implication for Social Policy". 1998. p. 112.

¹⁰ Bauiiiieister. Roy F. 'The Self in Social Psychology', 1999, p. 259.

¹¹ Jackson. Nick-.Mi. •Encyclopedia of Domestic Violence". 2008. p.605

¹² Fong. Josephine. "Out of the Shadows: Women Abuse in Ethnic. Immigrant and Aboriginal Communities". 2010. p. 15.

Through awareness campaign these issues can be addressed and make people believe that they aren't justified in their actions and behavior.

A Data Analysis: Victims of domestic violence

In India only females are protected against the “Domestic Violence” but studies have shown that other section of the society are also affected.

- 1. Women:** According to ‘UN Population Fund Report’, around two-third of married Indian women are victims of Domestic Violence attacks¹³. According to the NCRB data, Domestic violence was the top category of violence against women in 2018.
- 2. Men:** The National Family Health Survey (NFHS) has found that about 1.8% or 60 lakh women have perpetrated physical violence against husbands without any provocation.¹⁴
- 3. Children:** According to UNICEF, every year, as many as 275 million children worldwide are caught in the crossfire of domestic violence and suffer the full consequences of a turbulent home life.¹⁵

Effects of Domestic Violence

Domestic violence causes serious impact over the victims which may cause physical Injuries such as bruises, swelling, broken bones, Gynecological injuries, Heart or circulatory conditions, etc. along with severe psychological consequences which includes depression, suicidal behavior, anxiety, sleep disturbances, inability to concentrate, Flashbacks, etc.¹⁶ In many cases victim cannot face the torture and commits suicide. Therefore its consequences are dreadful.

Domestic Violence along with Covid-19 is Nightmarish

The pandemic “Covid-19 which was sufficient in itself to disturb the humanity but when “Domestic Violence” walked along with it this made the situation “hellish”. Due to the fear of “covid-19” police authorities are releasing criminals from detention, even the new offences are not getting reported. Growing unemployment, financial stress and a scarcity of community resources have set the stage for an exacerbated domestic violence crisis.

People who were already in an abusive situation will likely find themselves facing more extreme violence, but now it's more difficult for victims to leave abusive relationships. As present neither the health facilities nor the police are able to react vigilantly, women's

¹³ DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA. (n.d.). Retrieved June 13, 2020, from <https://www.legalindia.com/domestic-violence-against-women-in-india>.

¹⁴ *ibid*

¹⁵ YourDOST, T. (2016), Domestic Violence - A Cruel Reality Of Modern India. Retrieved 9 June 2020, from <http://yourdost.com/blog/2016/12/domestic-violence-a-cruel-reality-of-modern-india.htmlq=/blog/2016/12/domestic-violence-a-cruel-reality-of-modern-india.html&q=/blog/2016/12/domestic-violence-a-cruel-reality-of-modern-india.html>

¹⁶ Meyer, C. (2017). The Physical And Emotional Effects of Domestic Violence on Victims. Retrieved 9 June 2020, from <https://www.liveabout.com/the-physical-and-emotional-effects-of-domestic-violence-1102426>

shelter home may also be overcrowded. Therefore this invisible pandemic has grown deep roots inside the walls of the houses which will have serious impact throughout the life of victims.

Legal safeguard for the victim.

The “Protection of Women against Domestic Violence Act, 2005” is a special legislation to deal with the domestic violence. This law provides simple mechanism through which victim can resolve their grievances. Under this law victim can approach either the Protection Officer, Service Provider, or the police or a Magistrate directly. The victim can have free legal aid. The State designated shelter homes and hospitals have a duty to provide a safe place to stay and medical help to every victim who approaches them.¹⁷

Author’s recommendation

1. Forming “Prevention of Domestic Violence Committee” at all schools and hospital level.

- a) School committee will create awareness about “Domestic Violence” from the primary level and student can report the cases when they either witness or become victim of domestic violence.
- b) Hospital committee will suspect and report the cases according to the situations.

These committee can intervene through government authorities when cases are reported or they suspect the case of domestic violence.

2. A distinct helpline number or a website should be launched which can be accessed easily and directly by the victims.

3. Police should not avoid the complaint and react to the situation seriously. Laws should be enforced more strictly.

Conclusion

Therefore domestic violence is a crime which has deep roots in the society as well as in the minds of people who justifies it but an awareness can create a difference. Due to social isolation cases are increasing, situation is alarming and lockdown is turning into a nightmare for the victims. But legal safeguards are always available for them and a national wide campaign to raise awareness about domestic violence should also be started through news channels, radio channels, and social media platforms. It is advisable for the victims If they are not able to get help from the police authorities they should keep a friend, relative or someone in proximity informed in case of escalating risk. Neighbors and bystander should intervene if they suspect any such activity. Only through mutual cooperation every pandemic can be defeated either it is “Covid-19” or “domestic violence”.

¹⁷ Ibid.