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DOMESTIC VIOLENCE: DISGUISED JEOPARDY IN LOCKDOWN

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ABSTRACT

History is marked by those remarkable events that had affected different corners of life. Something which created a buzz among people, which was either beautifully positive or brutally negative. And from now on, this year will be noted in history forever. COVID-19 is not just a normal breakout but much more than that. It affected not only the world but every corner of life. Where it healed wounds of nature, it even engrossed lives in miserable conditions, exacerbated negativities and much more. The plight cannot be weaved into a collection of peculiar words, as it is beyond our imagination. The number of lives affected, types of lives affected, in the ways, they were affected, situations and their inclinations towards different impacts didn't leave scope for imagination. If it could have been imagined, it would not have been that harsh. Well, time teaches everything and this time, this adage hit all of us hard. Due to COVID-19, the only step to solve the problem was lockdown, stop physical contact among people and save them by social distancing. When families came together after so long, there were many results of togetherness. Where one was positive, the other was negative. Yes, here we are dealing with toxic relations and their dreadful results in the lockdown period. This research paper focuses on domestic violence, a shadow pandemic that emerged amidst the COVID pandemic. The positive results of lockdown were actually not more than camouflage, as its repercussions captivated the whole flavor.

Keywords - Domestic Violence, Intimate Partner Violence, Protection, Patriarchy.

INTRODUCTION

The world has never experienced in its whole history of existence such kind of catastrophic caging of human race worldwide. The novel corona virus or COVID-19 has thrashed the whole human community specifically this year. World Health Organization initially was reported of pneumonia of unknown cause which was detected in Wuhan, China on 31 December 2019. Later, the outbreak was declared as a Public Health Emergency of International Concern on 30 January 2020 which followed it's another naming by the esteemed organization as COVID-19 on 11 February 2020¹.

¹<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>

This menace exhorted the need to urgently handling the pandemic worldwide to save lives innumerable. The battle against this disease impelled nations to go with one and only option of prevention than curing specifically when the vaccine was yet to be discovered. Nations adhered to the adage which says prevention is better than cure and decided to do best in the ticking time which already was shouting it is too late to act upon. Nations like India with a huge population believed, that as it is a communicable disease it is best to stop gatherings and declared lockdown to hamper the chain of the virus from spreading. Seeing the chance nations started handling the pandemic according to their region and its aspects. While nations were fighting to cope up with this menace, many saw this as the revenge of nature which is now on its voyage to heal itself from various tortures it has witnessed all these years due to the human race. Amid all those positive points like nature is healing, the atmosphere is getting free from various pollutions and the condition of the ozone layer is ameliorating, there were instances of the advent of a shadow pandemic that engulfed the world. The word shadow pandemic is used here to express how it emerged in the scenario without out roar. The world is witnessing a spike in age-old menace which is called Domestic Violence or Intimate Partner Violence.

THE CURRENT SCENARIO

The combination of economic and social stresses brought on by the pandemic, as well as restrictions on movement, has dramatically increased the numbers of women and girls facing abuse, in almost all countries. Since the pandemic, the UN is reporting that Lebanon and Malaysia, for example, have seen the number of calls to helplines double, compared with the same month last year; in China, they have tripled; and in Australia, search engines such as Google are seeing the highest magnitude of searches for domestic violence help in the past five years. These numbers give some indication of the scale of the problem, but only cover countries where reporting systems are in place: as the virus spreads in countries with already weak institutions, less information and data will be available.² The UN Secretary-General, Antonio Guterres said, “Peace is not just the absence of war. Many women under lockdown for COVID-19 face violence where they should be

²<https://news.un.org/en/story/2020/04/1061052>

safest: in their own homes. Today I appeal for peace in homes around the world. I urge all governments to put women’s safety first as they respond to the pandemic.” He further added that together, we can and must prevent violence everywhere, from war zones to people’s homes, as we work to beat COVID-19.³

In recent weeks, there has been a 25 percent increase in domestic violence survivors calling the National Domestic Violence Hotline citing the corona virus lockdown as “a condition of their experience.” And as for the areas around Huntington, Colleen Merlo, executive director of Long Island Against Domestic Violence, said that their 24-hour hotline has seen a spike in residents looking for help during the COVID-19 crisis. “Since mid-March when things were starting, we helped 31 individuals with domestic violence issues in the Huntington Township,” she said⁴. Even the interior minister of France came across that there is a massive increase in domestic violence cases amidst lockdown season. India too is not lagging behind as reported by NCW. There were 315 domestic violence cases received by NCW in April, these were highest since August last year. NCW Chairperson Rekha Sharma has said, the hike in numbers can be attributed to the lockdown and for this, they even launched WhatsApp numbers to register such cases. Due to lockdown, one woman got stuck with an abusive partner in Tripura who was rescued and was shifted to shelter home with the help of the police⁵. These are not only the cases of one region in India but various cities have come across such hike in the registration of domestic violence cases like Punjab, Gujarat, Himanchal Pradesh, etc. District Magistrate, Kangra, Rajesh Kumar Prajapati has appointed chief developments project officers (CDPOs) of ICDS as nodal officers to receive the calls of distress from victims of domestic violence under Section 34 of Disaster Management Act 2005⁶. All of these instances mention how the pandemic has engulfed the whole world and has become another pandemic that emerged amidst fighting the other. Various authorities have urged

³ <https://news.un.org/en/story/2020/04/1061052>

⁴ <https://www.newsbreak.com/new-york/huntington/news/0P1HRzQ5/domestic-violence-cases-grow-during-covid-19-lockdown>

⁵ <https://www.thehindu.com/news/national/lockdown-ncw-receives-315-domestic-violence-complaints-in-april/article31497599.ece>

⁶ <https://timesofindia.indiatimes.com/city/shimla/covid-19-lockdown-domestic-violence-cases-shoot-up-in-himachal-pradesh/articleshow/75139001.cms>

to prevent such violence which is significantly against women and has heated up due to the repercussions of lockdown globally.

IMPACT OF PATRIARCY

From bedtime stories to the history of all chivalrous kings and soldiers, it is evident that the mindset of all societies was captivated by the thought that Men are a symbol of strength or foundation pillars of the society. The religious texts portrayed and even if not, the society conceived them as evidence of men being the one who is brave and is made to earn the best things in the world. While women somewhere, got a place in their homes and households majorly. Where few examples and gender struggles out in the world with time wanted to fill this gap, there are still few pages left to be engraved with new norms of humanity, which is based on equal rights for all. In India this trend of men being above women is years old, although changes are relevant to society, many things have been changed and now there are various laws that protect women against not just such stereotypes but also against violence and is even paying way for equality for all.

Who is a woman? A biological assembly of organs beneath layers of some skin, flesh, and bones? Or one who fought for years to subsist its individuality from Sati Pratha to various assaults? The answer was given by the recognitions gradually which were given to various women related offences and where the concept of human rights evolved. Education for women was reverie where they learned to sob and still admire what they had. United Nations after coming into the picture started to recognize various such offences against women in society. It went one by one, from world conferences on women and United Nations decade for women 1975-85 to organizing various such conferences and establishing numerous Conventions with Optional Protocols, each rendered the recognition of rights of every vulnerable woman out there. Even, UNICEF issued a report on "Domestic Violence against Women and Girls" in 2000. UNIFEM administers the Trust Fund in Support of Action to Eliminate Violence against Women providing financial support for projects to eradicate gender-based violence, as well as mounting innovative regional and international advocacy campaigns involving grass-roots activists on the issue⁷. There are various domestic

⁷ <https://www.un.org/womenwatch/daw/news/unwvaw.html>

violence laws in India. The reform started from Dowry Prohibition Act 1961 which made the act of giving and receiving dowry a crime. Dowry, which existed for years as the greatest cause of domestic violence and to bolster the 1961 law, two new sections, Section 498A and Section 304B were added into the Indian Penal Code in 1983 and 1986 respectively. Later, the legislation, Protection of Women from Domestic Violence Act (PWDVA) 2005 came into being. The PWDVA, a civil law, includes physical, emotional, sexual, verbal, and economic abuse as domestic violence. To add efficiency to laws enforced, new amendments came to foster conditions of women and abate crimes against them like Criminal law (Amendment Act) 2013.

DOMESTIC VIOLENCE: A PERIL

Domestic violence can be described as the power misused by one adult in a relationship to control another. It is the establishment of control and fear in a relationship through violence and other forms of abuse. This violence can take the form of physical assault, psychological abuse, social abuse, financial abuse, or sexual assault. The frequency of the violence can be on and off, occasional or chronic. Domestic violence is not simply an argument. It is a pattern of coercive controls that one person exercises over another⁸. The Protection of Women from Domestic Violence Act, 2005 says that any act, conduct, omission, or commission that harms or injures or has the potential to harm or injure will be considered domestic violence by the law. Even a single act of omission or commission may constitute domestic violence - in other words, women do not have to suffer a prolonged period of abuse before taking recourse to law. The law covers children also⁹.

Domestic violence has been jeopardy since ages which had submerged the world in sins against humanity. It is nerve-wracking to realize how few sections of the population have lived their lives in disguise, and how this peril thrashed the individuality of beings. The National Family Health Survey of India in 2006 estimated the lifetime prevalence of sexual violence among women aged 15–49, including instances of marital rape in India. The study included in its definition of "sexual

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2784629/>

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2784629/>

violence" all instances of a woman experiencing her husband "physically forcing her to have sexual intercourse with him even when she did not want to; and, forcing her to perform any sexual acts she did not want to"¹⁰. But who could have ever imagined this danger will hike in such a pandemic, where all of us were battling to defeat a virus that costs us our lives. Indeed it emerged as shadow and we are here inundated with it. The research of WHO details, how this violence against women extract the sexual, physical, mental, reproductive health of women and are the cause of various other heinous crimes which consequently, exacerbates their lives to turmoil or to end disturbingly.

GENDER AND CHALLENGES FACED BY VARIOUS GROUPS

Gender and domestic violence have a different relationship with each other, where one side we find women being tortured, it is even evident from a few cases that it is also possible another way round. As the cases came in front of this lockdown, it is clear that women are more vulnerable to this menace amid this pandemic even. In the past also there were many arguments which focused on the validity of circumstances where men were drowned into this peril. Hence, the bench of Justices Kurian Joseph and Rohinton F Nariman ruled on 6 October 2016 that this provision frustrated the objective of the legislation since "perpetrators and abettors of domestic violence" can be women too. The words "adult male " has been struck down from the domestic violence act. The offence cannot be ignored on the fact that it exists less in number. Men rights activists are even in the race to get equal recognition of offences against men, and it is relevant when we imagine an equal world.

All of us are living evidence in ourselves, about the repercussions of the lockdown period. If we closely look into the reasons for such domestic heat up and gather all practical possibilities we will come across, the reality. The world is caged, people are shackled in their homes itself. Where businesses are at stake, few people are still working from home; few have loosened all their hopes. Where children are tormenting to get the fresh vibes, play in playgrounds, grown-ups are suffering for a normal life which is indispensable for their future aspirations. All educational institutions are

¹⁰ <http://www.rchiips.org/nfhs/NFHS-3%20Data/VOL-1/Chapter%2015%20-%20Domestic%20Violence%20%28468K%29.pdf>

closed; labors are on their foot for homes and the growing cases of this contagious disease are just deteriorating the mental health of all. Salary cuts and losses with restrictions even to acquire regular commodities of life stoked the issue. Subsequently; in such circumstances, heat-ups among family members are more natural. But toxic relationships and abusive intimate partners with even their family members came to utilize it for offences and violence against the other which resulted in shrieked helplines asking for help. People heading to their destinations for peace and supper felt the situation more than anybody else. The plight to reach one's home for a better hour was like water amid deserts. The frustration even came out on one's spouse. The refugees had felt this intoxicated situation in a way which cannot be imagined. Yet, no such media covered the plight. Migrants faced a lot as no country will accept people from outside in such a pandemic. The pressure was again released in some or the other way on spouses. Amid all of this, the relaxation to open market for alcohols and liquor added fuel to fire. Well, each state is trying to handle the shadow pandemic and have prepared guidelines accordingly.

SELF REALISATION

Yet, it is very necessary to understand that this heated hour needs our liaison to save the human race. We are all together in this and we have to get out of this together. On one hand, we need to adhere to recommendations given by the UN on domestic violence in this pandemic and even states need to make sure that all required help is effectively rendered to all. Similarly, on the other hand, we have to join in to help ourselves to adjust to our homes and utilize this time to bind relations because everything is from us and we can recreate them. It is better to experience the tranquil whiff of homes with our nearer ones rather than being unhealthy and isolated. Nobody wants turmoil than why to gift hatred to others in this horrendous crisis. Truth, respect, love, nature are all real rest is just bewildered thoughts. For the sake of humanity, for the sake of our children, for the sake of our lives, for the sake of our own world, let's drive out animosity and stand together for all.