

**INDIAN SOCIETY ON DOMESTIC VIOLENCE - THE RISE IN
DOMESTIC VIOLENCE DURING COVID- 19 PANDEMIC**- Nirzana Banikya¹**ABSTRACT**

Lockdown is a much necessity to break the chain of Covid infections and to reduce the community spread of the Coronavirus diseases. However, due to the whole pandemic as well as lockdown situation, there has also been a serious psychological and social disruptive consequence, now that the people are bound to stay at their homes; jobless, stressed and miserable. This is generally known as the quarantine paradox. It is seen that there has been a rise in the Domestic violence cases during this whole lockdown period, it being the fact that the people often tend to take out their frustration on their spouses. In our patriarchal society, it is considered that women are inferior to the men, hence, a husband dominating or abusing his wife is even now regarded as normal and a symbol of love and care. In many villages, even the women acknowledge such kind of behaviour of their husbands as quotidian and a token of affection. Despite the fact that no law bears or uplifts violence of any kind, there is a surge in the cases of Domestic violence, abusing, assaulting. Educating the public about the impacts of such Crimes on individual's mental and physical health is an utmost urgency. Henceforth, the paper attempts to understand and cognize the above stated facts and the related laws in details. Further the paper attempts to suggest methods to mitigate and culminate domestic violence from the society and discusses about the rights of the victims and ways of aiding the victims.

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INTRODUCTION

Domestic violence, which is also referred to as domestic abuse or family violence, is the violence or brutality in a domestic setting, such as marriage or cohabitation. In other words, it can be accounted as destructive and detrimental behaviour in an intimate relationship, where one person dominates or subjugates or oppresses the other in a dating or marital relationship affecting and causing physical, psychological as well as sexual suffering and distress to those in that relationship. Domestic violence incorporates physical violence, sexual violence, emotional violence, psychological violence, spiritual violence, cultural violence, verbal abuse and financial violence, which can gamut from subtle, coercive and intimidating forms to marital rape and to vicious physical abuses including- choking, beating, female genital mutilation, and acid throwing that consequences in disfigurement or death. Furthermore, Domestic murders comprise grievous offences such as stoning, bride burning, honour killing and dowry deaths. There isn't one sole reason why and how domestic violence or abuse takes place. It comprises of numerous belligerent factors, for instance, social attitudes, community responses, individual psychological episodes of the abuser and the person being abused. Each and every domestic abuse situation is unlike from the other, yet, every single abuser uses homogeneous ways to come in for what they desire and retain power and control. A person can be winsome and charming one minute and vituperative the next, as a result the abused partner tends to get confused. Over time, the violence gets even more dreadful, heightening both frequency and severity.

CAUSES OF DOMESTIC VIOLENCE IN INDIA

In India, domestic violence can be traced back to the past, where the inherent evil of patriarchy prevailing for centuries among men, establishing and glorifying domestic violence as a course of action to control and "teach lessons" to their wives. In modern times, factors like anger issues or aggressive attitude, poverty, economic hardships, difference in status, controlling or dominating nature, drug and alcohol addiction, upbringing as well as psychological instability engenders domestic violence cases. Additionally, desire for a male child, dowry, lack of trust, extra-marital affair also contributes to domestic violence cases. Amidst this pandemic, domestic violence and sexual exploitation, which is already a pre-existing epidemic has peaked as the households were put down under the increased exertions and agony that comes from security, health and economic aspects, and restricted and confined living conditions. According to official data, the National Commission for Women (NCW)

has registered an increase of 2.5 times in complaints of domestic violence during the pandemic. Some of the causes of physical and verbal exploitation are-

- Not managing assets and funds accurately.
- Not being able to serve food to the family.
- The pressure of being incapable of providing for their families due to loss of livelihood.
- Over drinking and habitual use of drugs because of stress.

IMPACTS/EFFECTS OF DOMESTIC VIOLENCE

Domestic violence has manifold effects comprising of personal, social and economic impacts; it rips up the families and lives apart. It is one of the leading cause of death, illness and disability in women. It often results in increased incidences of depression, anxiety, post-traumatic stress disorder, suicide. Moreover, it has devastating consequences on reproductive and sexual health of the women. It breaks a family, destroying the environment for the children. Regular household conflicts and abuse between parents deleteriously affects the children and teens, who grow up without learning about the positive essence of relationship. These children also go through anxiety, emotional distress, eating and sleeping disturbances, low self-esteem, self-harm. They develop phobias and insomnia, often blaming themselves for the violence.

RELATED OFFENCES

Domestic violence leads to various other offences as well. A few of the crimes or offences that eventuate are as follow:

Dowry death-Making the women's homes the most unsafe place for them to be, dowry deaths are death of married women who are murdered or driven to suicide by continuous harassment and domestic violence by their husbands and in-laws over a dispute about dowry. (Section 304B of the Indian Penal Code, 1860)

Causing Miscarriage-The obsession of male child is regarded as the reason of causing miscarriage without the consent of the women. The women are blamed, tortured and considered as bad omen. (Section 313 of the Indian Penal Code, 1860)

Marital Rape-The act of sexual intercourse without the consent of the spouse is marital rape. This is one form of domestic violence, where the intercourse between husband and wife is not voluntary, including other odious acts. (Section 375 of the Indian Penal Code, 1860)

JUDICIAL ACCOUNTABILITY

Domestic violence has evolved over time to an extent it not only includes physical forms but also emotional, mental, financial and other forms of brutality and inhumanity. The patriarchal arrangement that is deeply rooted in the Indian society laid the bedrock foundation for abuse of women. To lessen and curtail the cumbersome position of law, be it prosecutorial or significant, the Protection of Women from Domestic Violence Act, 2005 was enacted to safeguard the women from acts of domestic violence. This Act was brought into force by the Indian Government and Ministry of Women and Child Development on 26th October, 2006. Under this Act, any women who allege to have been subjected to any act of domestic violence by the offender or any person can file a complaint. Protection Officers are appointed specially under this Act to aid the victims. Moreover, the Mahila Courts or the Women's Courts are established as an Alternative Dispute Resolution forum specially to address the women's marital and related family problems. These Courts are designed to furnish favourable environment wherein the women can bring their grievances, resolve and escape from their painful situation altogether. The Indian Penal Code, 1860 also deals with Domestic violence, Section 498A of the Indian Penal Code, 1860 deals with "Matrimonial Cruelty" which is a non-bailable, cognizable and non-compoundable offence. The concept of a successful marriage in the Indian society is greatly defined by the dowry the bride brings, hence unable to fulfil this demand ensues domestic violence and dowry death. Therefore, the Indian Penal Code, 1860 provides punishment for dowry death under Section 304B (2).

CASE LAWS

Lalita Toppo v. State of Jharkhand, 2018

In this case, the Supreme Court held that the maintenance can be claimed under the provisions of the Protection of Women from Domestic Violence Act, 2005, even if the claimant is not legally wedded wife.

Surekha Mote v. State of Maharashtra High Court of Bombay, 2019

In this case, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the Court held that complaint can be directly entertained by the Magistrate even if there is no protection officer.

Ishpal Singh Kahai v. Ramanjeet Kahai, Bombay High Court, 2011

In this case, the Divorce Act, 2005 granted statutory protection to the victims of violence in domestic sector who had no proprietary rights. The Act provided security and protection to the wife irrespective of her proprietary rights in residence. It aimed at protecting the wife against the violence and brutality of her husband.

CONCLUSION

In India, soon after a girl ties knot, the husband is regarded as her guardian, practically as well as legally. She not only accepts his home as hers but also accepts the husband's family as her own family. Domestic violence affects both, the abused person and the abuser, reason being that it destroys the families. The Law Commission will enact laws, the Executive Authorities will execute, but the implementation is solely dependent on the citizens. It is the citizens who need to follow these laws and make a Domestic violence free society. It is also seen that the parents of the women, out of embarrassment disowns their daughters, this often leads to honour killing and suicide. Educating the people about the rights of the Domestic Violence victims and the Domestic violence laws can make a healthier and better society. A divorce is head and shoulders above than a failed and violent marriage is what the society needs to acknowledge and approve. Covid- 19pandemic has surged violence that has raised concerns about the safety of the women, and as the government is falling short in managing with the issue, a number of Non- Government Organisations are escalating to provide essential services and a helping hand to these victims.

SUGGESTIONS

Domestic violence or violence against women needs to be mitigated and eliminated by-

- Creating better laws and enactments to protect women from discrimination.
- Educating women about the Specialised Domestic Violence Courts like the Tribal Domestic Violence Courts and Tribal Domestic Violence Docket.
- Strengthening and encouraging women, raising public awareness on the impacts of Domestic Violation.
- Familiarising the people about the NGOs working for such causes and volunteering in the NGOs can bring great change, the change that we want to see.
- At last, a pledge to end domestic violence or any kind of violence in the Society.

REFERENCES

- 1) <https://www.seconline.com>
- 2) <https://www.victimsupport.im>
- 3) <https://www.facs.nsw.gov.au>
- 4) <https://chaynindia.com>