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Intimate Partner Violence with reference to India during Covid-19: An Analysis

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ABSTRACT

As per UN Women, globally, one in three women is subjected to either physical or sexual violence by an intimate partner. 243 million women and girls between the ages of 15 and 49 had been the victim of such violence that were recorded in 2019. Thus, IPV is a major global health concern and has been exacerbated during the COVID-19 pandemic. India is no exception. IPV has been a long-standing issue in India, and the COVID-19 pandemic has exacerbated the problem. The pandemic has caused a significant increase in IPV, due to factors such as financial stress, job loss, and reduced access to services. The lack of access to services due to nationwide lockdowns has made it difficult for victims of IPV to seek help, as they cannot easily access police stations or crisis centres. This has made it difficult to report cases of IPV, and to get the necessary support and protection. Furthermore, the stigma attached to IPV in India has made it difficult for victims to seek help, as they fear that they will be judged or ostracized. This has made it difficult for victims to speak out about their experiences, and to access the support and protection that they need.

In this backdrop, this paper seeks to examine the impact of COVID-19 and the lockdown thereof on the women experiencing intimate partner violence in India and the nation's socio-legal approach to preventing the same.

Keywords: COVID-19, Gender, Intimate Partner Violence, India, Women.

I. INTRODUCTION

The outbreak of COVID-19 has changed socio-economic conditions worldwide. It has brought to the forefront the deep inequality rooted in many spheres of our lives. A lesson from the pandemic is that many women and girls are not safe at home and are subjected to domestic violence. It reminded us once again of the need to create a future safe for women—to make a home free from violence against women. It also made us question once again where we stand today after a prolonged struggle for gender justice. But even before the pandemic, the number of domestic violence cases was staggering. As per UN Women, globally, one in three women

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is subjected to either physical or sexual violence by an intimate partner. 243 million women and girls between the ages of 15 and 49 had been the victim of such violence that were recorded in 2019.³The COVID-19 pandemic and nations' approach to breaking the chain of the spread of the virus in the form of lockdown had in turn locked many women down, exposing them to domestic abuse and assault, not to forget the domestic labour entrusted upon them-thanks to the so-called "gender roles" deep-rooted in patriarchy! Numerous COVID-19-affected nations, including Germany, Italy, Brazil, China, the United States, the United Kingdom, and India, have reported an upsurge in domestic violence. Domestic violence encompasses all forms of violence that occur within the home, including intimate partner violence (hereinafter referred as "IPV"), which is committed by a current or former intimate partner. The objective of this paper is to examine the impact of COVID-19 and the lockdown thereof on the women experiencing intimate partner violence in India and the nation's socio-legal approach to preventing the same.

II. INTIMATE PARTNER VIOLENCE: CONCEPTUAL UNDERSTANDING

IPV is defined as "any behaviour within an intimate relationship (married, unmarried, or live-in) that causes physical, psychological, or sexual harm to those in that relationship. This definition encompasses physical, sexual, and psychological aggression or abuse of any kind. IPV differs conceptually from domestic violence."⁴When one family member physically, sexually, or emotionally abuses another, we call this "domestic violence." Abuse of any member of the family, whether it be an elderly person, a child, or even a spouse, falls into this category of violence. Thus, when the victim and the offender have a close relationship, the term "domestic violence" is used. Between the victim and the offender, there is typically a power imbalance. Domestic violence is a significant public health issue because it affects so many people and frequently leads to financial, psychological, and physical harm as well as fatalities. According to Section 3 of the Domestic Violence Act, 2005, domestic violence includes any such act of the "respondents" if that-

"(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

³ Domestic Violence During Lockdown: An Invisible Pandemic, available at <https://indianlawwatch.com/webinar-on-domestic-violence-during-lockdown/> (accessed on 24-06-2022).

⁴ P Patra, Jyoti Prakash, B Patra & Puneet Khanna, *Intimate partner violence: Wounds are deeper* available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6278226/> (accessed on 24-06-2022).

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”⁵

On the other hand, IPV only refers to violent incidents between partners in a romantic or sexual relationship. Even though both forms of IPV—male-on-female and female-on-male—exist, this paper is focuses on the former since women are more likely to suffer injuries as a result of IPV.⁶ IPV can be categorised in the following ways depending on the level of violence:⁷

“(i) Level I abuse: pushing, shoving, grabbing, throwing objects to intimidate or damage property and pets.

(ii) Level II abuse: kicking, biting, and slapping; and

(iii) Level III: use of a weapon, choking, or attempt to strangle.”

Likewise, according to the types of violence, IPV can be grouped into the following categories:

“(i) intimate terrorism/patriarchal terrorism: aggression is predominantly male to female, serves to not only control and dominate the partner but also to instil fear.

(ii) violent resistance: a situation where partner resists such aggression, often in self-defence, chances of injury to partner is more; and

(iii) situational couple violence/common couple violence: aggression is bidirectional, low-intensity, and often consequent to a conflict situation rather than as a tool for controlling or self-defence.”

III. INSTANCES OF INTIMATE PARTNER VIOLENCE IN INDIA DURING COVID-19 PANDEMIC

The National Commission for Women (NCW) has received 4,350 complaints of domestic violence from women between March 1 and September 18, 2020, as the nation grapples with the COVID-19 pandemic. These complaints were sent via email, phone, and a special WhatsApp number. According to reports, Uttar Pradesh has received the most complaints with

⁵ Section 3, The Protection of Women from Domestic Violence Act, 2005.

⁶ *Supra* note 3.

⁷ *Supra* note 2.

968, followed by Delhi with 784, Maharashtra with 458, Bihar with 254, and Haryana with 229. The number of domestic abuse cases might be significantly higher because many incidents go unreported while some victims go to the police and state women's commissions for assistance. The number of complaints peaked in July at 660, followed by 537 in June, when the centre began expanding its activities. As more people stayed home or worked from home, the NCW predicted an approximately 100% rise in these events during the lockdown in April.⁸

In a research report, it was pointed out that, “If a woman has to complain or seek help from a helpline about her family being abusive, she needs to have a landline or mobile phone while being 100% sure that she is not being overheard—whether it is her marital home or natal home.”⁹ The choices available to women in India for filing complaints during the lockdown are restricted because over 57% of them do not have access to phones. Women occasionally rely on their relatives to report on their behalf. For instance, according to the Press Trust of India, the NCW got a complaint from a parent on behalf of his daughter, who he claimed was being viciously assaulted by her husband and was going without food.¹⁰

As per NFHS-4, the number of victims of domestic violence who sought assistance is below 1%.¹¹ The NCW primarily heard concerns from educated, upper-class individuals who have access to technology. The victims' capacity to reach out for help electronically is frequently constrained by the abusers' limits and ongoing monitoring of social media, the internet, and mobile devices. Moreover, women in India are hesitant to disclose domestic violence out of concern about social stigma. It is difficult for women to leave violent partners because they are made to feel as though the argument between the husband and wife is a personal problem for them. The idea of honour and patriarchal family arrangements are blamed for this silence. These societal and cultural expectations have led to a reluctance to openly discuss the family and the intimate relationships within it.¹²

IV. STEPS TAKEN BY DIFFERENT STATES TO COMBAT INTIMATE PARTNER VIOLENCE IN INDIA DURING COVID-19 PANDEMIC

⁸4,300 cases of domestic violence reported with NCW since March available at <https://www.deccanherald.com/national/4300-cases-of-domestic-violence-reported-with-ncw-since-march-893807.html> (accessed on 24-06-2022).

⁹ *COVID-19, Domestic Abuse and Violence: Where Do Indian Women Stand*, EPW, available at <https://www.epw.in/engage/article/covid-19-domestic-abuse-and-violence-where-do> (accessed on 24-06-2022).

¹⁰ *Ibid.*

¹¹ National Family Health Survey (NFHS-4) 2015-16 INDIA. 2017

¹² Ravichandran P, Shah AK, Ravichandran P. Shadow pandemic: domestic violence and child abuse during the covid-19 lockdown in India. *Int J Res Med Sci* 2020; 8:3118- 21.

The Protection of Women from Domestic Violence Act (PWDVA) that provides safeguard to women has been into force since 2006 in India. The Act provides recourse and recognises that domestic violence can include mental, economic, and emotional abuse in addition to physical or sexual abuse. At the state level various initiatives have been started by different NGO's aiming at helping women in need of help. For example: in Uttar Pradesh, a non-governmental organisation (NGO) called Breakthrough created a community radio programme that helped raise awareness about violence against women. It educated the public about the signs of domestic abuse and offered solutions to the issue. People were invited to phone in and talk about their experiences. The organisation has also developed a platform called "StreeLink" to let women connect with one another and collaborate on resolving issues they face in their personal lives, in their communities, and in the workplace. Likewise, a non-profit group called Women's Entrepreneurs for Transformation (WEFT) has launched the "red dot" campaign, which allows individuals to recognise and report a victim of domestic violence by looking for a "red dot" on their hand. For the duration of the lockdown, NCW re-launched a WhatsApp number so that victims of domestic violence could send messages for assistance. Similarly, the Odisha Police have started an initiative to get in touch with and find out the status of every domestic violence case that has ever occurred in the state. Similarly, domestic violence offenders would be institutionally isolated in Pune, Maharashtra.

In response to a petition filed by an NGO with the subject matter of increase of the cases of domestic violence, the Delhi High Court in *All India Council of Human Rights Liberties and Social Justice v. Union of India*,¹³ ordered the government to consider steps to guarantee operative enforcement of the Protection of Women Against Domestic Violence Act, 2005. The state responded by saying it has established procedures by which survivors can reach the hotline. During the lockdown, the "telecaller" would receive the complaint and relay it to the counsellor, who would then contact the victim by phone. A status report from the government was enough for the court to rule on the petition, so it was dismissed.

Additionally, on April 18, 2020, the Jammu and Kashmir High Court took *suo moto* cognizance and issued a number of directives, including the creation of dedicated funds and the designation of public places, such as supermarkets and pharmacies, where victims of domestic violence could go in confidence without fear of retaliation.¹⁴ The Karnataka High Court has also requested information on domestic violence hotlines and state responses. State officials

¹³ 24th April 2020.

¹⁴ In Re: Court on Its Own Motion v Union Territories of Jammu & Kashmir and Ladakh through Secretaries, Social Welfare Department, 16.04.2020.

responded by saying they had hotlines, counsellors, shelters, and protection officers available 24/7 to assist victims of violence.¹⁵

Moreover, some women in perilous situations have been rescued and relocated to shelter houses in the state of Tamil Nadu, while protection officers authorised under the Domestic Violence Act of 2005 are permitted to move during the lockdown. Under the slogan “Suppress Corona, not your voice,” the state government of UP has set up a hotline specifically for women who have been the victims of domestic violence. The police have guaranteed that a female officer will handle any complaint made by a female citizen. According to NCW's chairwoman, ASHAs, Anganwadi workers, and others on the front lines of healthcare were providing counselling to prevent domestic violence and abused women can report their cases to these professionals.

V. CONCLUSION

The IPV is a major issue that often goes unnoticed. It not only makes victims vulnerable physically and mentally but also affects the development of a nation. Many social, political, legal, and economic elements contribute to the complexity of the issue. The use of drugs and alcohol both contribute to and are themselves indicators of IPV. Educating the public and the medical community on the need for early detection, screening, and treatment is crucial. The number of cases of IVP has increased exponentially during COVID-19, and the underlying factors contributing to this violence are complex. The lockdown has further exacerbated the problem due to the lack of access to support services and the inability to leave abusive relationships. Although the government has taken certain precautions to address IPV, these appear to be insufficient. Due to the complexity and limits of the Indian context, a comprehensive strategy is needed at the national level to combat the widespread problem of IPV, which includes the denial and violation of victims' access to necessary medical care. The hidden epidemic of IPV can be combated through increased public knowledge, improved and more sensitive policing, and safe shelters for victims.

¹⁵Domestic violence during Covid-19 lockdown emerges as serious concern, available at <https://www.hindustantimes.com/india-news/domestic-violence-during-covid-19-lockdown-emerges-as-serious-concern/story-mMRq3NnnFvOehgLOOPpe8J.html> (Last visited on 16 December 2021).

VI. REFERENCES

- COVID-19, Domestic Abuse and Violence: Where Do Indian Women Stand, EPW, available at <https://www.epw.in/engage/article/covid-19-domestic-abuse-and-violence-where-do> (Last visited on 16 December 2022).
- Domestic violence during Covid-19 lockdown emerges as serious concern, available at <https://www.hindustantimes.com/india-news/domestic-violence-during-covid-19-lockdown-emerges-as-serious-concern/story-mMRq3NnnFvOehgLOOPpe8J.html> (Last visited on 16 December 2022).
- Domestic Violence During Lockdown: An Invisible Pandemic, available at <https://indianlawwatch.com/webinar-on-domestic-violence-during-lockdown/> (Last visited on 16 December 2022).
- National Family Health Survey (NFHS-4) 2015-16 INDIA. 2017.
- P Patra, Jyoti Prakash, B Patra & Puneet Khanna, Intimate partner violence: Wounds are deeper available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6278226/> (Last visited on 16 December 2022).
- Ravichandran P, Shah AK, Ravichandran P. Shadow pandemic: domestic violence and child abuse during the covid-19 lockdown in India. *Int J Res Med Sci* 2020; 8:3118- 21.
- The Protection of Women from Domestic Violence Act, 2005.
- 4,300 cases of domestic violence reported with NCW since March available at <https://www.deccanherald.com/national/4300-cases-of-domestic-violence-reported-with-ncw-since-march-893807.html> (Last visited on 16 December 2022).
