

VIOLATION OF RIGHTS OF CHILDREN AND WOMEN DURING COVID-19

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On 24 March 2020, the government of India imposes nation-wide lockdown as a preventive measure to control the outbreak of coronavirus, restricting the people to move out of their houses except for availing the essential services. The practice of home quarantine was followed among the citizens. This initiative by the government was believed to be the best ideology in order to safety of citizens' safety was the quarantine safe for everyone?

THE SHADOW BEHIND QUARANTINE

The mode of quarantine reunited the family under one roof and relived those family moments which were lost in this challenging and fast world. However, not everyone was fortunate to enjoy those stressful times. There were many individuals locked up in an abusive inland. Most of the victims were women and children whose freedom to step out of their houses only the sole way to escape this abusive environment, which was now no more accessible to them.

THE SAD REALITY OF LOCKDOWN

In amid of COVID-19, women, and children in India fought against coronavirus, as well as domestic violence and mental harassment. The confinement at home with an abusive partner is likely to result in greater physical and mental violence, with disastrous consequences for their health and well-being. It has been an all-time trend that whenever the family spends time together, such crimes increase.

If we look at the possible reasons behind this increased spike of the abuse, it is not only because of the frustration due to home confinement but un-element, poverty, hunger, and economic slowdown are some major reasons behind the same. Due to such reason's abusers have increased access to their victims. Moreover, victims have no access to the resources. Alcohol consumption by husbands or

fathers is an evidentiary fact for the increase in such abuses, and the heavy plight of victims to not being able to concerned authorities for help because of the strict governmental orders. Victim's right to live with dignity gets triggered here. Therefore, this alcohol-fuelled violence has increased the incidents of abusive lockdown. This can also be regarded as intimate terrorism, i.e., violence inside the home.

Another focal point here is that most of the victims are not aware of their rights. They are born in such an environment or society where every next door has the same story or family background, which makes them believe that such incidents are normal. It is a myth in our Indian society that such incidents take place only in the poorer sections of the society, which to some extent is however but domestic violence and torture exist in all parts of the society and women and children of higher sections of the society are no immune to it.

Another sad reality of our Indian society is that it suppresses the victims to such an extent that they fear to come out in the reach of help and claim their rights. In fear of facing societal obligations choose to remain silent and continue to suffer and sacrifice. Victims who are brave enough to complain to the concerned authorities represent the tip of an iceberg. With the sudden lockdown, when such victims find themselves isolated, alone and vulnerable, what options are they left with? Virtually none mainly talk about the children in need, when their parents or guardians are abusers, such victims have no way, out or mature enough to understand the violence and its nature to reach out for help. As a result of which, the abuser gets more audacity to perpetrate violence. The abuser's hardihood increases behind the closed doors, especially when he knows that this confinement will sustain for long enough. Also, in most of the cases, the abuser is the one known to the child. Children lack access to child care organizations and the inability to connect to a safe place as the abuser is around them and thus, they continue to be victimized. Child abuse and other exploitative practices such as child labour, child trafficking, child marriage, etc. have also been on its rise. Other inhuman situations like starvation and inadequate livelihood have worsened their situation.

STATISTICS

According to the relative data, there had been an alarming rise in domestic violence complaints against women. The complaints received during the lockdown period are more significant than the ones received in the last year. This indicated that the victims' level of abuse and torture during lockdown was so immense and frequent that the victims were forced to take a call for themselves. This also highlighted the mental conditions of those who never dared to reach out for help from years had been

pushed to such extent that they had to call the women helpline for rescue. Among these victims, 7% reached out to the police, lawyers or social service organization.

Another issue faced during the pandemic was that the several helplines and shelter homes for women and children were not available to call or live in, in both the government, as well as and sector.³⁰ The help that they the lockdown curtailed the help that they provide was restricted. Victims cannot travel to police stations nor the social-workers were able to reach them. The police were overburdened by COVID-19 duties too.

DIRECTIONS BY THE DELHI HIGH COURT

The Delhi high court recently directed the states and the Centre to take measure from domestic violence, following a petition filed by an NGO. The Centre, Delhi government and the national and state commissions of women submitted status reports on the action taken against domestic violence, including spreading awareness about helpline numbers, shelter or one-stop homes as well as the appoint, and protection officers, which the court reviewed on April 25³¹.

SIGNS THAT YOU ARE BEING ABUSED

1) PHYSICAL VIOLENCE³²

Illustration

- Slapping,
- Hitting,
- Kicking,
- Punching,
- Biting,
- Pushing and
- Inflicting pain and injury in any other manner

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³⁰ Dhamini Ratnam, Domestic violence during Covid-19 lockdown emerges as serious concern (27 July 2020, 6:30 PM) <https://www.hindustantimes.com/india-news/domestic-violence-during-covid-19-lockdown-emerges-as-serious-concern/story-mMRq3NnnFvOehgLOOPpe8J.html>

³¹ Phumzile Mlambo-Ngcuka, Violence against women and girls: the shadow pandemic (26 July, 2020, 3:32 PM) <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>

³² How to find Domestic Violence Counselling, Helplines and support In India (30 July 2021, 12:34 PM) <https://www.naaree.com/domestic-violence-helplines-india/>

2) SEXUAL VIOLENCE

Illustration

- Forcible intercourse,
- Compel one to look at pornography or any obscene content,
- Uninvited act of sexual nature to belittle or mortify you,
- Child sexual abuse.

3) ECONOMIC VIOLENCE

This issue is mostly ignored by many individuals which makes it the most prevalent

Illustration

- Stops you from pursuing your Job or Stops you from taking up a Job,
- Asks you to handover your salary and does not allow you to use it,
- Does not pay rent despite staying in a rented house,
- Restricts your access to any part of the house,
- Does not give you money to sustain yourself or your children,
- Does not provide you with food, medicine, clothes etc.

4) EMOTIONAL VIOLENCE

Illustration-

- Allegations on your character,
- Name-calling,
- Disparaging for not bringing Dowry,
- Disparages for not being able to reproduce male child,
- Restraining you from pursuing your education/career,
- Forcing you to marry someone against your will,
- A threat to commit suicide and
- Any other verbal abuse.

Lastly, if you change your habits and personality due to your partner's terror, you are being abused.

SOLUTION

1) EDUCATE WOMEN ABOUT THEIR RIGHTS

Today we have so many stringent laws enforced for the protection and betterment of the citizens like the Protection of Women from Domestic violence act 2005, The Indian Penal Code Amendment in 1983 etc. However, the question here is, despite all these laws, why do we see that almost 84% of women have been abused in their home at least once according to a 2015 study conducted by the Planning Commission of India?

The answer to this would be - not being aware fundamental their basic rights. Laws like “Protection of women acts” were being passed to view the Fundamental Rights guaranteed under Article 14, 15, and 21 to all the citizens. Furthermore, Article 21, which confers the Right to Life, has been held to include the “Right to Life with Dignity” and the “Right to be free of violence.”

Francis Coralie Mullin v. Administrator, Union Territory of Delhi and others 1981 AIR 746, 1981 SCR (2) 516

In this case, the Supreme Court stated any act which damages or injures or interferes with the use of any limb or faculty of an act, said to be freed from violence adhikar Article 21 prohibition is inside. Therefore, it states about Right to be Free of Violence.

Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan, (1997) 11 SCC 123

In the case mentioned above, the Supreme Court emphasized the fact that the Right to Life includes in its ambit the right to live with Human Dignity, basing its opinion on a host of cases that had been decided in favour of this proposition, i.e. The Right to Dignity³³.

From the above judgments, one thing can be inferred clearly and, i.e., every individual has a Right to lead a life with dignity and a life free of violence. For such an act to be executed, every woman needs to identify the signs of abuse and immediately so as to an end to such abuses. The most important thing here is that every female should realise the signs of domestic violence against them and should

³³ Dr. G. Indira Priya Darsini & Dr. K. Uma Devi, Domestic Violence Act - Fundamental Rights, (1 July 2020, 1:21 PM) <http://www.legalserviceindia.com/article/I353-Domestic-Violence-Act-Fundamental-rights.html> - google vignette

immediately taction about take action continuing to be victim deteriorating their mental health with the fear of social stigma and fretting about being ostracized.

To overcome this, we need to create legal awareness: -

(i) These things should be taught from a very young age to the young minds both boys and girls to recalibrate their thinking towards the treatment of their partners once they their partners' treatment the syllabus of the students to disseminate students' syllabus crowd in the most practical manner.

(iii) Religious institutions should address more about such issues in the more extensive mons, as a larger crowd can be swayed through them towards behaving in the right way.

2) PUBLIC GRIEVANCE REDRESSAL PLATFORM

The idea is wealth later not only to the rich and affluent but also to the poor and underprivileged therefore it is imperative to come up with such platforms that should be less uneconomical and more efficient in providing Justice to the sufferers. Since we are all aware that it takes years and years for the judicial system to come up with a final verdict and bearing in mind the high-costs involved for filing the pleas and lawyer fees which in turn leads to people trying to avoid approaching the courts and as a result they would continue enduring the torment. Therefore, such a platform should be made and advertised in such a manner so that it reaches every nook and cranny.

3) SOCIAL MEDIA INFLUENCERS

Today we live in a world where the social media influencers were making a fortune while the most educated graduates were struggling to meet ends. Today every individual regardless of their income, geographical location etc. have access to a smartphone. Moreover, after Jio came into the market, almost everyone has access to the internet. Now the most practical and efficient way of advertising the Helpline numbers, NGO'S or Public redressal platform is through the social media influencers, whom today have followers is significant lions and can create a great impact when they address such issues and make others aware of their Rights and Recourse when they come across such abuse.

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4) FINANCIAL INDEPENDENCE

The easiest way to control their partners is when they are financially dependent on them. At times partners tend to endure all the torment with the fear of not being a burden on their parents after the divorce, to curb this we should start with workshops that aim at teaching them a skill that can help

them make money in the future. “Educate an individual on how to earn and you would specific him, for life.”

There are certain ways through which an individual on their own, which will help them to be self-reliant and boosting self-esteem.

For example-

(i) Find work at the home business idea, for instance, if they are good at tailoring, they can start by taking orders in their own apart excellent.

(ii) If they are really good in any subject and can disseminate the concepts to another, they should become an online tutor with the online sites available in India.

(iii) Download Apps that pay you real money like Meesho, which deals in Reselling Products and has gamuchot of popularity lately. Now what happens here is that it sells various kinds of products on wholesale price where you can choose any product based on your requirement after which you can share it with your network on a margin price and as soon as they agree on purchasing the product you can place the order and keep the margin with you. Likewise, we even have apps where we can earn money with online teaching jobs like Wonk and so on.

Isn't it an easy source of making money without any hassle of capital investment and physical shop?

5) PSYCHOLOGICAL COUNSELLING & MEDITATION

(i) Psychological counselling should be normalised; chiefly in India, it is a stigma that people who go for psychotherapy are either mentally ill or the implication would be that they do not have strong faith in God which itself deters the sufferer from consulting a therapist. Primarily in today's time where we are burdened with unachievable expectations and the inability to fulfil the expectation it renders one in such a situation where we tend to vent out our anger on easy targets like wife, child or worker. So, to avoid such unwanted behaviour one, should consult a psychotherapist whatnot and come to an amicable solution³⁴.

³⁴Urmila Bhardwaj, Domestic Violence Against Women Causes And Cure, (12 July, 2020, 11:00PM), <http://www.legalservicesindia.com/article/1709/Domestic-Violence-Against-Women-Causes-And-Cure.html>

(ii) Meditation should be made a habitual process and especially during these times one must meditate as there are many health benefits to all our problems like it can generate kindness, it increases positive feeling, it Reduces Stress, Controls Anxiety so on and so forth. It is better to come home with a smile because it is not the wealth that you come home would satisfy them, it is your cheerful face that would satisfy them.

6) EMERGENCY HELPLINE NUMBER

The only thing the ones suffering here would want is to support more than anything else, they need people in front, and they can vent out whatever they want to without being judged because they are so vulnerable at this point due to the self-doubt, guilt, humiliation, and indecision as they love their partners and are fed up at the same time³⁵.

To handle such situations, we need to have: -

(i) One separate line for domestic violence counselling must be allotted in the police stations or any other NGO that should deal only with the cases of domestic violence cases 24/7 support through our crisis line.

(iii) The official that deal should be trained to be polite and chivalrous and must give her hope amid the misery.

(iv) The officials should reach the place as soon as possible to assess the situation and provide her protection if required, and if they want to leave, they should be told about the legal channels that can be availed by them³⁴.

Child they can even affected ones during these unpleasant times are children, it is the child who suff, and It for life. They are always in a predicament as they love both of them and when their parents fight it creates a very negative atmosphere around them and distresses them more than anything because of which there are times when they are engulfed with the fear that they might have to witness their parents' part their ways. A child is able to grow strong conically active when he is grown in a friendly, loving, and secure environment.

Children and youth who are exposed to violence emotional, mental, and social damage which will affect their developmental growth. Some children lose the power to feel empathy for others. Others feel socially isolated, unable to form friends as easily due to social discomfort or confusion over what

³⁵ How to find Domestic Violence Counselling, Helplines and Support in India, (2 August 2021 2:00 PM) <https://www.naaree.com/domestic-violence-helplines-india/>

is acceptable. In order to respond to the Tong issues associated with domestic violence, child welfare professionals need to understand these issues and know how to identify them as well as assess and supply treatment to children and youth suffering from violence, “A child is a result of all your actions³⁶.”

CONCLUSION

The root cause of this violence against women and children is powerlessness and subordination in households. Also, the lack of awareness due to high rates of illiteracy levels in women and children, as only 3% of the children of the poorer section opt for secondary or higher studies, are the reasons which make them vulnerable to such a dark society. Also, the government on its behalf has not been amended the laws favouring the victims and guaranteeing their protecting guarantee entry has many laws such as the protection of women from Domestic Violence Act, 2005 and Protection of Children against Sexual Offences Act, 2012, but despite such laws, the fruitful implement affected.

Most importantly, a woman must not be as despite such law shamed or petrified to come outstand the societal obligation, rather vent out to their closed ones about the harassment or domestic violence that they have been enduring to at least get some respite instantly from the horrors of the violence. It is imperative to put an end to any kind of harass domestic violence against them before it becomes a habit. It is like a staircase that they climb, wherein, if you let them climb that one, and where in are certainly going to climb the rest and make your life miserable and toxic. Therefore, the moment you realise that you are being harassed, recognise the rights that you have been empowered with and make a wise decision, “Remember you are the outcome of your choices.”

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³⁶ Child Welfare Gateway, How to Report Child Abuse and Neglect, (1 August 2020, 2:02 PM)
<https://www.childwelfare.gov/topics/responding/reporting/how/>