



The Shadow Pandemic of Domestic Violence

A systemic analysis of spousal domestic violence faced by women in Karnataka, India during COVID-19

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Introduction

EXECUTIVE SUMMARY:

In India, domestic violence is one of the most common forms of violence against women. According to NHFS, one in three women in India has been subject to some form of domestic abuse in her lifetime.

In 2020, Domestic violence in India rose in the wake of COVID-19, increasing the vulnerability of women amidst the lockdown. The household-level findings of the National Family Health Survey-5 showed that Karnataka has one of the highest reported cases of Domestic Violence in India between 2019 to 2021, the pandemic period.

Due to lack of proper and accessible implementation of the Domestic Violence Act, a lack of holistic and survivor centric support to survivors, and lack of awareness on what constitutes domestic violence, domestic violence in India is still prevalent.

All stakeholders must be made aware of the trauma and challenges that DV survivors go through before, during and after reporting. Institutions need to be re-designed to make them survivor-centric.

METHODOLOGY:

We carried out 10 semi-structured interviews with a range of stakeholders including NGOs, police and lawyers (**Refer Appendix 1**) and also detailed secondary research of reports to gain a comprehensive understanding of the system surrounding domestic violence in India, particularly Karnataka.

Refer **Appendix 2** for scope of research and limitations.

DEFINITION OF SPOSUAL VIOLENCE:

For the purposes of this report, we define spousal domestic violence as the act of violent or aggressive behavior which leads to physical or emotional abuse within the household, typically involving abusive and violent husband. Refer **Appendix 3** for the “Parameters of defining domestic violence”.

RESEARCH FINDINGS:

“Over 2,300 domestic violence complaints were filed with the National Commission for Women between January and May in 2021, the highest for any year since 2000” (The Hindu, 2021).

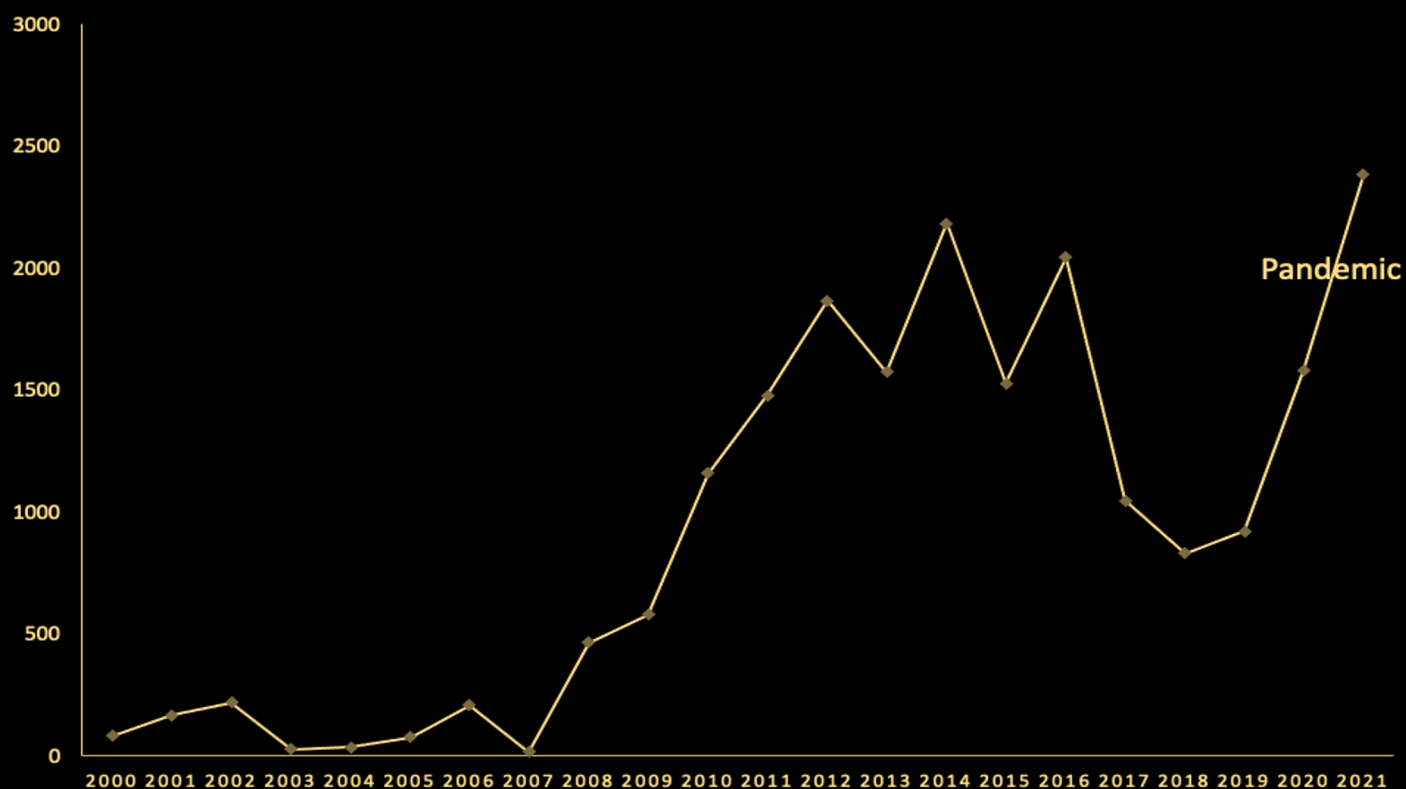


Figure 1: Domestic Violence complaints in 2020-2021 peaked due to the pandemic in comparison to the last 21 years (The Hindu, 2021)

1 in 3 married women abused by spouse

Percentage of women age 18-49 who have experienced some form of spousal violence:

■ Ever ■ Past 12 months

Any form of physical and/or sexual and/or emotional violence



Any form of sexual violence



Any form of physical violence



Any form of emotional violence



Figure 2: (Times of India, 2022)

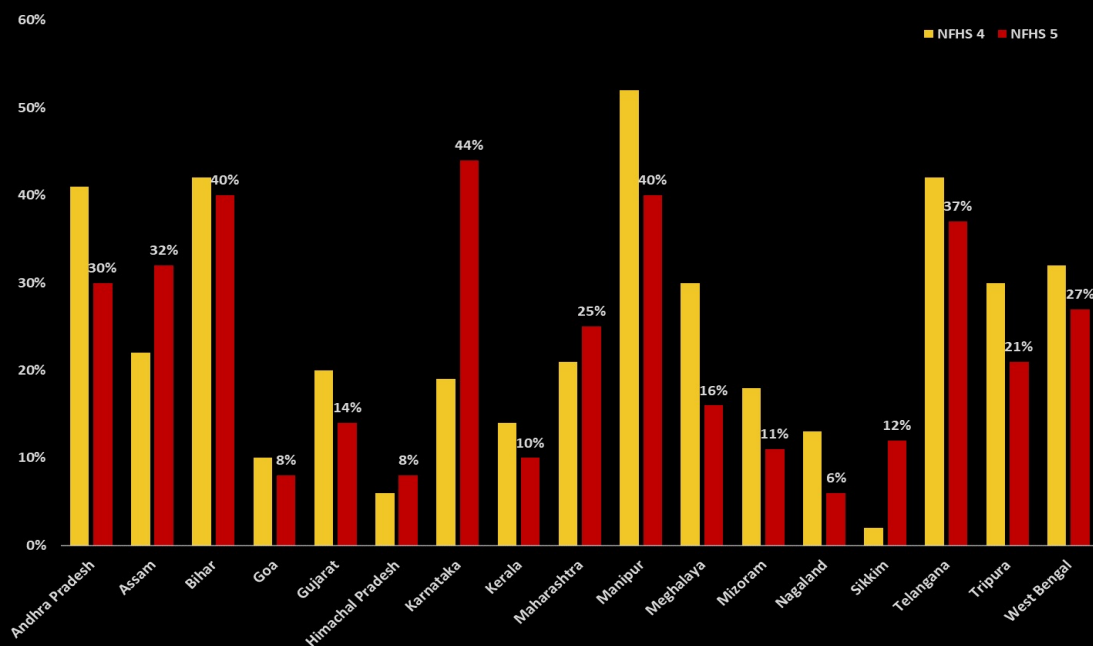


Figure 4: (Ministry of Health and Family Welfare, India, 2021)

As per NHFS-5 survey in 2019-2020, Karnataka had the highest number of domestic violence cases (44.4%) which had more than doubled since the last survey in 2016 (Figure 4).

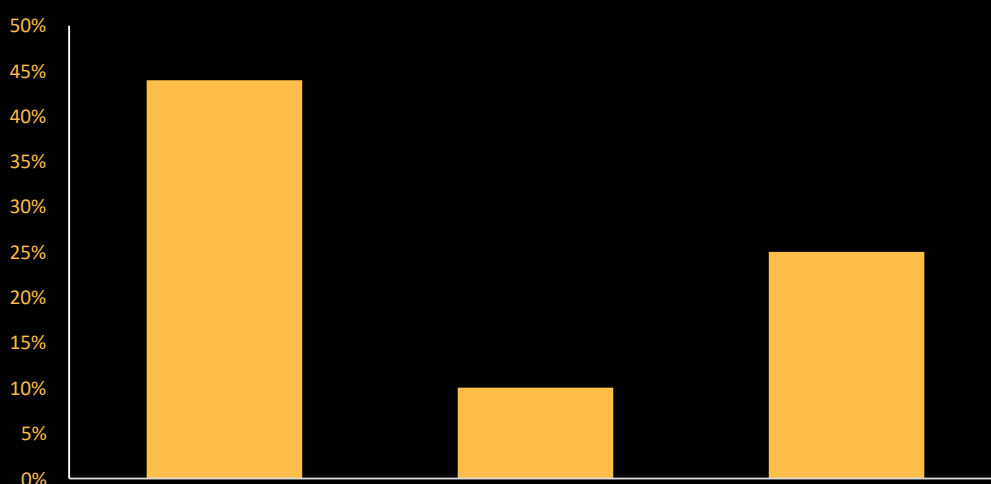


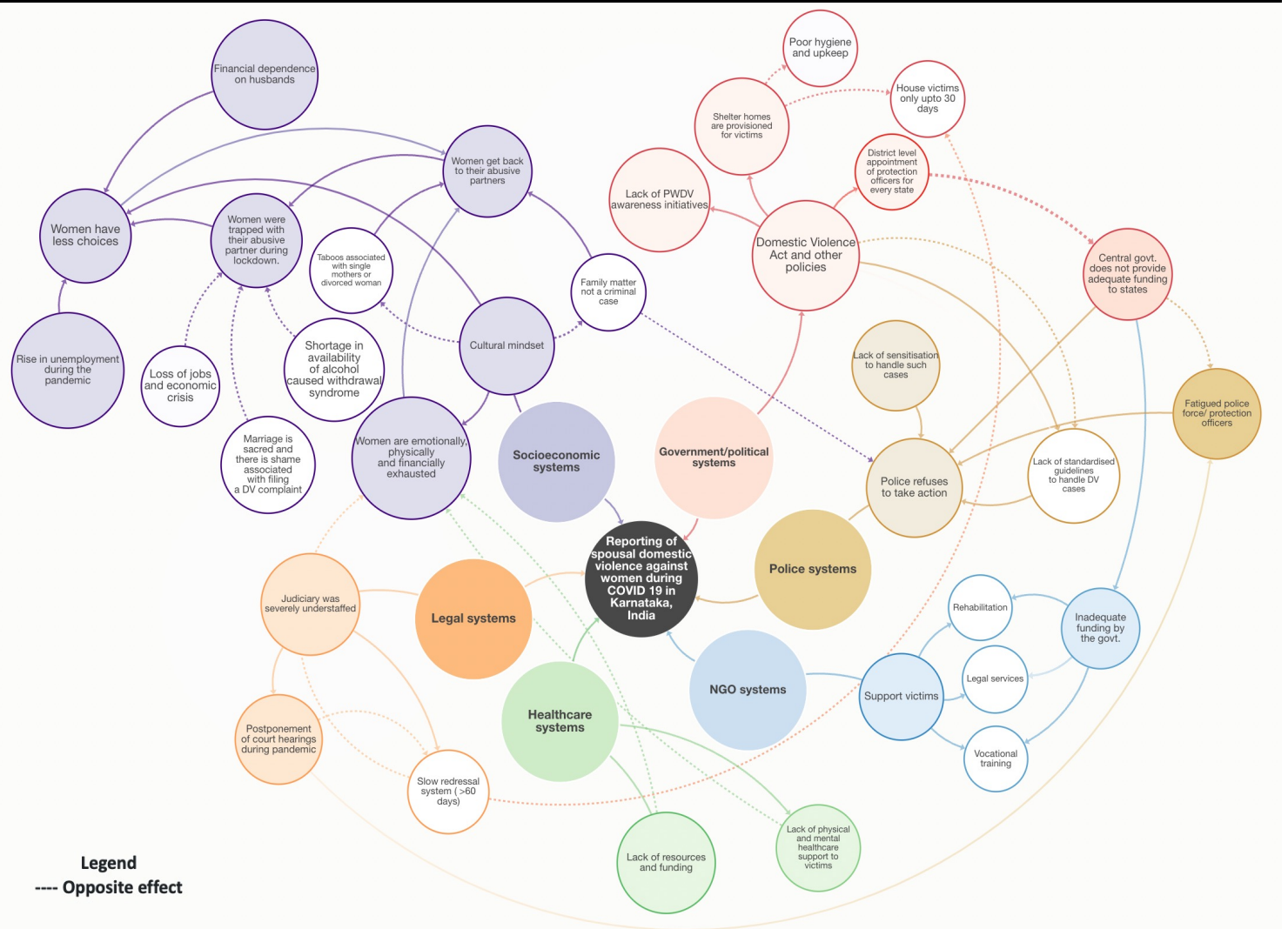
Figure 5: (Ministry of Health and Family Welfare, India, 2021)

The experience of spousal violence is slightly higher among women in rural areas (49 per cent) than in urban areas (48 per cent) (Madhavan, 2021).

However, only 12% sought help from police and 68% never sought help from anyone (Source : NFHS-5).

Challenge Landscape

SYSTEMS MAP



ROOT CAUSE ANALYSIS

Domestic violence cases against women doubled during COVID 19 pandemic

Prevalence of domestic violence is around 40% or higher, while reporting is less than 8%

The Ministry of Women and Child Development underspent its allocated budget by utilizing only 20% of the funding it received in 2019

81.9% men (highest in India) and 76.9 % women felt violence is justified

Between 2007-08 and 2015-16, as many as 32,126 Domestic Violence cases were registered across the State. However, only 16,390 cases were disposed off (51.01%).

Inadequate implementation of PWADVA

Poor infrastructure in shelter homes

Lack of emphasis on Domestic Violence

Lack of awareness around PWADVA

Gender roles

Patriarchy

Marriage is sacred

Objectification of women

Normalized violence

Stigma

Generations of abuse

EVENTS

PATTERNS

UNDERLYING STRUCTURES

MENTAL MODELS

Patriarchal nature of marriage

According to the ancient HinduText, Manusmriti “A good woman should worship her husband like a god. and the one desiring to go to the same world as her husband, should never do anything displeasing to the man who took her hand, whether he is alive or dead” (Olivelle & Olivelle, 2004).

Normalization of abuse in marriage

According to the NFHS-5 2019-2020 survey, Karnataka had the highest percentage of men (81.9%) and 76.9% women who agreed that a husband is justified in hitting or beating a wife” (Ministry of Health and Family Welfare, India, 2021).

“58% men agree that if a wife refuses to have sex with her husband he has the right to get angry and reprimand her” (Ministry of Health and Family Welfare, India, 2021).

In majority of cases, women don't receive any support from their natal families where parents are reluctant in taking back their own daughters even if they are stuck in abusive marriages.

“ In majority of cases, the children who grow up in such households where they see fathers beating up their mothers are prone to normalize violence as part of marriages and they continue to do the same when they themselves get married, as they believe this is how marriages work. ”

- Urvashi Tilak, Director, Restorative Justice at CSJ

Sex as taboo

“In India, there remains a perception that sex education may corrupt or spoil the youth in the country. It is considered as ‘western’ and not a part of ‘Indian culture’. This, in turn, has made young people more vulnerable to gender-based violence” (Pawsey, 2020)

Objectification of women

In a culture where DV is still glorified in movies, the voice of the women and her consent is often not acknowledged.. Consent is not taught or practiced and men who ask for consent are perceived as weak and not masculine enough.

OTHERS FURTHERING THE CAUSE

Lack of awareness

“The National Crime Records Bureau (NCRB) report collates the crime statistics from all the states across the country. It considers the crime rate under Section 498A of the IPC, as the number of cases reported by women’s population in lakhs. On the other hand, the National Family Health Survey (NFHS-5) (2019-2020) is an independent, reliable and nationally representative data source that also collects self-reported responses for spousal violence” (Seth, 2021).

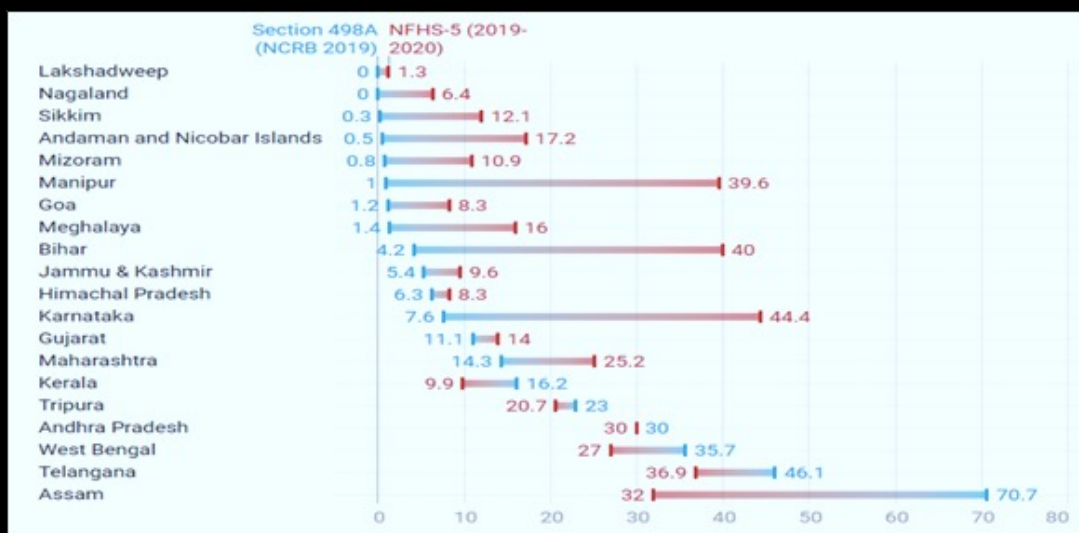


Figure 6: The blue indicator depicts the number of cases filed under section 498A of the IPC or ‘Cruelty by Husband or His Relatives’ divided by the women’s population in lakhs. The blue indicator reports the percentage of ever-married women aged 18-49 years who had experienced spousal violence (Seth, 2021).

Also, unlike NFHS-5, NCRB covers the cases (1) filed by the women outside the 18-49 age limit, and (2) those filed against the spouse’s relative (not just spouse, as covered under NFHS-5) who inflicts cruelty. Hence, taking into consideration the wider reach of NCRB than NFHS-5, the issue of underreporting requires urgent attention (Seth, 2021).

The primary reason behind severe underreporting is lack of awareness of what constitutes as DV. Based on our conversations with the NGOs, we got to learn that most women believe that spousal violence only means physical violence, and also only the extreme cases of physical violence where the woman is brutally beaten up to the extent of bleeding and losing consciousness are reported.

Poor implementation of the PWADVA

According to the PWADVA, if a woman has faced DV, the protection officer is the first point of contact and Domestic incident report needs to be filed by them. However, these officers aren't sensitized enough to deal with such cases, they often refuse to accept complaints and ask the women to resolve it with their husbands as for them spousal violence is not a crime, but a marital conflict that should be resolved within the confines of the home.

Based on a research conducted in 2018 by Karnataka Evaluation Authority, only 20.77% cases were registered through protection officers while 63.69% of cases were registered through the Santhwana Kendras (service providers) which indicated that women were more comfortable with approaching service providers than protection officers (KARNATAKA EVALUATION AUTHORITY DEPARTMENT OF PLANNING, PROGRAMME MONITORING AND STATISTICS GOVERNMENT OF KARNATAKA, 2018, pp. 94-95). Refer Appendix 2.

"There is also massive time lag between filing cases and final verdict, average time often stretches upto 1 year whilst cases are supposed to be disposed off within 60 days as per the PWADVA which results in loss of interest. Between 2007-08 and 2015-16, as many as 32,126 DV cases were registered across the State. However, only 16,390 cases were disposed off (51.01%)" (KARNATAKA EVALUATION AUTHORITY DEPARTMENT OF PLANNING, PROGRAMME MONITORING AND STATISTICS GOVERNMENT OF KARNATAKA, 2018, pp. 1-2)

“ She filed her case in 2021, her hearing hasn’t happened effectively, mediation failed, nothing constructive has happened for a whole year; she faced economic abuse, she couldn’t buy sanitary pads and recharge her phone, and she faced emotional abuse since her husband was having an extra-marital affair ;she could only return home because her family was supportive ”

- Interviewee 5 on a lady living in Bangalore

Lack of emphasis on DV

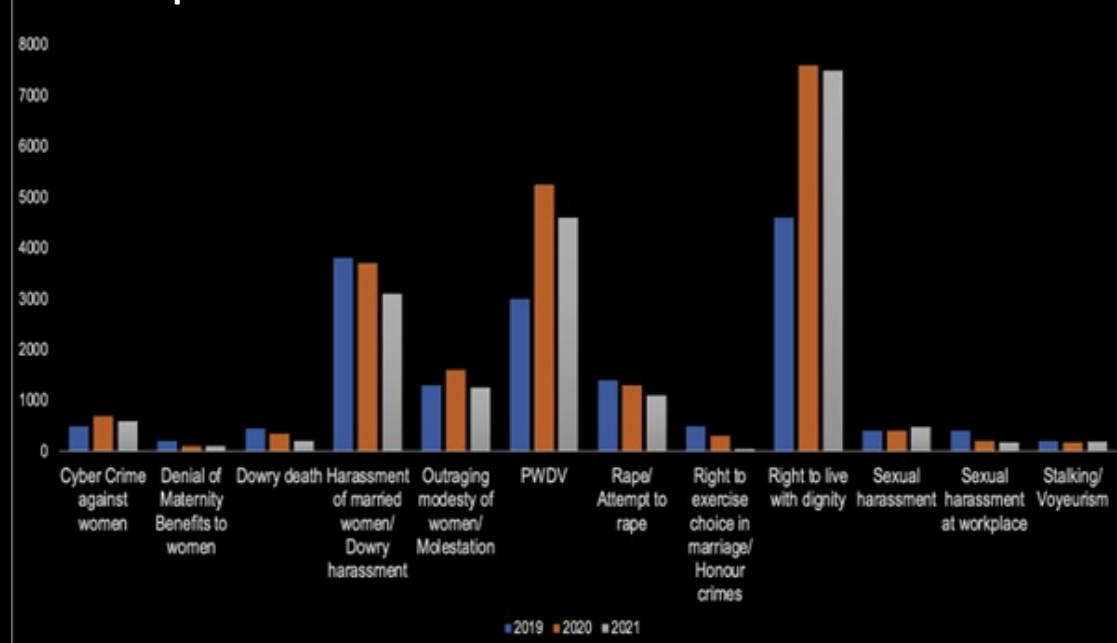


Figure 7: Trend Analysis of Gender Based Violence (Suri, et al., 2022)

As per the complaints received by National Commission for Women between 2019-2021, DV, dowry harassment and violations of right to live with dignity were higher than the other gender-based violence cases. “It is important to note here that all of these cases are associated with the presumed “safe” space of a household.”

“While cases of sexual assault and rape might grab headlines, DV remains the top crime women faced in 2019” However, according to Dr Nayreen Daruwala, Head of the programme on prevention of violence against women at the NGO, Sneha, minor injuries are recorded as accidents and are often swept under the rug by the police and healthcare workers (Dhawan, 2020).

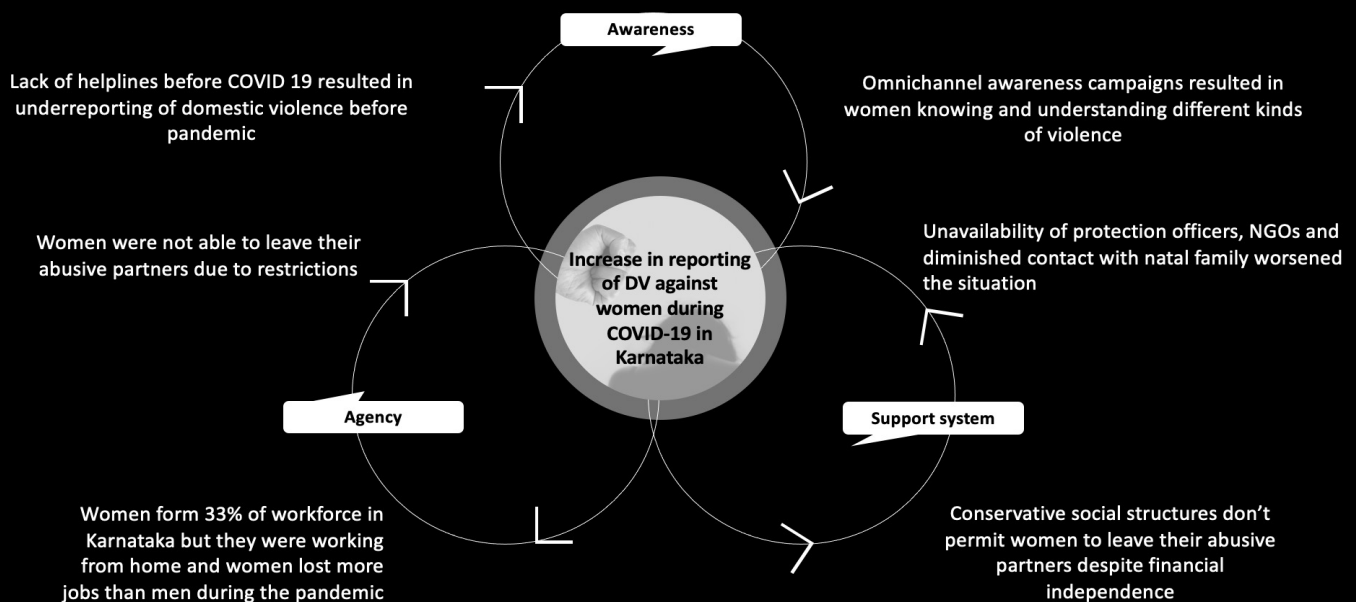


Swati Maliwal, Delhi Commission for Women Chief

“Over 64.5 per cent such cases are pending investigation with police, of which, several hundred have been pending for last five years. The data showing severe pendency validates the complaints of women that cases of domestic violence do not figure in the priority list of the police”

(The New Indian Express, 2019).

PANDEMIC AS A CATALYST



RESTRICTIVE MOVEMENT

On 22nd March 2020, when the nationwide lockdown was announced and it extended for over two months, social distancing measures imposed to curb the spread of the virus made women more vulnerable to DV (Krishnakumar & Verma, 2022)

According to UN, women were fighting a shadow pandemic inside their homes.

“ I can't call at my house as he keeps checking me and what all am I doing. If by any chance I even dare to answer back or refuse, all the anger is on me, I will be beaten up and I know I have no choice either. Rather than dealing with this torture, I would prefer to die of Corona ”

- A lady staying with her husband in rural Karnataka

Nair & Banerjee, 2021)

Launch of helplines and promotion through multiple channels

During the first lockdown in 2020, the NGO received 65 cases daily and it more than doubled in 2021. This was majorly attributed to helpline numbers being made viral on social media (Interviewee 4)

In March 2020, there was a decline in number of cases because people were not aware of the organizations and helpline numbers for the first two weeks. However, when the curated list of organizations was made available through social media, around 150 calls were recorded every day compared to 10-15 calls before the list went viral. (Interviewee 2)

Social media has been proven an effective tool in battling DV; While DV functions through the “isolation of its victims, social media facilitates a connection to the outside world” (Open Forest, 2017)

The recording of two-fold increase in DV also paved the way for the launching of a new helpline which enables women facing DV to send a WhatsApp message to avail help easily. (Chandra, 2020)

NCW Chairperson Rekha Sharma told The Hindu that they launched the WhatsApp number since it is easy to use along with social media, news media, radio as well as NGOs to create awareness.

Unavailability of support system

“The machinery under the Protection of Women from DV Act had not been identified as an essential service during the lockdown. Hence, the protection officers were not able to visit households of victims, NGOs were not able to have physical interactions with them and the police officers being at the frontline in our effort to tackle COVID-19 were overstretched to help victims effectively” (Arora & Jain, 2020).

Natal family is also the first point of contact for women, however, constant presence of the abuser made it difficult for them to reach out to them or the police, hence, they resorted to reporting through other channels without the knowledge of the abusers (Arora & Jain, 2020).

“ Her daughter lives abroad and she reached out to Durga India to check on her. The woman was in an abusive relationship with the husband for 50 years, the woman packed her bags when her husband was not at home for 30 mins and travelled to the shelter home in Bengaluru ”

- Interviewee 4 on a 55-year-old lady living in rural Karnataka

Unavailability of support system

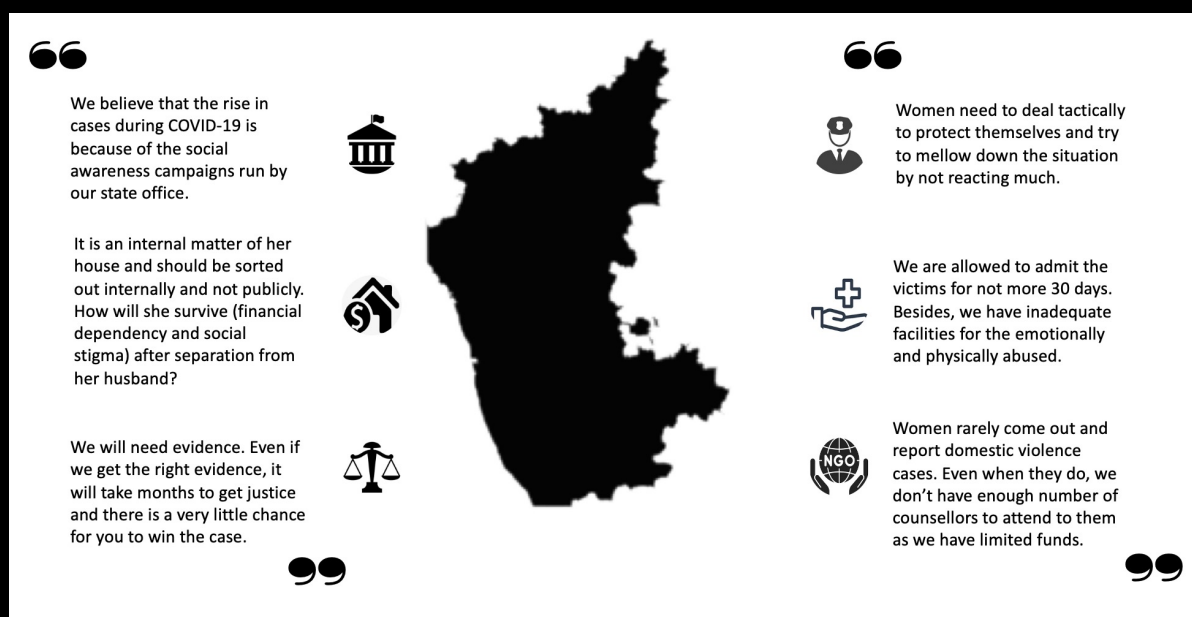
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Power dynamics between stakeholders



Solutions Landscape

Our research findings show the following solutions that are currently in place.

However, most of them are ineffective in tackling DV cases properly.

01. Courts

There are currently 44 million cases pending in all the courts in India. These backlogs in case disposal lead to delayed justice for survivors who filed a complaint (Interviewee 1,2 and 4). The DV Act stipulated a maximum of **60 days** for disposal of cases. In practice, DV cases take about **3 to 5 years** for disposal which is inconsistent with the letter of the law (Interviewee 1,4,5 and 6).

The pendency of cases is attributed to the shortage of Judges, police and court workers, as well as time-consuming legal procedures and processes (All interviewees). There are fast track courts established for sexual violence cases in India and the general public (Interviewee 4) and news reports and articles tend to favour establishing fast track courts (FTCs) for domestic violence cases as well. However, establishing FTCs and special courts to address domestic violence will be equally ineffective since it doesn't address the underlying issues that cause the backlog of cases.

02. Police

Most police officers come from the same culture and society as survivors and since cases are filed in local police stations, protection officers tend to know the survivors and the accused in personal terms which affects their discretion. It isn't uncommon for survivors to be discouraged by Protection Officers against filing an official complaint (Interviewee 5 and Deccan Herald, 2020). Women complainants often feel unsafe and uncomfortable sharing the details of their abuse with male police officers (Interviewee 1,2,3,4 and 7).

To tackle this, in 2021, Karnataka government introduced 36 all-women police stations that mainly take up cases related to violence against women and children. However, due to shortage of female officers in the police force, only 10 out of 36 stations have female officers (Bharat Times, 2021). Survivors still report challenges against filing formal complaints such as protection officers engaging in victim-blaming by using abusive language against survivors, long wait hours to file complaints (Interviewee 1,2 and 4).

03.

Shelter Homes

Currently, Shelter homes are available to survivors for just 60 days from the day a complaint is filed but it takes 2 - 3 years for case disposal (Interviewee 1). Shelter homes are unsanitary and needs massive hygiene improvement (Interviewee 4). Given the increase in number of reported cases, current number of shelter homes cannot accommodate all reported survivors. Vocational training courses for DV survivors are unavailable in most shelter homes (Interviewee 2). DV survivors often do not have access to psychological help and shelter homes do not have that provision at all (Interviewee 7).

04.

Central & State Govts.

In 2020, the Karnataka government ran numerous successful DV awareness campaigns and increased platforms for reporting. The National Commission for Women's Chairperson believe that these initiatives successfully led to an increase in reporting of DV cases during the pandemic in Karnataka (Roy, 2020).

In 2021, the Supreme Court issued a directive to state governments to stop placing the responsibility of Protection Officers on the shoulders of Revenue officers as per the DV Act. This is finally enforcing a better implementation of the DV Act by state governments (Thomas, 2022).

Long helpline numbers by the National Commission for Women: +91 721-7735372 are not easily memorable for someone in distress (All interviewees). 3 digit helpline numbers are suggested by all interviewees.

05.

NGOs

NGOs provide free services such as counselling services which shelter homes and government agencies currently do not provide for Domestic Violence survivors. Caseworkers in NGOs also assist survivors in navigating through the complex justice system which have been a deterrent for survivors in pursuing justice till a verdict is reached (Interviewee 2, 4 and 7). The Karnataka government notified 116 NGOs as service providers to provide free legal, medical, mental health-counselling and assistance as case workers to DV survivors by the end of 2021 (Karnataka State government website, 2021). This is a favourable step that other state governments fail to do (Interviewee 4 and 7). But these NGOs are struggling to provide high-quality service to every DV survivor due to lack of funding (All interviewees).

Protection Officers and NGO caseworkers tend to work in silos and there are no guidelines on how the 2 crucial stakeholders can work in tandem. This lead to survivors not receiving proper support available to them (Interviewee 3 and 5).

06. Funding

Following the infamous 2012 Nirbhaya gang rape case that shook the nation, the Indian government set up the Nirbhaya Fund in 2013 to combat violence against women. The Indian Finance Ministry provided INR 4357.62 crores to the fund by the 2019-2020 budgetary year. However, 73% of this fund is allocated to the Home Ministry which Oxfam identified has been utilized to serve programs not for its intended purposes (The Print, 2021 and Oxfam India, 2021)

The Ministry of Women and Child Development which is the nodal authority for the fund underspent its allocated budget by utilizing only 20% of the money it received in 2019. The state of Karnataka utilized about 57% of total allocations (Desai, 2021).

07. Education/ Awareness programs at schools

In 2018, the central government rolled out the school health programme under which children and adolescents in schools are supposed to be taught gender stereotypes and healthy interpersonal relationships. This programme was supposed to be mandatory as part of the school curriculum. However, teachers aren't trained to deliver the curriculum as they still consider sex education a taboo (Interviewee 4 and 7). The delivery of the curriculum is still rife with patriarchal mindset that defeats the purpose of the curriculum (Interviewee 1,2 and 4).

Gaps & Levers of Change

The solutions identified above face varied types of limitations. We have identified levers and intervention points to make these solutions more effective.

Gap 1: Lack of proper implementation of the DV Act.

Levers of change: All stakeholders need to be properly trained to effectively perform their duties as listed under the DV act.

Intervention :

- Re-engineering criminal justice process and building human capacity of courts would better address the pendency issue (Salve, 2020).
- The Supreme Court order to State governments to hire Protection Officers to tackle DV cases and not push the responsibilities of Protection Officers on the shoulders of Revenue officers need to be strictly followed.
- All Protection Officers should undergo sensitization training before they are hired (All interviewees).
- State administration must be directed to utilize the underspent Nirbhaya funds for the implementation of the recommended interventions.

Gap 2: Lack of holistic and survivor centric support.

Levers of change: All stakeholders must be made aware of the trauma and challenges that DV survivors go through before, during and after reporting. Institutions need to be re-designed to make them survivor-centric.

Intervention :

- Carefully curated sensitization programs that addresses the root cause of domestic violence is crucial to create a survivor-centric justice system.
- The duration of stay at shelter homes should be increased to cover the duration of the trials (Interviewee1). The cleanliness of the shelter homes needs immense improvement with free sanitary pads. Shelter homes need to have in-house counselling services to assist survivors on their mental health improvement journey. Set-up vocational training courses at shelter homes for domestic violence survivors so they can become financially independent from their abusive spouses (Interviewee 2).
- Protection officers and caseworkers need to work in tandem with each other to provide a holistic and survivor centric service.

Gap 3: Lack of knowledge and awareness on what constitutes Domestic Violence.

Levers of change: Increase campaigns through various channels such as social media, radio stations, etc. to disseminate information on what constitutes domestic violence, how to prevent it and where to seek support if faced with domestic violence.

Intervention :

- Teachers at schools need to be trained to properly teach these proper sex education to children and adolescents.

Gap 4: Inaccessible support for survivors.

Levers of change: Address systems in current institutions and criminal justice system to make it easier for survivors to navigate.

Intervention :

- Long helpline numbers need to be changed to easily memorable numbers.
- Since NGOs provide counselling and other services that other stakeholders fail to provide, state government need to increase their grants and other funding options.

Key Findings and Insights

Our team acknowledges our privilege of having no lived experience of spousal DV and our perspectives are limited to the case workers interviewed and not the victims themselves.

Through our research, we were able to understand the complexity of this issue and opened our eyes to some existing biases and assumptions. It also helped us understand the scale of it as it our interview findings revealed that women from upper-socio economic class are equally affected

“**In most cases women return to their husbands, even if they are financially independent, the only reason they file the complaint is because they want the violence to stop; there have been instances where the woman has herself bailed out her husband**”



- Interviewee 2

Underreporting is a looming issue but it's hard to accurately gauge the number of cases that go unreported.

The understanding of DV differs with individuals regardless of gender. Some individuals do not consider emotional abuse as DV despite clear mention of it under PWADVA.

In conclusion, we understand that true systemic change requires survivor centricity and even though the PWADVA is comprehensive and forward looking, improper implementation hinders the Act from properly addressing the issue. Awareness is the first step towards creating an environment that supports a survivor in understanding the severity of the crime, and reporting it but also giving them the agency to make the decisions towards getting out of the abusive relationship. This will also help prevent underreporting in the future and provide enough data to formulate survivor centric solutions. Finally, solutions to address DV must be enacted while keeping in mind the existing structures and resources available to DV survivors.