

# The Journal of International Relations, Peace Studies, and Development

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Volume 7  
Issue 1 *The Journal of International Relations,  
Peace Studies, and Development*

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Article 1

2022

## Intersectionality and Impact of Covid19: Politics of the Private Sphere and Gender-based violence

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### Recommended Citation

Sabah Hussain (2022) "Intersectionality and Impact of Covid19: Politics of the Private Sphere and Gender-based violence," *The Journal of International Relations, Peace Studies, and Development*: Vol. 7: Iss. 1, Article 1.

Available at: <https://scholarworks.arcadia.edu/agsjournal/vol7/iss1/1>

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## **Intersectionality and impact of Covid19:**

### **Politics of the Private Sphere and Gender-based violence**

**Sabah Hussain**

#### **Abstract**

One of the primary contradictions in the administration of power consists of inequalities between women and men. The attitudes, behaviours, and roles which societies prescribe as congruous for the construction of 'gender' can be the consequence, the root, and structure of power relations, involving the very intimate domain of the domestic to the utmost levels of the political sphere and decision-making. As the COVID-19 crisis deepens economic and social strain combined with social isolation measures and constricted movement, the instances of gender-based violence also started to rise exponentially. Many women were being forced to 'lockdown' in the domestic setting with their abusers at times when services to survivor's support were being rendered disarrayed. The crowded homes, limited access to services, substance abuse, poverty, patriarchal norms, and reduced peer support have exacerbated these conditions (Meerambika Mahapatro 2021). In the case of India, which is a highly patriarchal society, already having poor records of gender-based violence and a lack of support networks for the same has shown an exponential increase in the cases of domestic violence during the period of 2020- 2021. As per the data of the National Commission for Women, Delhi; the rise in the cases against women in domestic settings can be categorised in three categories as: to secure the right to live with dignity (36%); domestic violence cases

(21.6%); and matters of harassment of married women including dowry persecution (15%). These are only the institutionally reported cases, there is an abundance of cases which have not been even reported. This deepens the classification and the politics of the public and private sphere for Muslim women even more. In this paper, I am using the framework of intersectionality to read the perpetration of violence against Muslim women in India which were reported to the National Commission of women and the experiences of workers of BMMA in the above-mentioned three categories using Routine Activity Theory. This paper also studies the Post- Covid changes in the bargaining of Muslim women in the political and private spheres, hence choosing economic mobility and political agency as the important variables of the study.

**Keywords:** Intersectionality, COVID-19, Private Sphere, Gender-Power Relations, Gender-based violence, Political Agency.

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## 1. Introduction:

In the year 1995, the government of 189 nation-states, 17,000 participants and 30,000 non-governmental representatives gathered in Beijing for the occasion of the two weeks World Conference on Women. The representative put together a document of commonly agreed objectives for stepping up for gender equality. The document contained critical areas needing immediate attention in 12 categories. In each critical area of concern, strategic objectives had been proposed after diagnosing the problem, and the actors decided to take concrete actions in the respective area. The document hence put together becomes a comprehensive guide to the conceptualisations of the main areas of focus along with problem areas to gender equality.

The Twenty-fifth anniversary of this event was 2020, which also had been marked as a year to test and check the success of the ground-breaking document. But instead, due to the spread of the global pandemic of COVID-19, even the limited sensitisations came at the risk of retrenchment. Due to the pandemic, there is a surge in the already existing inequalities, exposing vulnerabilities in economic, social, and political systems which amplified the impacts of the pandemic. In the concerning spheres from social protection to health to the economy, the repercussions of the COVID-19 had been aggravated for women simply on the account of their sex (UNDP Brief 2020).

As the pandemic deepened the social and economic strain resonating with the prescribed social isolation measures and very constricted movement resulted in the exponential increase in gender-based violence. Crowded homes, reduced support from peers, abysmal access to services, and substance abuse, fuelled the misery of the women. Numerous women had the absence of enabling environment and due to the pandemic, they were put in the situation of

'lockdown' within the four walls with their abusers or potential abusers. The repercussions of violence always increase manifold in the desperate times of medical or war emergencies when there is little to no social cohesion along with very few services and institutional capacities (UN Women 2020a). Prior to the pandemic, it had been approximated that every third woman would experience violence during their life trajectory, which is reported to have increased in several countries during the pandemic (UNDP Brief 2020). Without access to the resources and public spaces, countless women struggled to even have access to get on the line to seek support and help.

"86 percent of women who encounter domestic abuse do not ask for aid, and 77 percent of victims do not even disclose the occurrence to anybody," according to a recent research done in India (Radhakrishnan and Singaravelu 2020).

Other than the rise in figures, violence against women has taken a different level of convulsion as there have been occasions of abusers taking advantage of the incapacity of women to call for help or escape along with other risks of women being thrown out on the street with nowhere to go in the strict lockdown. At the same time, support services were at their lowest. The legal, judicial, and health services that are generally the foremost responders for women were overwhelmed, had repositioned priorities, or were otherwise rendered ineffective. The NGOs and groups of civil society had also been rendered dysfunctional by the lockdown or by the reallocation of resources. Most of the domestic violence shelters were full to the capacity; the rest have had to close or had been remodelled as health centres. Survivors had generally limited information and awareness about services available. In many countries, the resources had been rerouted to respond to immediate COVID-19 relief from violence against women.

## **2. Objectives of the study:**

The paper examines how the marginality of the Muslim community in India intersects with gender-based violence. How the communication and radicalisation aggravated during and before the first wave of Covid-19 in India along with the already existing poor socio-economic positioning of Muslims. I discuss the intersectional case of Muslim women located in the current governmentality of the Indian state with respect to the personal laws, and discourse related to it.

The paper also discusses how the above factors impacted Muslim women's bargain to health services and response to domestic violence in the period of 2020-2021. In conclusion, I discuss the limitation of access to the public sphere for women in general and Muslim women, in particular, to gain support for Gender-based violence during COVID-19, the continuum between community responses and state responses, and the variables of accessibility of legal infrastructure in entrenching Gender-based violence at structural and interpersonal levels in India.

## **3. State, Muslim Identity, and COVID-19**

In India, the national lockdown was announced on the 22nd of March 2020 for a week, which got extended until May 2020. In India, the few media houses, having rightist leaning started indoctrinating a communal narrative to the COVID-19 pandemic. The national capital territory of Delhi became the epicentre of the polarisation when several visitors to one of the Muslim congregations 'Tablighi Jamaat Markaz' were found to be Covid-19 positive. The kind of media trial and the stigmatisation that followed altered the narratives of Muslim

identity politics in India, and also impacted the Covid-19 response from the side of state agencies to the Muslim populated areas.

The Muslim identity in Indian politics tracing from the Indian nationalist movement is constructed as ‘the other’. This was also the time communal tensions and manifestations in the form of riots have been witnessed in India. The ‘othering’ is very visible in the kind of settlement patterns Muslims have in Tier-1 cities of India. The ghettos of the Muslim community in India, are mostly devoid of basic essential infrastructure like lack of electricity, proper roads, running water and most importantly the health infrastructure etc.

According to Hilal Ahmed in his book ‘Siyasi Muslims’, the recent governments have graded Muslims of India in three metaphors – the Muslim vote bank, Muslim Appeasement, and the Indianisation of Muslims (Ahmed 2019).

Zoya Hasan and Ritu Menon, provide quantitative data and the developmental status of Muslims, they also argue that because of the discrimination Muslims face in the various aspects of public life leads to their economic backwardness (Hasan and Menon 2005).

The poorer Muslim population in various such cities are impoverished of basic entitlements, and the benefits of government schemes. Therefore, when the communalisation of the pandemic started happening at the beginning of Covid19, the personnel of the state authorities at the grass-root level were reluctant to pay a visit to the Muslim ghettos to herald the fundamental information about hygiene, and social distancing in these populaces.

The narrative of ‘corona jihad’, unfurled by the click-baits and news channels having rightist leaning exasperated the feeling of ‘othering’, vulnerability, and insecurity in the Muslim community as this section of the population was already being impecunious and had difficulty in making their ends meet. After all, a substantial portion of the Muslim community works in the unorganised sector, and therefore the COVID curfew had been disastrous for

them in many ways. With a few exceptions, it has been even more disastrous for Muslim women. The ‘othering of the other within’ has disproportionately affected Muslim women.

This concept of ‘othering’ was devised as a systematic theoretical concept first by Gayatri Spivak in 1985. Significantly, the concept of ‘othering’ draws a philosophical and theoretical tradition of understanding of self which is mostly derived from Hegel’s dialectic of master-slave as employed in *Phänomenologie des Geistes*. This understanding of self on similar lines is found in the texts of de Beauvoir’s *The Second Sex* (1997).

#### **4. Theoretical Framework of intersectionality and Politics of the private sphere:**

“The personal is the political” an enunciation by second-wave feminist Carol Hanisch abridges the ventures undertaken by feminists to create consciousness about how the domain of private serves a quite methodical political objective. (Hanisch, 1969)

This dichotomy and division of public and private spheres have served to embed the system of patriarchy and warrant women's subjugation and suppression. For women to bring out concerns like reproductive rights, equal pay and the division of labour domestically, and various forms of gender-based violence are not only strenuous but turn out to be a long battle. These concerns rarely gain an equal amount of consideration as those matters which sway the public sphere. The entire political process is biased toward the public realm whilst largely disregarding the private domain. Masculinity is frequently depicted as the norm, while femininity is portrayed as second class. (Beauvoir 2015)

Men's sovereignty of political operations has been immortalised down through the generations by marginalising the domestic or the private domain. Therefore, feminists around



the globe have been stressing about gendering the “political” from the axis not explored before. Kate Millet, a second-wave feminist defines politics as “power structured relationships and arrangements in which one group of people and arrangements are governed by the other” (Millet 1978).

Scholars and researchers working in the realm of domestic violence argue that anthropometric criteria of structural and systemic inequality induce tendencies of brutalities in the domestic space. This can be seen as the extension of the primeval argument of the control over the woman and her sexuality to eventually control the property and inheritance.

The normalisation of the acceptability of violence against one section of the population, harmful gender norms, and power inequalities in conjugal and other relationships have been the chief factors of commitment to intimate partner violence (IPV) (McCarthy 2018).

Intersectionality theories emphasise the intricate, interconnected and cross-cutting relationship that exists between diverse forms of oppression, such as sexism, economic oppression, racism, and heterosexism. Intersectional feminism emanated from black feminism, which has a long-standing experience of the connections between sexism, and racism ante ceding to the works of black feminists of the late 19<sup>th</sup> and 20<sup>th</sup>-century like Ida Wells, Maria W. Stewart, Sojourner Truth, and Anna Julia Cooper. (Allen 2021)

To rephrase, the notion of intersectionality has a lengthy and complicated history. Nonetheless, it is widely understood that legal theorist Kimberle Crenshaw’s critique of single-axis frameworks which treat gender and race as mutually exclusive groupings, for comprehending the dominance in the context of legal discrimination has inspired modern discussion and use of the word intersectionality (Crenshaw 1991).

### **Intersectionality and Muslim Women of India and Covid-19 pandemic:**

The case of intersectionality becomes even more complex if one takes into account the case of the Muslim women of South Asia. Muslim women are triply disadvantaged and bear the intersectionality of caste, class, religion, ethnicity, and gender.

Chandra Mohanty gives an intersectional analysis of gender politics in the context of the global south, having the axes of state, race, colonialism, sexuality, gender, and class. Mohanty has raised concerns about the impact of the monolithic portrayal of women in the Third World, who lack agency and initiative but the consciousness and the region-specific studies may help to bring about a cross-cultural alliance of the feminists and the discourse. (Mohanty 1991)

In this paper, I would extend the framework of intersectionality to study Muslim women's identity in India and also the survivors of gender-based violence. In India, Muslim women exhibit marginality combined with intersectionality and have been long left behind in the fight for their status and rights within society (Bagchi 2014). These women have always been found to be caught between political considerations and personal marginalisation on the macro-level of the public sphere.

Due to patriarchal misinterpretations of Islam, Muslim women's 'being' and 'life' have been constantly harmed concerning Sharia law vs the Uniform Civil Code, triple talaq, interfaith marriages, and most recently- the hijab. For Muslim women, political dominance takes the form of assent to a constructed 'gendered common sense', which is precisely constructed by the burgeoning of discourses that naturalise and normalise the existing order.

In the Muslim women survey, the first comprehensive baseline survey of Muslim women in India by Zoya Hasan and Ritu Menon evaluates the situation of Muslim women from

social equity and gender lens and the repercussions of violence on the lives of Muslim women:

“Violence, or the threat of violence, within the home—where she spends the greater part of her life—and the lack of any viable options to it, keep her in a highly subordinated and often abusive relationship, while cultural and social norms, used with a pervasive patriarchy, allow her little choice or decisional autonomy in practically every aspect of her life.” (Hasan 2004).

The suits of Muslim women in the Supreme Court of India, which created a stir in the country against Triple Talaq, includes names like Shayara Bano, Ishrat Jahan, Aafreen Rehman, Atiya Sabri, Gulshan Parveen, who have all been survivors of domestic violence (Khan 2020). The Supreme Court of India formed a 5-judge bench after accepting Shayara Bano’s petition on 30<sup>th</sup> March 2017. The bench pronounced its judgment on 22<sup>nd</sup> August 2017 professing the practice of Triple talaq unconstitutional by a bench majority of a 3:2 ratio. (Supreme Court Observer 2017)

Jamil in her book "Muslim Women Speak: Of Dreams and Shackles." criticises Habermas' idea of the "Public Sphere" as exclusive of women and other underprivileged groups. The more comprehensive definition by Nancy Fraser, which Jamil uses in her framework, further critiques and revises this idea (Jamil 2018). For women to express their "every day," they need to create a public space. "Every day" is a site of enforcement and intrusion by the "private," thereby reducing public space. The public sphere is therefore an imaginative realm of appearances and ideational interactions, but an enabling physical space is also necessary for discursive political developments. (Hussain 2020)

The idea of inter successive suppressions includes layers of religion, gender, and class adding another layer to the crisis of the pandemic. Hence, the model thus created recounting

the structures of social positions for Muslim women in society before the pandemic. The worst-hit in this pandemic are the pre-existing subaltern and marginalised sections and identities of our society, which very importantly includes “subaltern Muslim women”. (Agnes, 2012)

On the second layer of oppression and intersectionality, a micro-level process of defining the social position of each group within all the other added layers of oppression is defined by the axis of intersectionality.

The third is the situation of lockdown added to the already deprived social realities of these women. Together they shape oppression and structural violence.

## **5. Gender-Based Violence: Perspective and Approaches**

Gender-based violence (GBV), which also includes Intimate- partner violence as its component, is a surviving universal pandemic that strikes one out of every three women at a certain period in their lives. An estimate of around 736 million women around the globe are the victims of non-partner sexual violence (NSV), intimate partner violence (IPV) or both at some point in their lives. The severity of the problem has long been recognised by the world community. Violence against women in general, and domestic violence in particular, has become increasingly recognised as a violation of basic human rights in both developed and developing countries during the last few decades. After the United Nations General Assembly passed the ‘Declaration on the Elimination of Abuse against Women in 1993, which called for immediate action against domestic violence, legal and policy measures in this area gained traction.

Domestic violence was legally defined for the first time in the same assembly. This was also mentioned in the ambitious agenda for women's empowerment included in the 'Beijing Declaration and Platform for Action' of 1995. Following the events, a good number of research has been done on the health costs, intergenerational repercussions, and demographic consequences of such violence (UN Women 2020a).

The United Nations established the Agenda for Sustainable development 2030, consisting of a Universal agenda to prohibit all kinds of violence against women in both public and private spheres (UN Women 2020b).

The World Health Assembly, in 2016 passed Resolution 69.5 establishing a plan of action to increase the health facility's engagement with multisector reach to inter-personal abuse, especially against young girls. Despite of all the directives, 49 nation-states are yet to create an official domestic violence policy (UN Women 2020a).

Women in low and lower-middle-income nations are inordinately overblown by the violence, which has considerable long-term as well as short-term effects on their well-being and health. The long-running pandemic of COVID-19 has claimed the lives of more than five million people and had more than 300 million across the globe under its infection. The lockdowns and halt in commercial activity have had a major economic impact, with countries still reeling from the consequences.

The pandemic's humanitarian consequences have been enormous. It resulted in a "Shadow- Pandemic" in which especially marginalised and vulnerable people were exposed to more abuse and violence as a result of the successive lockdowns and disruptions to the crucial support services. The hazards have been amplified by economic instability, jeopardised livelihoods, and higher stress levels due to the dual load of care and home

responsibilities. There has been a thirty percent spike in reported domestic violence in several countries (UN Women 2020).

Historically, women have been excessively impacted by rising violence in domestic settings when social infrastructure fails due to crises and catastrophes. Similarly in the year 2014-16 at the time of the Ebola outbreak in Africa, for example, gender-based violence had increased by 19% in Sierra Leone. Domestic abuse-related offenses in England for example, increased from nine percent by 2019 according to the 2020 Crime Survey (UN Women 2020a).

In India, 30% of women since the age of 15, have experienced domestic violence at least once and 4% of ever-pregnant women have endured spousal abuse during their pregnancy. A 2017 study in India, Bangladesh, and Nepal found Gender-based violence to be high stakes for unintended pregnancies among young adult married women (UN Women 2020a).

IPV and clinical depression have also been linked in studies from several nations, with moderate to high positive relations found in the studies. According to the study conducted by Observes research foundation (ORF) in India, women who have been exposed to IPV (intimate- partner violence) had a triple strain of increased risk of depressive disorders, and an approximate two percent increased risk of postpartum depression (Dlamini 2021). This may also be manifested in the form of preterm deliveries, low-weight babies, and impacting neonatal mortality. The reports of gender-based violence are often ignored, unrecognised and underfunded. This pattern is not region-specific and is found all around the globe mostly.

### **Intimate Partner Violence in India: An analysis**

In South Asia, particularly in India, the definition of a domestic partner is not limited to intimate partner violence. Historically, in India, violence in conjugal relations is associated

with dowry deaths. As a result, the first laws in the country to prevent "dowry- deaths" violence were enacted in 1961, a revision or an amendment in the (PWDV) Dowry Prohibition Act. Under section 304B of the Indian Penal Code, demands of dowry made by my husband or in-laws and any sort of resultant violence in response were made illegal.

As feminist activism and scholarship advanced, transdisciplinary studies conferred transparency to the multi-dimensional scale of causalities of family and spousal violence and its consequences on women (Shobha Suri 2022). Earlier it was considered only a women's issue, a problem that needs to be taken forward by the women activist groups only, and barely any substantial consideration was given by lawmakers. Even 'Towards Equality' a report published by the committee constituted on the status of women in India in 1974-1975, failed to give space to 'violence' in it (Hasan 2004).

Domestic violence victims are frequently abused in the safest environment they have - their own homes - and by the people, they trust the most. Even though under the Indian Penal Code (IPC) section of 498-A, domestic abuse has been recognised as a criminal offence but there was no distinct civil legislation to address the special issues connected with domestic violence until the last decade.

The implementation of the (PWDVA) Protection of Women from Domestic Violence Act in 2005, has now met the requirement for battered women to be protected and cared for. The law also recognises that in some cases, punishing and imprisoning the husband may not be the best solution in each case. The act provides women (wives and live-in partners) a legal remedy when they are victims of domestic violence, whether it be physical, mental, sexual, emotional, or financial. Violence against married women (by spouses and others) as well as unmarried women (by anyone) is covered under the law (including boyfriends). An exclusive civil law, (PWDV) The Protection of Women from Domestic Violence Act of 2005 was

eventually enacted to provide swift recompense to women in distress surviving abuse by their partners or in-laws.

Domestic abuse is still prevalent in India today, affecting people of all castes, classes, religions, ages, and educational levels. Karnataka, Bihar, and Manipur live on to record the soaring rates of marital violence in India, according to recent data from the fifth NFHS of 2019-21 (G. o. India 2021). Curfews induced by the pandemic and their economic and social effects have risen women's subjection to abusive spouses and factors of risk while already restricting their access to resources in the last two years.

Going by the definition in the Protection of Women from Domestic Violence Act, violations of the right to live in dignity, the dowry harassment have all experienced an increase. It's worth noting that all of these incidents are linked to a household's ostensibly "secure" space.

As per the recent National Family Health Survey of India, Domestic abuse affects 37% of women aged 15 to 49 in the least developed nations throughout their lives. The danger is significantly higher among younger women (15-24), with one out of every fourth woman, ever being in a relationship experiencing some sort of violence (G. o. India 2021).

In India, according to the National Family Health Survey (NFHS) which is a multi-round survey conducted on a representative sample of households throughout India. According to the National Family Health Survey (NFHS), multiple survey rounds were conducted on representative samples of households across India- the percentage of women experiencing violence committed by their husbands in 85.3 percent of cases is physical violence, and in 87.5 percent of cases are sexual violence (Golder 2021). Hence, National Family Health Survey aptly stresses violence perpetrated by the spouse than by other perpetrators and collects detailed information on spousal violence.



Women's power and subjugation differ according to class, caste, religion, geography, and ethnicity in different countries. Other variables of intersectionality and social positioning includes, such as participation in household choices, employment, and drawing their income, have been found to have a positive causality with domestic violence in some studies: a woman who has a source of income or is self-sufficient in terms of finances has fewer chances of undergoing violence.

## **6. Statement of the problem:**

This paper incorporates the factors of structural inequality which shape violent behaviour differently for men and women, adopting an intersectional approach that recognizes the differentiated impacts of COVID-19 on Muslim women that face multiple forms of discrimination. Using data collected over interviews with a member of NGOs working in the field and partner-reported data from the period 2019-2021 of the Fifth National Family Health Survey.

There is an antithesis between the report published by the National Family Health Survey and the interview and data received from National Women Commission, Delhi.

In the last two years of the pandemic, dissatisfaction with seeking common out-of-court goals seems to have increased significantly. At the same time, First Data Reports (FIR), registered with the police, have dropped significantly. Across most of the reports from judicial-legal departments in India during and after the COVID, recorded cases are the same as or less than in 2019 contrary to National Women's Commission data. (PTI 4<sup>th</sup> May 2020)

This dip in the registered cases could be accredited to the very poor access to the support group and social isolation, confinement of survivors of violence at home due to lockdown, regular control and monitoring by the abuser along with manipulating decision making.

The study undertakes the three variables of gender-based violence a). The right to live with dignity b) Intimate-partner violence cases under gender-based violence and c). Matters of harassment of married Muslim women including dowry persecution using the Routine Activity framework.

### **Methodology:**

- Interviews, and grievances received by the secondary sources. The study of the works of NGOs in Delhi and the report of the work of organisations like BMMA (Bhartiya Muslim Mahila Andolan) and others in the Muslim ghettos.
- Use of the work of the Muslim Women Survey undertaken by Zoya Hasan and Ritu Menon. This survey was the first survey to describe the status of women and situate them in a community, class, and regional context along with a special focus on the nature of disadvantages and social inequalities in Muslim women of India covering 40 districts of 12 states of India, depending upon the density of the Muslim population.
- Interviews with the members of the women's commission of Rajasthan along with the volunteers of an NGO regarding the nature of cases encountered during Covid-19. Here, secondary sources are undertaken and no direct telephonic calls with the survivors are done.

- Incorporating and comparing the data of the Fifth National Family Health Survey (NFHS), along with the Intimate partner report released by the National Commission of Women (NCW), Delhi during the Pandemic in the period 2020-21.

## **7. Use of Routine Activity Theory in Gender-based violence amongst Muslim Women in India:**

Cohen and Felson (1979) proposed Routine Activity Theory while researching the shift in the rates of crime in the United States from 1947 to 1974. Scholars have focused on aspects that aid criminal behaviour rather than the idiosyncrasies of their contemporaries' criminals. Cohen and Felson (1979) established three components that must be present at the same time and in the same place for illegal acts to happen: a). Motivated offenders, b). appropriate target/prey c).the unavailability of capable guardians.

As per Felson and Cohen in their 1980 work a). A motivated offender would be someone able and willing to commit a crime. b). an appropriate target would be a person the probable offender can threaten (Miro 2014). c). A capable guardian would be an entity or a person capable of deterring or preventing a prospective criminal from carrying out its intentions and actions (Felson and Cohen 1980).

As per the scholars, the confluence of these aspects in time and space has an impact on our daily lives and actions. Routine activities were the name given to these regular tasks. The non-criminal and criminal behaviours are interweaved, mostly in routine activities of the individual, no matter how lawful; which may allow criminal activity (Felson and Cohen 1980).

Men are primarily perceived as culprits in cases of domestic violence (J.S. Malik 2019). Though men can be victims of domestic abuse domestic violence is more commonly linked to women in patriarchal countries (Dutt 2018). According to Felson, criminals frequently seek to put in the least amount of effort possible when carrying out illegal actions, such as going a shorter distance to identify a victim and selecting a target who is visible and close (Felson 1987). This explains the increase in domestic violence cases during COVID-19 in Muslim Ghettos, as the household became the point of convergence for the three factors indicated by Cohen and Felson, in addition to low mobility and low accessibility of Muslim women.

The feminist elucidation of RAT is one of the chief methods of interpreting violence against women, which can be imported in the case of Muslim women. This casts further light on the need of looking at the systemic factors that enable violence against women. As a consequence, it may be possible to have a better grasp of the aspect of the potential abuser (Schwartz and Pitts 1995). Target's vicinity in case of domestic abuse can be identified by four factors inertia, value, access, and visibility.

All the four components of RAT are not viewed from the eyes of a target but rather from that of the offender. If any value is perceived in the target, the potential offender senses it. During COVID times the frustration of being out of employment and for a few the pressure of having a communal tainted image brought psychological trauma, especially for the Muslim-male counterparts. This trauma very unjustly and wrongly manifested as the inertia of potential and accessible targets as their wives.

The other two elements that make a target more ideal are proper target visibility which constitutes a danger of being found by the abuser, as well as simple access to the target.

In India, a shutdown order was issued to prevent the spread of COVID-19. This left no time for the already sufferer of violence in the intimate sphere to seek sanctuary in more

secure locations. It is argued through the interactions of the ground workers about the lack of formal (NGOs and police) and informal sources of information (family and neighbours) could be other factors indirectly responsible for the rise in domestic violence among the Muslim women living in crowded quarters.

Routine Activity theorists argue that the lack of a capable guardian is the final requirement for a crime like Domestic violence to occur (Krishnakumar and Verma 2021). The presence or absence of a skilled guardian has an impact on a target's acceptance. Gender-based violence happening in the close quarters of a home may have a chance of prevention by informal social monitoring. The most important sources of informal social control could be family members, neighbours, or friends. Surveillance, threats, and punishments are all tools that may be used to maintain control but in the case of the Covid-19 lockdown, the social interaction and stigma associated with the disease and the Muslim residential areas dismantled already crippled informal social monitoring. On the failure of informal methods of social control in preventing a crime like domestic violence then formal regulatory means such as the courts and police are utilised, but in lockdown, the focus of institutions shifted to the pandemic at hand and maintaining compliance with structural operating procedures at home.

The use of the Routine Activity Theory to comprehend domestic abuse may not be restricted to the lockdown phase. One of the distinctive elements of using RAT is to analyse domestic violence, according to already existing literature, is argued that the theory focuses on situational factors associated with criminal re-victimisation as discussed above in the case of “Muslim McCarthyism” in India.

In the case of preventing tactics, it is discovered that the 60% reduction in victimisation can be owed to the presence of a victim's family and friends (Hayes 2018). According to the

research investigating the third characteristic indicated by the routine activity theory, namely the lack of a skilled guardian, leads to a refined understanding of domestic violence. Similarly, investigating all three of the theory's highlighted components should help researchers gain a better grasp of the situational conditions that led to domestic violence. This knowledge can aid in the development of more effective preventative strategies.

## **8. Conclusion and Discussion:**

From the above-discussed framework and interviews done with the authorities and fieldworkers, the following issues could be summarised specific to the survivors of Domestic violence in Muslim households:

- **Inaccessibility of the door-to-door help:**

The volunteers of various NGOs like BMMA were not able to contact Muslim women of Ghettos during the lockdown, which is very important in case of domestic violence as there was a dearth of PPEs for volunteers of these NGOs. (Akshat Agarwal, 2020)

In the Pre-COVID era, women were able to access field workers at their homes to convey their battles but this option was off the course due to the pandemic. Complaints of domestic violence were received not only during the distribution of the food packets but also via phone and email. There were also reports and incidents of triple talaq, in spite of having the law in place. These instances were reported from Tier 1 cities such as Mumbai, Ahmedabad, Delhi, and Hyderabad. In the first phase,

the National Women's Commission in Delhi has set up an emergency call service to contact victims of domestic violence.

- **Poor execution of laws and Institutional Failures:**

COVID-19 has hampered the capacities of various institutions and has rendered many legal-social institutions inactive. Even beyond serious issues like triple talaq and domestic abuse, the medical issues like patients suffering from illnesses of serious nature were not able to receive attention and treatment. The government agencies were claiming to prioritise the pandemic. Nonetheless, even people who had tested COVID positive and had lost family members reported that even they were not able to receive any attention. Stories and visuals of people waiting and sitting outside the unresponsive hospitals, health centres (both private and public) and municipal corporations were a common sight.

In a Patriarchal Muslim society, even in a world without COVID, important issues from a female perspective, such as triple talaq and domestic violence, have long been ignored. Therefore, the pandemic has consolidated and perpetuated the exclusion of Muslim women.

The reports of few organisations that had worked in the field during the COVID-19 pandemic support the figures of the National Commission for Women and the UN (United Nations) of rising cases of violence at multiple levels and a greater burden on women, as against the records of FIRs and NFHS reports (G. o. India 2021). The pandemic prevented women from physically accessing legal services. (Chandra 2020)

In addition to domestic abuse, there have been cases of triple talaq, which was made illegal by the government in 2019 under the act of Protection of rights on

marriage. During the epidemic, volunteers in most cities had difficulty filing First Information Reports (FIR) as required by the Act. The police were completely unaware of the legislation. Women are entitled to certain safeguards under the law, as well as the right to demand police intervention, but volunteers struggled to convince the police to take action. Furthermore, this bill was also on the government's top political priority list. It would not be an overstatement to say that the dowry and domestic violence laws only brought a marginal change to the situations on the ground, especially for Muslim women. The Law had not been aggressively implemented on the field, as has been noticed, and this has gotten worse throughout the pandemic.

These instances bring focus to the need for more protection officers, proper sensitisation and training for authorities dealing with the domestic-abuse survivors, and strong rehabilitation mechanisms and support networks for psychological, emotional, and social support to the survivors.

- **Lack of sensitisation within Muslim organisations:**

There have been numerous initiatives to provide food, healthcare, and other necessities. These organisations, on the other hand, have completely concentrated on giving relief, rehabilitation, and charity. These organisations do not take a rights-based approach concerning Muslim men and especially Muslim women. This can be ascribed to the Muslim community's lack of democratisation. Nobody in the greater Muslim community advocates for equality and justice for Muslim girls and women. Women's wings exist in religious organisations namely the Jamaat-e-Islami, and the Jamiat Ulema-e-Hind but they are incapacitated components and complement mostly



to the male wings only. The conservative traditional patriarchal paradigm which has been imposed by these wide-reaching organisations is followed by these Muslim women. (Khan 2020).

There is a lack of formal education in the Muslim community in general and Muslim women in particular, positioning them even worse than the Schedule caste and Schedule Tribes of India and the rest of the minorities of the country. The literacy rate amongst the Muslim population is 57.47 % as per the last census of India (Census 2011), which is far lower than the national average of 74.4%. There is a lack of awareness and sensitisation amongst Muslims regarding consent, conjugal rights, divorce, and resolutions available for pursuing and taking a stand against the perpetrators of violence. (Office of the Registrar General & Census Commissioner 2011).

- **Dependency upon the spouse amongst Muslim Women:**

As per the census of 2011, the percentage of illiteracy among females in the Muslim community is 48.1% whereas at the same time the illiteracy amongst male counterparts of the same is 37.59%.

The literacy rate amongst Muslim women is 49.75% whereas the literacy rate of women and other minorities in India is much higher, for instance, Christians its 62.30%, Sikhs are 81.98%, and Jains 88.87% and Buddhists 66.30% (Office of the Registrar General & Census Commissioner 2011).

This reflects the miserable condition of Muslim women's education and poor property rights records. In such cases the women are mostly dependent upon their husbands for shelter and security, and also endure their violent and offensive

behaviour. Therefore, securing sufficient dower for women during marriage, as well as equality in inheritance rights for daughters, can fulfil a very significant role in assuring their financial stability and reducing domestic violence. Also, as discussed by BMMA representatives, during Friday or Eid sermons religious figures with a large following in the community should be called upon to speak out against domestic abuse. Again, it is frequently observed that sermons focus on a wife's obligations rather than her rights under Islam. This course correction has the potential to be a strong tool for community reform.

- **The difficult bargain between marital partner and the state:**

It's tough to research domestic abuse among Muslim women as one must be careful not to exacerbate existing Islamophobic views toward men. At the same time, males from underprivileged areas are just as abusive and patriarchal as any other men.

Emotional debates in India about triple divorce or polygamy, including domestic violence, are difficult to avoid. Advocates of Triple Talaq (divorce) frequently argue that triple talaq (divorce) provides women with a convenient and timely way out of the abusive marriages, but these women mostly choose to stay in these abusive relations rather than taking a divorce because of their financial dependence on their husbands. Ignore the fact that the main compensation for these women is protection from violence.

The experiences of women from the Muslim community dealing with the State authorities such as the police, add to these unfair religious and discriminatory practices, complicating their experiences and narrative of domestic abuse. There are plenty of cases of abuse against Muslim men wrongly framed by the local state

authorities, especially in the instances of communal tensions that deter these women to trust the impartiality of the state authorities. It's interesting to note that Muslim women are sympathetic to their community's disadvantaged status in the judgment of the authorities of the State and hence refrain from complaining. But to this compensation sanctioned by their wives, Muslim men do not reciprocate in any way. There is a tough course of choosing to part ways through a divorce, as it is another social ostracisation Muslim women have to go through.

The identity politics of Muslim women in India extrapolates the political theory debate of the Public Sphere where Nancy Fraser criticises the Habermasian conception of the public sphere. Her main criticism of Habermasian theory of the bourgeois public sphere is its failure to confront social inequalities and only representing a dominating masculine ideology. (Fraser 1992)

Fraser imports Gayatri Spivak's concept of the subaltern to describe the alternate discursive spaces inhabited by socially oppressed people. These venues are referred to as "subaltern counter publics" because they represent discursive parallel entities of subordinates forming alternate interpretations of interests, demands and identities. (Fraser 1992)

Instead of "weak republics" the Muslim women of India hold the potential of forming "counter-publics" of their own through community comradeship, and may therefore could form a greater network of social support and rehabilitation for them, rather than just limiting to the formal state institutions.

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