

VIOLENCE AGAINST WOMEN AND COVID-19

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ABSTRACT

COVID-19 enforced a global lockdown at the beginning of 2020. Domestic violence is a threat both in developed and developing countries. During the lockdown, violence against women has become an uncontrolled trend, a direct result of our country's socio-economic situation being transformed by fast urbanization, industrialization, and structural adjustment initiative. The global curfew imposed by the Coronavirus epidemic prepared the ground for an upsurge in the harassment of women on all levels. Unfortunately, many women in the state have witnessed an increase in domestic violence while the government and the general public have been coping with the pandemic and living a life on lockdown to avoid the spread of coronavirus since the final week of March 2020. Many women found it difficult to respond to the responsible and duty-bound authorities mandated by statutes to protect them. The primary goal of this article is to provide quick counsel to victims who are unsure how to respond to violence against them and examine the subject of domestic abuse and its spread from multiple perspectives during lockdowns by looking at incidents from various parts of India. Domestic violence institutions struggle tremendously to provide victims with all they need, including refuge, legal representation, moving expenses, and even assault crisis support. Are the existing laws suitable for coping with the present issues faced by women during the pandemic? The author's primary goal is to respond to this research topic and conclude the paper with the steps taken and recommendations for reducing domestic violence.

Keywords: *Domestic Violence, Women, Lockdown, India, Solution-Causes.*

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INTRODUCTION

"When she marries, she does not become the husband's servant but his equal partner"

Lord Denning¹

For many women, lockdown is synonymous with incarceration. COVID-19, like all of its contemporaries, transforms the world in its own unique manner and influences various individuals in different ways. In the midst of this lockdown, the virus not only affects people's physical well-being, but it also shows its ugly face by provoking violence towards women. Violence against women and children is a worldwide occurrence, albeit it takes different forms in different societies. When one family member, spouse, or ex-partner attempts to physically or mentally control another, it will be domestic violence. IPV or Intimate partner violence, domestic abuse, relationship abuse is certain other terms used for domestic violence. As said by WHO in 2012, the most prevalent kind of gender conflict is domestic violence, which affects 10 to 50 percent of women worldwide who have a long-term intimate relationship.² Domestic violence complaints more than quadrupled when the lockdown was declared in relation to the pandemic COVID-19. There is no way out for women and children who are confined to their houses. The National Commission for Women's (NCW) statistics revealed the first indicators of the problem in India in March-May 2020.³ Due to the coronavirus in order to assist the survivors of domestic violence who are secluded, the domestic violence organisations across the nation have reorganised their operations in the past two years. It is a tremendous burden for domestic violence organisations to provide victims with everything from housing to legal backing, which includes psychological health treatment, relocation costs etc. Violence against women, including as rape, molestation, dowry killing, and sexual harassment, has a prominent position in the penal code. In addition to the Penal Code, specific legislations such as the *Protection of Women from Domestic Violence Act of 2005* (PWDVA), *the National Commission for Women Act* and many more are established to safeguard women's rights and health.

The main objective of the paper is to identify the violence against woman, its causes and solutions from various angles in connection with the outbreak of the pandemic. The research questions which circulated in this paper includes, whether the existing laws to curb violence against women

¹ LORD DENNING, *THE DUE PROCESS OF LAW* (Butterworths, London, 1981).

² Understanding and addressing violence against women, World Health Organization 2012, https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf.

³ Jagriti Chandra, *NCW records sharp spike in domestic violence amid lockdown*, THE HINDU, June.15, 2021, at 1.

are prepared to persist during the pandemic phase? Whether there is any rise in domestic violence during COVID-19 lockdown? Whether the government took any steps to combat the rising violence against woman? The doctrinal and analytical approach was applied in this study's research methodology.

DOMESTIC VIOLENCE DEFINED

According to the Centre for Family Justice (First Family Justice Centre in Connecticut, a U.S State) “Domestic abuse is a pattern of coercive, controlling behavior that is a pervasive life-threatening crime affecting people in all our communities regardless of gender, age, sexual orientation, race, ethnicity, religion, social standing and immigration status”.⁴

Usually the terms “domestic violence and Violence against Women” are used as synonymous to each other. But there is difference in both. “*Violence against Women*” refers to any act of gender-based violence that causes or is likely to cause bodily, sexual, or psychological pain or suffering to women, including threats of such acts, coercion, or arbitrary loss of liberty, whether in public or private life.⁵ While “Domestic Violence according to UNICEF⁶ includes violence by an intimate partner and by other family members, wherever this violence takes place and in whatever form”⁷.

DOMESTIC VIOLENCE AMIDST COVID-19

To monitor the spread of coronavirus disease a worldwide lockout is announced. In response to the global economic crises and the people's problems, illegal violence has emerged against women who are trapped in the house with no other choice. The Complaints received by National Women’s Commission is mostly through WhatsApp and e-mails. This is due to the sudden locks imposed on the transportation facilities to woman.⁸

While governments throughout the globe work to develop vaccinations to limit the spread of coronavirus, aggressive males are uncontrollable. Lockdown can be used to track the spread of infections, but it cannot prevent males from spying on and influencing women. The fundamental

⁴ Ruth Lewis, *Making Justice Work: Effective Legal Interventions for Domestic Violence*, 44 BRIT. J. CRIMINOLOGY 204, 208 (2004).

⁵ Eqbal Hussain, *Protection of Women from Domestic Violence Act, 2005: An Appraisal*, IJCLC 62, 68 (2013).

⁶ Mehr Khan, *Definitions and Key Concepts* (June 2000), www.unicef-irc.org/publications/pdf/digest6e.pdf.

⁷ *Id.*

⁸ Shrishti Mittal & Tuhina Das, *The Surge in Domestic Violence during the Covid-19 Pandemic: Legal Remedies and Potential Solutions*, 1 LEXFORTI LEGAL J. 25, 28 (2019).

reason for male abusers' dominance in a household is that they know women have no choice but to endure this barbaric conduct.⁹

For some, a lockdown means a period of no employment, no money, or no home-policy work. However, for others, the situation is not the same. Lockdown implies spending more time as torturers with aggressive individuals. Women frequently confront challenges such as restricted movement, poor privacy, no external touch, and Locked together. In simple terms, home represents a function connected with fundamental joys, privacy, liberty, convenience, unity, and a sense of belonging. When this mandatory lockdown is applied throughout the epidemic, houses cease to act as simply safe havens and instead emerge as structures that sustain and support patriarchy. Indian society considered homes as the safest place for women, and society demanded that she stay inside to avoid violent males, but when the lockdown was imposed, even one's own house was no longer secure for them.

The National Commission of Woman (NCW) who always played a vital role in protecting the safety of a woman also reported an increase in the cases reported during COVID-19 lockdown. During lockdown also, NCW received complaints by post. So, the Chairperson of NCW believes that the actual number of complaints will increase than what they actually received.¹⁰ Between March and April NCW received more than 300 complaints of domestic violence and some 885 complaints of other forms of violence such as dowry death, bigamy and polygamy.¹¹

Poverty, unemployment, and a lack of access to natural resources, like in any industrialized and developing country, force people to live in tight confines.¹²

INCREASE IN DOMESTIC VIOLENCE ALL OVER INDIA: AN ANALYSIS

While the government and the general public have been dealing with the pandemic and living under lockdown since the latter week of March 2020 in order to prevent the spread of coronavirus, many women in the state have seen an increase in domestic violence.

Domestic violence has been reported to be increasing in other countries besides just India. China, the first country to declare a coronavirus illness outbreak, is also experiencing a high rate of domestic violence.¹³

⁹ Malik, Sana, and Khansa Naeem. *Impact of COVID-19 Pandemic on Women: Health, Livelihoods & Domestic Violence*, Sustainable Development Policy Institute, 1 (2020).

¹⁰ Susan Baisil, *No Lockdown of Domestic Violence during COVID-19*, 19 *Supremo Amicus* 570, 572 (2020).

¹¹ *Id* at 573.

¹² Lakhwinder Singh and Vibhuti Jaswal, *Privacy Issues in the Age of Pandemic: A Critical Analysis*, 2 *SML L Rev* 119, 121-124 (2019).

¹³ *Supra* note 7 at. 571.

This section primarily deals with the states which increasingly reported domestic violence across the country.

Telangana

Lockdown in Telangana has resulted in an increase in domestic abuse incidences. 5,703 of the 8,410 complaints made to Sakhi One Stop Centers in 33 districts in 2019–20 was about domestic violence, and 384 of them were about dowry abuse, making up 72% of all complaints made to the OSC.¹⁴ According to the Centre for Economic and Social Studies, the majority of domestic abuse complaints were made by approaching SHE teams, a team wing dedicated to women's protection. Some complaints were also made via WhatsApp.¹⁵ A dialling of number 100 is also provided across Telangana to the victims to report their cases. Addl. DGP Swati Lakra explained certain reasons for such rise in domestic violence during the lockdown¹⁶. Young couples are left with no options and cannot achieve their expectation because of the confinement of them in small families. Aggressiveness from the behaviour of men is also another reason for such increase.¹⁷

Kerala

With all of its lofty claims to be far ahead of other states in terms of human development, Kerala nevertheless has alarmingly high rates of domestic violence. The lack of liquor, as well as forcing males to stay at home, would have major consequences. The Federal, a digital news reporting platform talked with a few women in Kerala about their lives at home during the lockdown and discovered that they were more terrified of being shut up in their houses with their spouses than of a pandemic.¹⁸

Very recently, a pathetic situation of neglecting the genuine complaints made by victims were also seen in Kerala from the State Women's Commission. 'Then You Suffer' was the statement and remedy given by the commission to the victims.¹⁹

¹⁴ Priya Rathnam, *with lockdown implementation, Telangana sees spike in domestic violence*, THE NEW INDIAN EXPRESS, May 27, 2021, at s1.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ S Nafeesa, *In Kerala, lockdown for women means abuse and govt must address it*, THE FEDERAL, March. 28, 2020.

¹⁹ Neethu Reghukumar, *Then You Suffer': Insensitive Comment by Kerala Women's Commission Chairperson Sparks Row*, NEWS 18, June.24, 2021.

These days, different methods of violence are evolving. Kerala is currently witnessing new forms of harassment of women. In response to a request from the Kerala Women's Commission, the District Police Chief of Pathanamthitta District provided a draft report on allegations of domestic abuse and dowry harassment made by the parents of Uthra, who passed away in a snakebite incident.²⁰ Recently the accused was sentenced to double imprisonment.

Women shoulder the burden of the additional home chores. Those who formerly relied on domestic help are now forced to perform all home duties on their own. Worse is the case for women in society's lower strata, who face a unique set of obstacles.

Delhi

The Delhi Police reported a "total event count" of 2,446 for the "event type: women" during the period of April 2020. Simply stated, about 2,500 Delhi women called crisis helplines, activating the emergency response mechanism of the state police. A 28-year-old lady was one of the victims from Uttam Nagar in west Delhi.²¹

On April 24, the Delhi High Court ordered the Government of Delhi and the Central Government to promote efficient implementation of the 2005 Law on the *Protection of Women from Domestic Violence* after an increase in reports of domestic abuse during the lockdown. Some of the causes for the increase in domestic violence under lockdown include job insecurity, personality changes, lack of alcohol availability, and a tolerant attitude toward abuse, which fosters domestic violence. During the period of lockdown, bear shops were closed and India was violently responding to it. Many men lost their jobs during the lockdown. Men got frustrated and started abusing their partners. The responsible authorities also felt helpless to reach the needy people because the actual complaints received by them is also less as compared to the real figure.

EXISTING LAWS TO CONTROL DOMESTIC VIOLENCE: AN ANALYSIS

The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act of 2005 (PWDVA) is intended to protect women's rights to a good and dignified family life. When it comes to matters linked to and incidental to the Act, it is important to note that the Preamble emphasizes the need for immediate relief, compensation, and rehabilitation for the aggrieved women. According to the preamble,

²⁰ Editorial, *Uthra murder: report submitted*, THE HINDU (Kollam, 4 June 2020) <https://www.thehindu.com/news/national/kerala/uthra-murder-report-submitted/article31744616.ece#>.

²¹ Dhamini Ratnam, *in lockdown, domestic violence threat a worry*, HINDUSTAN TIMES, April.26, 2020.

protection must be effective. However, in actuality, the authorities are not providing prompt assistance to the woman.²² This can be evident from the lack of support by the Kerala Women's Commission.

The Act also lacks sections where procedures for immediate calling and the availability of WhatsApp groups are made, as is done in many other nations like Spain, U.K, Turkey and Tunisia. Section 8 of the PWDVA says that the Protection officers is to appointed in each district.²³ Protection officers at the district level in a populous country like India cannot accomplish the intended results. In various districts of Kerala, Probational Officers are employed as Protection Officers. It's like adding to the burdens of already overburdened institutions.

Nowadays, domestic violence is getting reported not only against women but also against men. The definition given to respondent under Section 2(q) of the Act includes within its aspect only a male adult member who is in a domestic relationship with the victim of domestic violence.²⁴ Here the Act is lacking to include within its sphere the emerging issue of protecting the male and transgender members who are also subject to domestic violence during the COVID period. It is like, India is lacking with a legislation to protect men and transgender people against domestic violence. It is also worth noting that the object of the Act is to provide more protection to women. But certain other people like men and transgenders are side lined by this objective. Either a new legislation or an amendment to the current law is required to protect males and transgender people from domestic violence.

But very recently in 2021, the High Court of Jammu and Kashmir took cognizance against a woman in a complaint made by her husband of domestic violence. The court relied on in *Hiral P Harsora v. Kusum Narottamdas*²⁵ and *Harsora and Mohammad Zakir v. Shabana*²⁶, and held that even a husband can file a case under Section 12 of the *Protection of Women from Domestic Violence Act of 2005*, and a magistrate can take cognizance against a woman.

PWDVA, on the other hand, is a hybrid of civil and criminal law. The Act offers civil remedies to bridge the void between the harsh divorce civil remedy and the limited criminal procedure. Criminal law is commonly known to have a bad connotation, and a woman may be afraid to utilize it against her family. The Act provides immediate civil protection to female domestic violence victims, and the criminal part of the Act is used only when remedies are breached.²⁷

²² T. Mathivanan, *a Perception on the Protection of Women from Domestic Violence Act – 2005*, 4 LW (JS) 63, 67-69 (2008).

²³ The Protection of Women from Domestic Violence Act, 2005, S.8, No. 43, Acts of Parliament, 2005 (India).

²⁴ The Protection of Women from Domestic Violence Act, 2005, S.2 cl. q, No. 43, Acts of Parliament, 2005 (India).

²⁵ *Hiral P Harsora v. Kusum Narottamdas*, CIVIL APPEAL NO. 10084 of 2016.

²⁶ *Harsora and Mohammad Zakir v. Shabana*, (2016) 10 SCC 165.

²⁷ Jyoti Dogra Sood, *Understanding Domestic Violence Law*, 3 CNLU LJ 92, 95 (2013).

Section 498A of the Indian Penal Code

Cruelty by spouse or relatives of husband is defined under Chapter XXA of the Indian Penal Code. Any woman who is a victim of cruelty by her husband or his relatives can approach a police station for redressal, and if the police officers are not taking their case, they can approach a Superintendent of Police, and if he is also not taking their case, the aggrieved women can approach a lawyer to file a case in court. According to Section 156(3)²⁸ of the Criminal Procedure Code, the Court instructs the police to lodge a case under Section 498A of the Indian Penal Code.

The purpose of included this Chapter is to penalize a husband and his family who torture and harass the wife in order to pressure her or anybody associated to her into meeting any unlawful demands or driving her to commit suicide.²⁹ The penalty under Section 498A of the Indian Penal Code can be to a maximum of three years in prison and fine.

National Commission for Women Act, 1990

This Act was also enacted to defend women's rights. The Commission's functions are outlined in Section 10 of the Act. The functions include ensuring women's rights as established in the Indian Constitution, regular modification procedures to the Act in order to safeguard women, taking instances of violation of constitutional provisions, taking *suo moto* cases in situations pertaining to denial of women's rights, and so on. As a result, any woman who fears for her life or property during the worldwide lockdown can contact the National Women's Commission, which has the authority to take action against the violators.

IMPACT OF DOMESTIC VIOLENCE

COVID-19 has had an influence on the livelihoods of many women in our nation, since their job load at home has grown. This epidemic has brought to light the issue of inequality, particularly gender disparity. In the long term, the impact on women's health, rights, and independence may be detrimental to all of us. Women are already dying as a result of lockdowns and quarantines. These restrictions are necessary, but they raise the danger of violence against women who are locked in violent relationships. Domestic violence has been on the increase all across the world in recent years. The number of calls increased by 700%.³⁰ At the same time, women-at-risk support programs are being curtailed or closed.³¹ Over 143 governments have stepped forward to

²⁸ The Code of Criminal Procedure, 1973 (ACT NO. 2 OF 1974).

²⁹ K.D GAUR, TEXTBOOK ON INDIAN PENAL CODE 851 (5th edn, Universal Law Publishing, 2015).

³⁰ Tatiana Stoianova, Liudmyla Ostrovska & Grygorii Tripulskyir, Covid-19: Pandemic of Domestic Violence, 9 Ius HUMANI, Revista dE DERECHO 111, 120 (2020).

³¹ *Id.*

support and assist the women who have been affected. Each government may take action by expanding and identifying domestic violence shelters as vital, as well as increasing financing for front-line groups. The Spotlight Project, a collaboration between the United Nations and the European Union, is working on these and related projects with governments in over 25 countries and is poised to expand its assistance.³²

Women have a lot to deal with these days, not just because their job load at home has risen, but also because they have to deal with domestic abuse and even have their voices silenced. This can occasionally have a greater psychological impact than a physical one. This may result in an increase in the number of suicides in the country. To prevent similar situations in the future, officials must thoroughly investigate the situation and offer assistance. Educating women about their rights is critical right now, especially in the poorer parts of our country.

STEPS TO COMBAT DOMESTIC ABUSE

In spite of the fact that domestic violence is a topic of discussion in India, no effective measures have indeed been put in place to address the problem. Furthermore, when petitioned by the courts, several non-governmental organizations (NGOs) have offered counsel to the state in order to safeguard women and children. For example, on 24 April 2020, in response to a request made by an NGO, the Delhi High Court ordered the Government of Delhi to consider solutions to prevent domestic abuse and protect victims in during closure by the pandemic.³³ The state claimed to have set up a system wherein, in the event that a victim phones the hotline number, the caller may take the report and transmit it to the psychologist during the lockdown, who would then establish a direct line of communication with the victim on their behalf. There are several flaws in this method as well. When the perpetrator is continually watching and manipulating the victim, survivors often find it difficult to interact with the counsellor. The court on April 24, 2020 ordered both the federal and the state to put the provisions of the Domestic Violence Act of 2005 into force.³⁴

The Jammu and Kashmir High Court decided to take *suo moto* cognizance of domestic violence cases on April 18, 2020, and issued a number of directives, including the designation of special funds and unofficial areas for women, like drug stores and super markets, where women may make complaints without giving a notice to the perpetrators. In addition, the Karnataka High

³² European Commission - Press release, EU-UN Spotlight Initiative: at the forefront of ending violence against women and girls Brussels, September.26 2019, https://ec.europa.eu/commission/presscorner/detail/en/ip_19_5873.

³³ Editorial, *Delhi High Court issues directions to check domestic violence during Covid-19 lockdown*, THE LEAFLET, May. 4, 2020.

³⁴ *Id.*

Court has notified its government regarding the help lines and the measures taken in response to claims of domestic violence.

In response, the government announced that resources for victims of violence, including helplines, psychiatrists, shelters, and police officers, are available around-the-clock. During the lockdown in Tamil Nadu, protective personnel designated by the 2005 Domestic Violence Act are allowed to move, and some women who are in danger are rescued and taken to shelter homes. In truth, several non-governmental organizations (NGOs) aided those in need. An organization also launched a program known as the 'red dot' in which NGOs and authorities will identify a person as a survivor of domestic violence if she places a red dot on her hand.³⁵ It allegedly got 20 complaints within three days of the scheme's inception.

In Uttar Pradesh, the police announced that if a victim files a complaint, she would be handled by a female officer. The goal is to soothe ladies while also making it plain to the rapist that he cannot use loneliness as a justification to harass a spouse.

Another step which is visible recently in the field of protecting women is the introduction of SHEROES app. SHEROES is an application that was introduced in India, and anyone may download it from the play store onto their mobile phones and contact any other helplines. Of course, the application provides excellent prospects for women by offering a platform for them to demonstrate their talents. Women can even get legal help using this app.

SUGGESTIONS AND CONCLUSION

Many women are being abused as a result of COVID's lockdown. They are harassed on a daily basis. However, many cases go unreported owing to fear and illiteracy. Some people find a way to air their grievances. Some argue that males have the right to injure women. Women must be aware of their rights and be prepared to spot any risks. Domestic violence in our community may be managed in a variety of ways, including:

- By Improving the Economic Status of Women
- Make the Community educated.
- By making known Women's rights and measures taken by the Government to control domestic violence.
- By imposing severe punishments to the abusers.
- By making awareness to the abusers by conducting counseling sessions and seminars.
- Emergency call centers must be vigilant and capable of taking sudden actions without delay.
- Procedures for filing a complaint must be made flexible.

³⁵ *Supra* note 7 at. 576.

- Government should provide financial assistance to support services.
- Anganwadi workers should visit each and every house by obeying the COVID protocols and ensure that no women are harassed at home. They should conduct a survey regarding that.
- One stop centers and Shelter homes should be introduced in every panchayat level.
- The approach established in France and Spain can also be used to provide the best recommendation. In these nations, women are taught a code language, such as 'mask 19,' and they may approach a pharmacy and utter this code, and the victims can be immediately identified, even if they are accompanied by the abuser.

Violence or other types of abuse that take place in a domestic setting, such as a family situations, are referred to as domestic violence. Intimate partner violence, which can happen in heterosexual or same-sex relationships as well as between ex-spouses or partners, is frequently referred to as domestic violence. It is committed by a husband or partner while they are in an intimate relationship with the other spouse or partner. When the perpetrator believes the abuse is lawful, normal, reasonable, or rare to be reported, domestic violence usually occurs. In the event of domestic violence, the situation during the lockdown is significantly worse, owing to an increase in unemployment and a person's mental condition being unstable during the lockdown. Along with this non-availability of alcohol accelerated the surge in domestic violence. Furthermore, with the COVID-19 lockdown in effect, there has been an increase in incidents of domestic violence. Victims of domestic abuse all around the world are becoming increasingly vulnerable and vulnerable to an appallingly new level of brutality. The National Commission for Women (NCW) in India has issued an urgent warning due to an increase in domestic abuse incidents since the commencement of the national shutdown. Domestic violence is a threat that has long been used in India. It didn't simply happen during the lockdown. It has long been a part of our society, but something needs to change, not only during lockdowns but also at other times. The government must investigate the matter and make every effort to abolish domestic violence in our culture. The authorities will constantly aim for a country free of domestic violence. It is also extremely simple to recommend a change or the need for a new legislation, but the need of the hour is to improve the implementation of existing laws. Authorities must be alert and carry out their statutory duties.