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Domestic Violence against Women during COVID-19

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ABSTRACT

The Protection of Women from Domestic Violence Act 2005 is an act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian Government and Ministry of women and child development on 26 October 2006. The Act provides a definition of “Domestic Violence” for the first time in Indian Law, with this definition being broad and including not only physical violence, but also other forms of violence such as emotional\verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders, rather than criminal enforcement.

I. INTRODUCTION

The protection of women from Domestic Violence is different from the provisions of the Indian Penal Code. Pursuant to the act the aggrieved person is defined as “any women who is, or has been, in a domestic relationship with respondent and who alleges to have been subjected to Domestic Violence by the Respondent. The law provides women from violence from their relation by Marriage, relation by blood etc. This act was the first to provide legislation and recognition for the outside Marriage.

Domestic Violence is defined by Section 3 of the Act as “any act, omission or commission or conduct of the respondent shall constitute.

1. harms or injures or endangers the health, safety, life, limb or well being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.
2. Harasses, harms, injures or endanger the aggrieved person to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
3. has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

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4. otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

The Act includes and defines not only physical violence, but also other forms of violence such as emotional, verbal, sexual and economic abuse through the Section.

II. HOW COVID-19 CAN EXACERBATE RISKS OF VIOLENCE FOR WOMEN- WHO

- In many countries, where people are encouraged or required to stay at home, the risk of intimidated partner violence increases. For Example:
- During this pandemic the Women are in an abusive relationship and their children are facing violence has dramatically increased, as family members spend more time with their close ones and family is coping up with additional stress and potential economic or job losses.
- Women are unable to make contact with the people who may provide support and protection to them from violence.
- School closures exacerbate this burden and place more stress on women.
- Perpetrators of abuse may use restrictions due to COVID-19 to exercise power and control over their partners to further reduce access to services, help and psychosocial support from formal and informal networks.
- Access to vital sexual and reproductive health services, including for women subjected to violence, will become more limited.
- Due to COVID-19 it has reduced access to the sources of help for women in abusive relationships such as hotlines, crisis centers, legal aid and other protection services.

Health systems have an important role to play in ensuring services for women who have experienced violence remain safe and accessible during the COVID-19 outbreak

While knowing that COVID-19 has placed an extreme burden on the health care workers in taking care of the patients, there are things which put impact of violence on women and children during this pandemic.

- All stakeholders involved in COVID-19 need to spread awareness regarding physical distancing, wear a mask, stay at home and other safety measures to protect everyone from this pandemic but this had an huge effect on the violence on women and children.
- Health care workers, majority of whom are women that face violence in home as well as their workplaces. This becomes a taboo in our country and this exacerbated when this become stress.

- Frontline providers during COVID-19 might experience stigmatization, isolation etc. so the support should be provided to all of them. The support can either be psychosocial or non performance based incentives, child care support etc.

The administration need to plan and address safety measures to them.

III. VIOLENCE AGAINST WOMEN AND GIRLS DATA COLLECTION DURING COVID-19

- **Why Data collection during Covid-19 is important?**

Data is a crucial tool for understanding why Covid-19 leads to increase in VAWG. This data can help in verification of the risk factors, availability of services for women along with access to such service and help in finding the needs. Data help in providing important insights and inform the development of tailored strategies and interventions that may be particularly effective in preventing VAWG during emergencies.

Violence occurs across all regions and is mostly underreported in stable and emergency context. The measures taken were confinement and physical distancing that affects livelihoods and increases the risk of violence. Some reports indicate that calls to domestic violence helpline, police and shelter are increasing during COVID-19 outbreak and on the other hand reporting, calls and services use are decreasing during COVID-19 outbreak as they are unable to use telephones or access online.

Violence remains a serious human rights violation and an important health concern during this pandemic. Addressing it must be a priority.

- **Various challenges were faced during data collection-**

Conventional data collection method may not be feasible as face-to-face contact is not possible. So population based surveys are also not possible during pandemic.

The use of remote data collection method on domestic violence can entail serious safety risks: Technologies such as mobile phone or web based platforms help in remote access but this is also not possible for women who are facing violence as no data is confidential at their homes. So, many of the reports are underreported as they do not reach to police.

- **Recommendation for data collection:**

Do not proceed for data collection if there is any risk of harm. Be careful about the objectives and rationale for data collection do not prioritize data over women's safety if it does not ensure privacy and confidentiality.

Advocate for the needs of women who are often marginalized.

All the older women, women or girls with disabilities refugee women, female migrant workers should be included not only in data collection exercise but the research design and instruments should be tailored to better capture their experiences. This will inform interventions that meets the need of groups which are often left out.

IV. CAUSES OF DOMESTIC VIOLENCE

There are multiple reasons for the existence of domestic violence. Biological factors, personal factors, relationship factors altogether contribute to Domestic Violence.

The main factors that contribute to Domestic Violence in today's scenario is marital conflict or discord in a relationship. Various researches had shown that domestic violence and low level of income is strongly connected as people with low level of income and low level of education practice Domestic Violence. As per studies, the women's educational level and Domestic Violence has an inverse relationship. However, several other studies had shown how employment status of women had contributed to Domestic Violation. For Example: according to study conducted by South India, it was observed that vocational training, education, employment to women will impart them with resources and rate of Domestic Violence to such women had increased. India is the example of the same where around 75% of working women are abused because of their employment status.

Further, gender inequality is another factor that contributes to Domestic Violence. Violence is considered as a mechanism for enforcing the deeply entrenched gender power in equalities. The unemployment of men in a society where they are taught to be a financial provider of the house affects the male-ego and they resort to violence to show their masculinity and they abuse there partner mentally, physically and psychologically and they feel that they are entitled to do so.

V. LAWS MADE FOR WOMEN REGARDING DOMESTIC VIOLENCE

Various laws had been introduced and mentioned in Constitution of India and Indian Penal Code regarding violence towards women. In Indian Penal Code the Section 498A provides remedy and give punishment along with imprisonment up to 3 year or a penalty\fine should be charged.

This section provides punishment to individual who got indulge in such type of violence and provide remedy to women.

Furthermost, Section 498A and Section 509 of Indian Penal Code deals with the punishment to individual for imprisonment of 1 year and fine to the person who outrage modesty of women

either by word or by any act.

- **Protection of women in Domestic Violence Act, 2005**

Rights:

- Pursuant to Chapter III of the Act, the aggrieved person has the right to
- "Apply for a protection order, an order for monetary relief, a custody order, a residence order, and/or a compensation order;
- "Free legal services under the Legal Services Authorities Act, 1987;
- "File a complaint under section 498A of the Indian Penal Code."

The aggrieved person also has the right to reside in the shared home regardless of whether or not she has any title or ownership over the home.

Measures to prevent Domestic Violence during Lockdown

As per the records and reports of the Central Government, the Ministry of Women and Child Development has recognized the need to keep a check on the victims of domestic violence during this pandemic. As they had conducted various webinars to create awareness among the people regarding physical and legal counseling and had ordered to district collectors\ district magistrates to keep a check on measures and to provide help to the victims.

The Jammu and Kashmir High Court had ordered all the courts in Ladakh and Jammu and Kashmir to treat cases of domestic violence as 'urgent' and to make grocery stores and pharmacies a safe place to women by increasing the online awareness or legal counseling services that will contribute to the safety of public at large.

Present Scenario regarding COVID 19 and Domestic violence

According to National Crime Research Bureau (NCRB), a crime is recorded against women in India in every 4.4 minutes. According to report in 2017 near around 86,001 cases and in 2018 near about 89,097 cases were registered cross India.

The National Family Health Survey (NFHS-4) there are around 83% of husbands are the main perpetrators, followed by abuse from their husband's mother (56%), fathers (33%) and siblings (27%).

One in every three women across the globe experience physical\sexual violence in their lifetime. This statistics is mainly due to the prevalence of orthodox social norms and the stigma that is placed on survivors of sexual or domestic violence, resulting in cases being grossly underreported.

What could have been done, and what can we do going forward?

The government had prioritized in putting forward to the plans to respond to crisis such as COVID-19. In India, the government seems to have overlooked the need to formally integrate domestic violence and mental health repercussions into the public health preparedness and emergency response plans against the pandemic.

We need an aggressive nationwide campaign to provide awareness to people about domestic violence, and should highlight the ways and modes to file the complaints. Internet and social media platforms should be used in similar way in which the government has deployed campaigns advocating for physical distancing and hand washing to combat COVID-19.

VI. CONCLUSION

Domestic Abuse is an age old concept which has its deep roots in our community and a large number of spectators rather than action takers. May be it is because nowadays people are so much indulged in themselves that they are unaware about the problem in their neighborhood and even who knows about these problems don't want to poke their nose in others household matters that increase the affect of Domestic violence. Nowadays people treat violence as the intimate things and don't want to step inside it. But now this barrier need to be broken as women should made this much privileged that they should tackle with the problems confidentially rather than sitting back out of fear from male-chauvinism society. Women should start seeking help from friends, neighbors, or the near ones or by any authorities as during this pandemic where women are at verge of peril of her life.

In addition to this, the authorities had made various alert alarms for women by giving hand signals that will protect them from danger. I request everyone to look around people near you there can be a person who is in urge need of your help as this pandemic is a tough timed for all of us. It is not easy to win from this deadly virus but this virus is a taboo and should be varnished from our society. A small effort of ours can save someone's life.

So, while concluding I request everyone to not abuse their partners and should make home as a safe place for women too.

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