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Legal Protection against Domestic Violence during Covid -19 Pandemic

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ABSTRACT

Despite recent comprehensive laws, domestic violence against women remains a serious issue that affects Indian society. However, the effectiveness of these legal measures has been limited, as they have failed to reduce domestic violence and improve the justice system. To achieve gender justice in a patriarchal society like India, further action is necessary. This discussion is based on secondary data and field research conducted in the state of Utilizing feminist epistemology, Tamil Nadu, Uttar Pradesh, Bihar, Punjab, Haryana, and Uttarakhand.

Research has indicated that domestic violence, encompassing emotional, sexual, and physical abuse, heightens susceptibility to psychological disorders and physical illnesses. Regretfully, there are many cases of domestic violence in India, and the COVID-19 has made the situation worse. This study intends to investigate cases of domestic abuse against women that occurred in India during the pandemic. In order to do this, a five-year review of newspapers was conducted in order to analyse cases of domestic violence. When compared to prior years, the results indicated a marked rise in domestic abuse cases during the COVID-19 lockdown period. The number oases were higher during the initial phases of the pandemic, they gradually decreased over time. The pandemic had an unprecedented impact on women, with home containment measures leading to increased suffering from diseases and domestic violence.

Keywords: *include dowry, domestic violence, gender, protection, patriarchy.*

I. INTRODUCTION

The COVID-19 pandemic has become one of the biggest threats to humankind, with over 1.6 million lives lost globally as of 20 December 2020 (WHO, 2020). It has had serious sociopsychological repercussions in addition to physical harm. Fears, anxiety, and depression have resulted from this outbreak, and among the general public and medical professionals, there has been a startling rise in suicidal thoughts and other psychiatric conditions (Bhanot, Singh, Verma, & Sharad, 2020; Jaiswal, Singh, & Arya, 2020; Raj, Ghosh, Singh, Verma, &

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Arya, 2020). The pandemic has had a particularly negative impact on women. Women have been forced to stay at home due to lockdowns and social isolation policies, which has increased the risk of domestic violence and reduced their options for social support (van Gelder et al., 2020). Due to this, there has been an increase in domestic abuse cases everywhere, including in India (Mittal & Singh, 2020). Thus, the purpose of this study is to investigate how the pandemic has affected Indian women. Intimate partner violence is defined by the World Health Organization (WHO) as any coercive physical, sexual, or psychological act committed against a woman by a current or past partner or spouse (WHO, 2013). A number of psychological theories have been put forth to account for violence against intimate partners. Psychoanalytic theorists suggest that a woman's decision to stay with an abusive partner is due to relational masochism, but this theory has been criticized for blaming the victim and reinforcing violence (Fisher, 1986; Young & Gerson, 1991). Traumatic bonding theory (Dutton & Painter, 1993) explains the power imbalance between partners as the cause of relational violence. Negative reinforcement, or stopping the battering, strengthens the partner's attachment when the abuse is sporadic (Young & Gerson, 1991). According to feminist scholars, the root cause of domestic violence is the gender-power dynamics of the patriarchal system (Dobash & Dobash, 1979; Yllo, 1993). The violence that results from the need to control a partner is referred to as "intimate terrorism" by Johnson and Leone (2005), who use male coercion as a "resource" in order to control the partner (Goode, 1971). According to Torres (1991), "cultural values, rules, and practices that afford men more status and power than women" are the main causes of domestic violence. This explains why different cultures and nations have different rates of domestic violence. The cultural foundations of domestic violence in South Asian nations such as India include gender roles, asymmetrical gender expectations, patrifocal family systems, sex differences in resources, and dowry practices (Ayyub, 2000; Khan, Townsend, & Pelto, 2014). In India, the patriarchal dogma is evident in every aspect of life. The term "annadata" (the giver of food), which refers to men, emphasizes the custom of man-worshipping and the dominance of men (Bhattacharya, 2004). In the domestic sphere, "cruelty by husband or his relatives" accounts for 31.9% of all reported cases of "cruelty against women," according to the 2018 National Crime Records Bureau report. In India, the dowry system is also a strong predictor of domestic violence (Menon, 2020; Srinivasan & Bedi, 2007). In 2018, there were 7,166 reported cases of dowry deaths. Thus, for a very long time, domestic violence has been a gendered problem in Indian society. Although domestic violence has long been a problem in Indian society, the COVID-19 pandemic has seen an alarming increase in its severity. (Mittal & Singh, 2020). This is consistent with the global rise in domestic violence cases during the

pandemic (Roesch, Amin, Gupta, & García-Moreno, 2020; UN-Women Report, 2020). This has been dubbed the “shadow pandemic,” “double pandemic,” “hidden epidemic,” “Buttinger-Lopez UN Women, 2020; Ravindran & Shah, 2020), ‘hidden epidemic’ (Neil, 2020), and ‘the other pandemic’ (Nazri, 2020). In a recent review of gender-based violence during the COVID-19 pandemic, Mittal and Singh (2020) observed a notable increase in cases of domestic violence. It was observed that there was an evident lack of supportive policies and resources for women who were disconnected from their¹ support networks during the pandemic and the subsequent lockdown. There have been few studies on the incidence of domestic violence in India and its possible effects on mental health during the COVID-19 pandemic, despite efforts to investigate the prevalence and effects of this type of violence. By conducting a thorough analysis of newspaper accounts of domestic abuse cases during the COVID-19 pandemic in India, this paper seeks to close this gap.

II. FINDING AND INTERPRETATION

The number of articles on domestic violence that were published each month over the previous ten or more years was analysed using the derived data script.

The total amount of articles on domestic abuse that these three newspapers published in April, May, and June of 2020 exceeded the total amount of articles that these newspapers had ever published in these three months. The fact that so many articles have been published shows how serious the situation is.

Figures 1-3 and Table 1 show a graph showing the data for these months in the years 2015–2020. Additionally, it is noteworthy that a sizable portion of articles about domestic violence were released in April and May of 2020 (Figure 4). The number of articles published then fell from June, possibly as a result of India’s June 1 announcement of the unlocking process, which suggested a less restrictive lockdown.

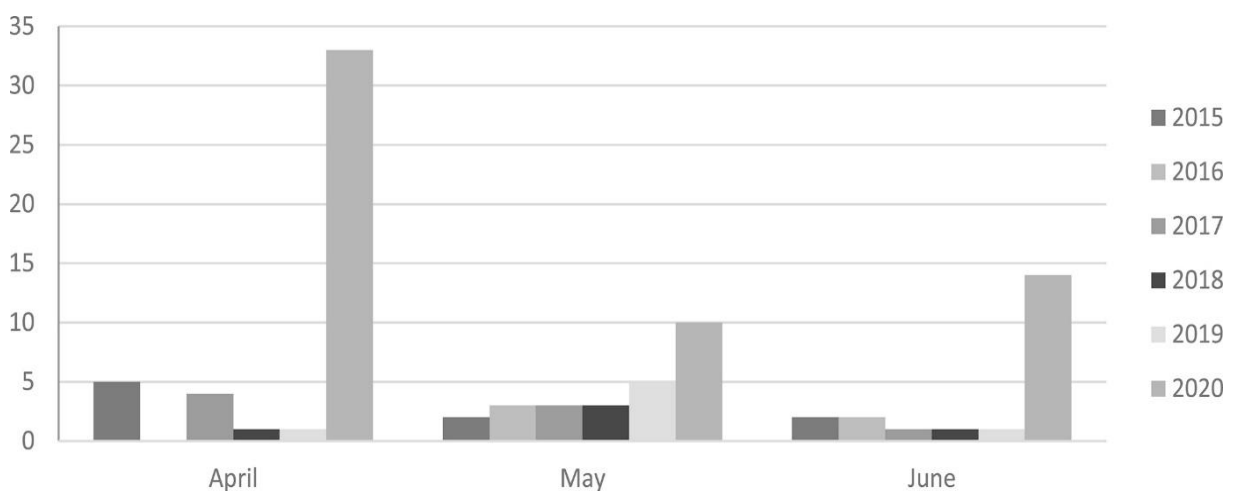


FIGURE 1

Total number of news stories about domestic abuse that The Times of India published between April and June of 2015–2020

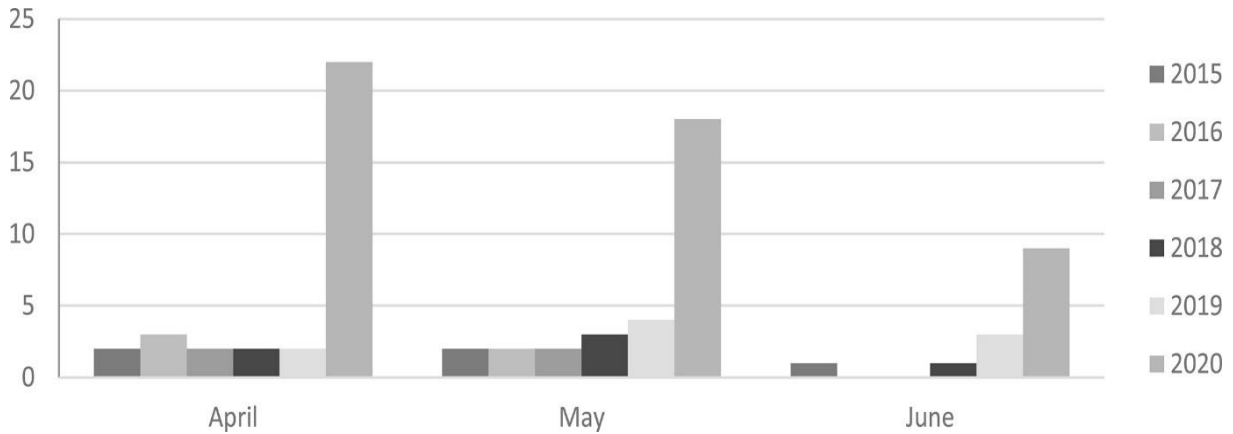


FIGURE 2

The amount of news articles in The Hindu from April to June of 2015–2020 about domestic violence

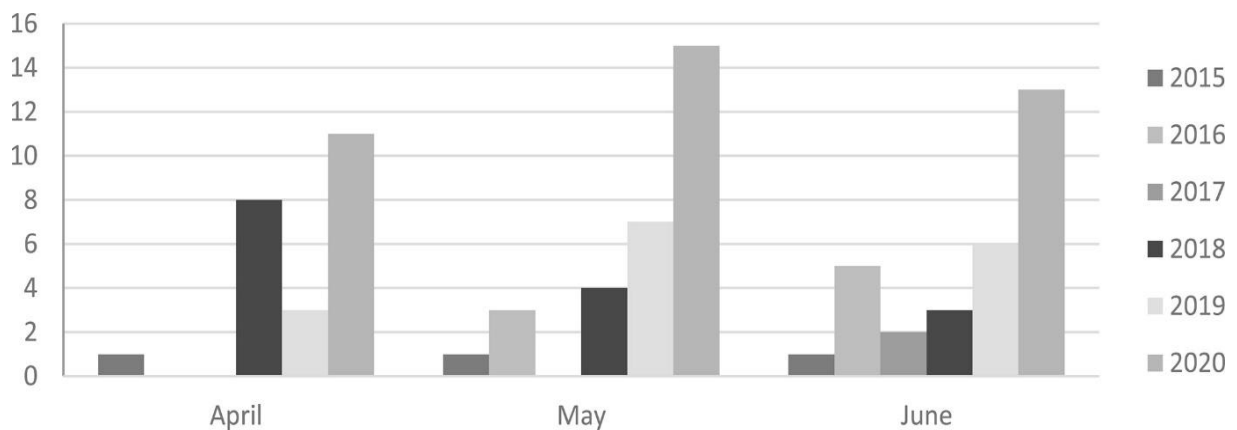


FIGURE 3

The quantity of news stories about domestic abuse published in Dainik Jagran between April and June of 2015 and 2020

TABLE 1. Reports of domestic violence that appeared in three newspapers—The Hindu, The Times of India, and Dainik Jagran—during the five months of the pandemic (March–July 2020)

	THE HINDU	THE TIMES OF INDIA	DAINIK JAGRAN
MARCH	4	4	9
APRIL	33	22	11

MAY	10	18	15
JUNE	14	9	13
JULY	1	2	6

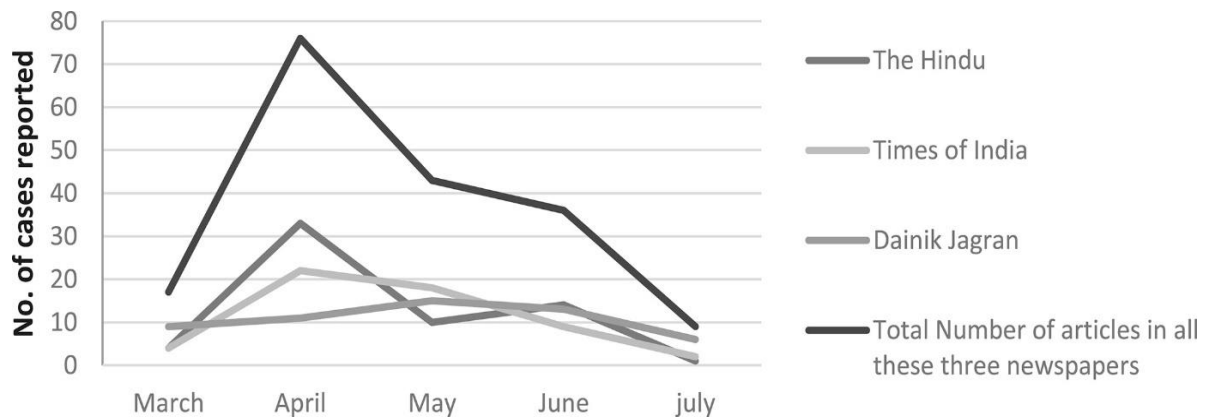


FIGURE 4

Domestic violence reports that appeared in three newspapers—The Hindu, The Times of India, and Dainik Jagran—during the five months of the pandemic (March–July, 2020)

Figure 4 displays a graph of articles released between March and July 2020, showing a 47.2% rise in India's domestic abuse complaints (Pandit, 2020, June 2). A state-wise analysis was conducted, with The Hindu reports encoded in a merge of city-wise and state-wise manner, while Dainik Jagran reports were because the states were arranged state-wise, it was relatively simple to identify the patterns among them. However, because the state-wise data was inconsistent, it was impossible to draw any conclusions about the state-wise pattern across newspapers. While Dainik Jagran reported no cases from northeastern and southern Indian states, the papers reported a fair number from southern states, particularly Tamil Nadu. The National Legal Services Authority report (Das, Das, & Mandal, 2020) indicates that the majority of domestic violence cases during lockdown were from the states of Uttarakhand and Haryana, and the National Commission for Women expressed concern about the rise in domestic violence cases during the lockdown. The majority of the reports in Dainik Jagran were based on cases from the states of Uttar Pradesh, Bihar, Punjab, Haryana, and Uttarakhand. (Mittal & Singh, 2020).

According to the findings, domestic violence cases have alarmingly increased in India, and

there may be a number of reasons for this. For example, deprivation influences the frequency and intensity of domestic violence (Evans, 2005). According to the World Report on Violence & Health 2002 (WHO, 2002), the biggest risk factor for intimate partner violence is poverty. The lockdown in India had inevitable and unintended negative consequences on the economy, despite government reliefs (Ray & Subramanian, 2020). India has seen a rise in domestic violence cases as a result of job loss and the anguish that follows (Sharma & Sharma, 2020). (Jha, 2020).

The trend analysis of reports reveals that the opening of alcohol shops (Agnihotri, 2020; Chakravarty, 2020) resulted in an additional surge in familial violence. On the first, second, and third of May, for instance, there were 29, 34, and 34 domestic violence complaints in Uttar Pradesh; on the fourth, fifth, and sixth of May, there were 92, 123, and 143 complaints. This demonstrates even more how closely alcohol misuse and domestic violence are related (Galvani, 2006).

The situation in India was further worsened because domestic violence victims were unable to leave their homes and escape the abusive situation due to strict lockdowns in the initial months of the pandemic, a situation known as “locked down with the abuser” (Mohan, 2020, March 31). The abusers included husbands and other relatives, including other women such as mothers-in-law. Ellsberg and colleagues (2001) found that among women, temporarily leaving the abusive partner is one of the most common strategies to deal with violence. Women in some geographical areas and parts of Indian society are not often allowed to leave their homes except for essential purposes, such as going to the office or school. As a result, while men were allowed to step out of their homes for essential purposes, women were simply confined to their domestic space. Thus, not being able to leave the place of conflict might also explain the brutality that women encountered in terms of physical violence (Kumar, 2020a) and also the suicide cases (Kumar, 2020a, 2020b; Saggu, 2020). The decline in domestic violence reports in June and July following the start of the unlocking process lends credence to the link between being locked down with the abuser and the spike in cases of domestic violence.

III. DOMESTIC VIOLENCE

As any harm or injury done to a woman in a domestic relationship, as specified by the Domestic Violence Act. This covers verbal, emotional, sexual, physical, and financial abuse. Threats of abuse and harassment resulting from demands for an illegal dowry are also covered by the Act. The Act's main goal is to shield wives and other female live-in partners from domestic abuse at the hands of their husbands or other male live-in partners, as well as their family members.

According to Any woman who is or has been in a domestic relationship with the perpetrator and who claims to have experienced any form of domestic violence is considered a “aggrieved person” under Section 2(a) of the Act. Furthermore, the Act protects women who have lived in a shared home and are related by consanguinity, marriage, or a relationship in the context of adoption or marriage, such as mothers, sisters, or widows, in addition to those who are or have been in a relationship with the abuser.

IV. TYPES OF DOMESTIC VIOLENCE

Domestic violence can take many different forms in relationships. These can include financial abuse, emotional abuse, psychological abuse, sexual abuse, and physical violence. These are all destructive types of violence that can leave a victim with long-term trauma, physical harm, and mental health issues. It’s critical to identify the warning signs of domestic abuse and to get assistance if you or someone you know is being abused.

1. Physical abuse

The most obvious type of domestic violence is physical abuse, so it’s critical to recognize the warning signs. Hitting, beating, kicking, biting, slapping, battering, pushing, punching, pulling hair, burning, cutting, and pinching are examples of physical abuse. If you believe that someone you know is being physically abused, It’s critical to look for assistance and support. Never forget that nobody deserves to suffer harm or to live in fear.

2. Sexual abuse

When the wrongdoer or abuser tries to force the victim into engaging in sexual activity or contact without getting their consent. It is an effort to coerce someone into performing a sexual act, making inappropriate sexual remarks or advances, or engaging in other activities that are directed against their sexuality.

For example-

- When you coerce the offended woman into engaging in sexual activity
- When you coerce the offended woman into viewing pornography.
- When you engage in child sex abuse.
- Sexually abusing the sufferer.

3. Verbal and emotional abuse

Behaviour that undermines the victim’s sense of self-worth and self-esteem is referred to as psychological abuse. A person may experience verbal and emotional abuse in a variety of ways,

including name-calling, insults, character assassination, and criticism for not having a male child. or failing to provide a dowry, making the resentful woman work, pressuring her into a marriage against her will, stopping her from marrying the person of her choosing, or pressuring her to wed the person of your choosing. Victims of emotional abuse are more likely to experience consumption disorders, suicidal thoughts, and drug and alcohol abuse when they are depressed.

4. Economic abuse or financial abuse

Economic abuse occurs when one partner controls the other's access to economic resources. This can happen in a lot of ways., including: - Withholding money from the woman to maintain herself or her children - Refusing to provide food, clothing or medicine to the woman and her children - Preventing the woman from working or interfering with her job - Taking away the woman's income from her salary or wages - Prohibiting the woman from using her salary or wages - Preventing the woman from entering the house in any way - Refusing to allow the woman to use household items or clothing.

V. VICTIMS OF DOMESTIC VIOLENCE

A significant number of individuals are impacted by domestic violence, with women and girls making up the majority of victims. Nevertheless, this detrimental behavior also affects men, kids, and the elderly. No one is immune to domestic violence, which is why it is so alarming because it affects all societal strata and demographics. Abuse may occur when people find it difficult to provide for their family members. This can cause the situation to worsen. Domestic abuse can have terrible, long-lasting effects on victims, their families, and the communities in which they live. Increasing awareness of this problem and taking steps to stop it from happening in the first place are essential.

VI. EFFECTS OF DOMESTIC VIOLENCE

1. Social effects:

- Difficulty establishing trust.
- Ineffectiveness in controlling one's anger and solving problems.
- Being victims in relationships that exploit them.
- Feeling lonely and low on self-worth.
- Maybe show signs of depression.

2. EMOTIONAL EFFECTS:

- Sorrow over personal and family losses.
- Shame, guilt, and self-blame.
- Fear of abandonment and fear of expressing feelings.
- Anger issues
- Depression
- Feeling helpless and weak.

3. Physical effects:

- Nervousness and anxiety
- Long-term health issues
- Short attention span
- Fatigue and frequent illnesses
- Poor physical hygiene
- Self- abuse
- Neglectful parents
- Consumption disorder

In India, there exist various domestic violence laws that aim to safeguard women from violence. Such laws are designed to ensure that crimes against women are not tolerated and are covered under the Special and Local Laws. It's critical to understand that the purpose of these laws is to shield women from all types of abuse and violence. The act known as the Dowry Prohibition Act, passed in 1961, made the act of providing and receiving dowries illegal. The Indian Penal Code then gained two more sections: Section 304B in 1986 and Section 498A in 1983. These were added after this.

VII. THE INDIAN PENAL CODE CONTAINS PROVISIONS REGARDING DOMESTIC VIOLENCE. SECTION 498A, ABUSE BY SPOUSE OR HIS FAMILY MEMBERS

The issue of abuse committed by a husband or his family members against a wife or her family members is covered by this clause. This clause aims to punish the husband and his family members who force a woman or any of her associates to comply with unlawful demands by torturing, abusing, or harassing them. This section's goal is to offer assistance in marriage cases where cruelty is a major problem. This offense carries a maximum three-year prison

sentence as well as a fine.

Section 304B, Dowry Death:

In Indian society, dowry deaths and bride burning remain sinful acts that indicate a social illness and are unfortunate developments. Dowry death is defined in Section 304B (1), and its punishment, which carries a maximum sentence of life imprisonment, is outlined in Clause (2). The Protection of Women from Domestic Violence Act (PWDVA) 2005 is a civil law that addresses a variety of domestic violence scenarios, such as verbal, physical, emotional, sexual, and financial abuse. Its goal is to shield women from being victims of domestic abuse. Domestic violence in India is defined explicitly by the Protection of Women from Domestic Violence Act of 2005.

Under section 3, Domestic Violence means:

Any act, omission, commission, or conduct by the respondent under this Act is considered domestic violence.

The following actions are considered domestic violence:

- (a) causing economic abuse, emotional or verbal abuse, physical or sexual abuse, or any other behaviour that jeopardizes the victim's safety, mental or physical health, life, limb, or well-being;
- (b) intimidating or injuring the affected individual or anyone connected to them with the intention of forcing them to give an illicit dowry, property, or valuable security;
- (c) threatening the person affected or anyone related to them by performing the actions mentioned in (a) or (b); or
- (d) harming the individual impacted in any other manner, whether physically or mentally

In this section, the following definitions are applicable:

- (i) Physical abuse is any act or behavior that endangers life, limb, or health, inflicts pain, or adversely affects the targeted person's development or health. It covers behaviours like using force unlawfully, criminal intimidation, and assault.
- (ii) Sexual abuse: Any sexually suggestive behavior intended to mistreat, dehumanize, or infringe upon a woman's dignity.
- (iii) Emotional and verbal abuse: This comprises teasing, mocking, degrading remarks, and calling names. It also includes jokes or derision centered around the lack

of a child or a boy child. It also entails persistent threats to inflict bodily harm on an individual the target is interested in.

(iv) economic abuse:

- Depriving the harmed party of any financial or economic resources to which they are legally or customarily entitled, whether or not such resources are mandated by a court. This includes household necessities for the aggrieved person and their children, if any, stridhan, property that is jointly or separately owned, payment of rental related to the shared household, and maintenance.
- Eliminating personal belongings, alienating real estate, valuables, stocks, bonds, securities, and any other property that the harmed party owns or is entitled to use because of the domestic relationship. This also includes any other property held jointly or separately by the resentful party, as well as any property that the resentful party may reasonably require for themselves, their children, or their stridhan.
- Preventing or limiting the resentful party's ongoing access to resources or facilities—including the shared household—that they are entitled to use or enjoy as a result of their domestic relationship.

Explanation II: The comprehensive facts and circumstances of the case will be taken into account in order to ascertain whether any act, omission, commission, or conduct of the respondent qualifies as "domestic violence" under this section.

VIII. SUGGESTION

Raising awareness: One of the most crucial steps in putting an end to domestic abuse is raising awareness among the apartment owner's association about its negative effects and consequences. Make laws that forbid the use of domestic abuse and harshly punish those who do so. Get more information and educate people about the negative effects of domestic violence. Speaking out against such things is a wiser course of action than remaining silent about them.

Strict rules are required: Strict enforcement of the laws against domestic abuse is imperative. In 1983, the Indian Penal Code was amended to include Section 498-A, which designated domestic abuse as a grave criminal offense. Domestic abuse against family members is being eradicated in part because of this action.

Empowered Non-Governmental Organizations: Non-governmental organizations are

another resource that people can use to help lessen domestic violence among apartment dwellers. These organizations will help the victim get justice and inform the public about the consequences.

Seek police assistance: In extreme cases of violence, people may go to the police for legal help in order to put an end to domestic abuse. The police's involvement is one important factor in lowering domestic violence. The police have received specialized training in managing domestic abuse cases. It is imperative that they consider domestic abuse to be a serious health issue that can cause significant harm to families.

Know the facts about domestic violence: It's imperative that the apartment building's owner's association mandate that all residents receive education on the topic. Domestic abuse victims should never be ignored; instead, they should report their abuse to the appropriate authorities.

Counselling: Every apartment building needs to have a counselor on staff who can give residents advice about potential risks. People will become even more courageous as a result of this action and come forward should they become victims of such an incident or witness one.

IX. CONCLUSION

Although the COVID-19 virus responsible for the pandemic affects everyone regardless of gender, the pandemic's socio-psychological consequences may impact men and women differently. The world has been greatly affected by the COVID-19 pandemic, but women have been disproportionately affected. Home confinement, which was initially considered the most effective way to protect public health, has resulted in increased suffering for women. Women were more frequently the victims of domestic violence without much assistance from the government or society, even though the countrywide lockdown protected them from violence outside the home. It is evident from the sharp increase in domestic violence cases that are reported in Indian news dailies that most women still feel unsafe in their homes. It is important to note that even after the pandemic and lockdown are over, the scars of the violence will remain permanent for the affected women. This study focuses on the rise in domestic violence in India, but there is strong evidence of gender inequality in all societies due to similar trends that have been reported globally (Evans, Hawk, & Ripkey; Mittal & Singh, 2020; Tadesse, Tarekegn, Wagaw, Muluneh, & Kassa, 2020; Usher, Bhullar, Durkin, Gyamfi, & Jackson, 2020). The findings of this study not only call for the implementation of strict and effective laws to help these women but also require the attention of scholars and mental health professionals to study and develop effective interventions to educate and prepare a gender-

equal society that can dismantle the existing gender-based powerhierarchy.

The government, law enforcement agencies, non-governmental organizations, and the general public must come together to create an environment in which seeking help is made easy. One of the most heinous forms of abuse that women endure in our society today is domestic violence. The statistics show that 85 percent of domestic violence victims are womanish. Merely 15% of victims are male. Domestic violence can affect anyone, regardless of their race, creed, religion, or social status. But that's not all; if domestic violence isn't addressed appropriately, abuse of this kind will go on indefinitely, affecting all societal classes. We as a society must unite and enact stronger laws that will protect the victims of this abuse if we are to eradicate this abhorrent form of maltreatment.

Domestic Abuse is a common case that's going on in society currently. This case generally happens among women as the investigators had made a investigation in which the statistics show that 85 percent of the victims in this case are women and the other 15 percent of the victims are men. This shows that generally men are the bones who frequently act violently against women and women generally being the victims. Those who suffer in this case generally will suffer in silence as they're trying to hide the fact that they're in a poisonous and unhealthy relationship. In addition, they generally try to avoid being judged or being shamed by society similar as their family, musketeers, or their peers. One of the other reasons they suffer in silence is that they fear they will receive pitfalls from their partner if they break up. For their children to receive adequate love and attention from both of their parents, many people would also endure hardships in a vitriolic relationship. Ways to track or smell these people is they won't concentrate and fluently get distracted while doing important effects similar as while working or hanging out with musketeers, they indeed cannot have a good time when their heart is full of anxiety and scarified of going back home.

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