

**THE JURAT INTERNATIONAL LAW JOURNAL****A STUDY ON THE RISE IN DOMESTIC VIOLENCE AGAINST  
WOMEN IN INDIA DURING LOCKDOWN***MEENAKSHY PRIYA CM**BHARATA MATA SCHOOL OF LEGAL STUDIES,**ALUVA***Abstract**

Domestic violence is a subject which is still in limelight even India attained freedom and it is a matter which is frequently discussed .in order to battle against the covid 19 virus the government imposed a lockdown from 24 the march 2020.But eventually the lockdown resulted in showing the sad plight of Indian women. The reports of national legal service authority suggest that there is a great toll in the rise of complaints regarding domestic violence. While the women's commission took necessary actions to prevent this illegal action and to protect the victims. However, the studies failed to identify the reasons prevailing that lead to such a condition during this pandemic period. Hence this research carried out with an aim to find the reasons behind the domestic violence during lockdown time and safeguards provided by our law to the victims. This empirical study was carried out with the help of possible and convenient methods instruments like statistical data and reports were used to arrive at the result. It was found that the major reason for domestic violence is reduced liquor availability and difficulties faced by women to contact their social norms. Reasons for the domestic violence changes with the conditions emerged with the lockdown.

Keywords: Domestic violence, covid pandemic, lockdown, illegal action, safeguards

**INTRODUCTION**

A large part of us believes that domestic violence has made an exit from our civilized society, but the present scenario proves that we are living with a pseudo belief. During the initial days of lock down 'stay at home' and 'quarantine' were two among the popular hashtags used by netizens all over the country, but it is not the condition now that is the situation has become topsy-turvy. The hashtag 'raise voice against domestic violence' is one among those trending hashtags as of now. The COVID pandemic created drastic changes in the world in addition with these, the pandemic has now divided the 2020 era itself into After corona and Before corona unfortunately this is applicable in the domestic violence also. According to the reports published by National Legal Service Authority, till the month of July, the number of complaints received was 660 but after the lockdown was announced, the National Commission for Women suggested that there is a 100% surge in the domestic violence.

The term domestic violence was first coined in the modern context by Jack Ashley in 1973 while

he was addressing the parliament of the United Kingdom (1). The United Nations defines violence against women as "any act of gender based violence that results in or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life" (2). The mass population of India are locked in home as an intend for contributing to government preventive measures against this fatal virus. But eventually lockdown resulted in showing the sad plight of Indian women. For every human being his/ her home is the safest place and the best comfort as per the latest reports of National Commission for Women we can reach at the findings that 47.2% of India's women population is undergoing severe tortures and harassment in their own home. It is clear that resolving and addressing domestic violence has now become one of the important priorities of the government. The intention of this article is to look into the background that leads to the exploitation of women during the pandemic period of COVID 19.

## **REASONS FOR CONSIDERABLE TOLL IN DOMESTIC VIOLENCE**

Due to the lockdown the availability of liquor has reduced considerably, this is the major reason for the increase in statistics of domestic violence. There arises a frustration and insecurity in the mind of a person who daily consumes alcohol. The result of this frustration is faced by their intimate partners in the form of physical, mental and sexual tortures. Economic dependence is another factor. A major percentage of Indian women depend on their partners for economic stability. So, they can't take a stand against their partners as they were dependents. Moreover, it is a tradition or custom of our society that females should be obligated to the males. This situation suggests that domestic violence can be regarded as a family menace. The male partners find it an apt reason for torturing and harassing their women partners furthermore. As people are staying at home during lockdown, women are in a dilemma to spend more time with their abusive partners. This makes the situation more vulnerable. Most of the cases registered with the National Legal Service Authority are in urban areas. At least 81% of families in rural villages reported domestic violence in some form as per the survey conducted by Tamil Nadu women's collective in 62 villages during COVID 19 pandemic (3). Various surveys show that there is a spike in India's unemployment amid the lockdown period that is it is at a record high of 27.1%. According to the Centre for Monitoring the Indian Economy (CMIE). The new data shows that India's unemployment figures are four times that of United States (4). So, we can reach the assumption that most of the people had gone to a depressed state after turning up of such events, for making situation more severe work pressure accompanied due to the work from home to both men and women and insecurity arrived in their jobs make things even more complicated. Men likely see their intimate partners as a medium to show their anger and depressed mental state as they can't reach their colleagues and friends to share their mental trauma where they are usually supposed

to do during the normal days. With social distancing norms and restrictions in place, several women are unable to contact their legal support system. Police officers in the county are engaged in efforts to control this pandemic. Reasons for domestic violence changes with the new conditions emerged with the lockdown guidelines.

## **DOMESTIC VIOLENCE AT THE GLOBAL LEVEL**

Lockdown is really a tough time not only for Indian women but also for women in the world. Even women from developed countries are undergoing this situation. It is better to say there is no difference in the violence suffered by women whether it is a developing nation or developed nation. Since the lockdown on March 2020

1. In France reports of domestic violence have increased by 30%.
2. Argentina emergency calls for domestic violence cases have increased by 25%
3. In Cyprus and Singapore have registered an increase in calls of 30% and 33% respectively.

Increased cases of domestic violence and demand for emergency shelter have also been reported in Canada, Germany, Spain, the United Kingdom and the United States. Comparing the new statistics with the domestic violence case in the pre COVID period there exists a big difference. Global estimate indicates that about 35% of women worldwide have experienced either physical or sexual intimate partner violence or non- partner sexual violence in their lifetime (6). In the year 2019, 243 million women and girls aged (15-49) across the world have been under some form of sexual or physical violence by their partners (7). The prostitution markets have gone through a stand still situation during the time of lockdown, so it is affirming that this increased the impact of sexual assaults against women be it in India or foreign countries. There is a spike in domestic violence in Sweden since the outbreak of the COVID 19 virus, though it is a fact that the Swedish policy government preventive measures are comparably lenient and opted for other measures rather than a complete lockdown, the reasons that constitute for increased domestic violence may have been the decrease faced in the availability of prostitution services (8).

Section 498 of Indian Penal Code ensures the safety of married women against the cruelty by husband or relatives of husband. Under this section, whomever being the husband or relatives of the husband of a woman, subject such woman to cruelty shall be imprisoned for a term which may extend to three years and shall be liable to fine. According to this section cruelty means-

1. Any willful conduct which is of such a nature likely to drive the woman to commit suicide or cause grave injury or danger to life, limb or health whether mental or physical
2. Harassment of the woman where such harassment is with view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

The Constitution of India through Article 15(3) ensures the safety of women. According to Article

15(3), any clauses mentioned in Article 15 shall prevent the state from making any special provisions for women and children. Under protection of women from Domestic Violence Act 2005, " any act or conduct, omission or commission may constitute domestic violence." Children are also protected under the provision of this act. The dowry prohibition act 1961 is a great relief measure for women but in the 20<sup>th</sup> century also deaths cases are reported over matters related to dowry. Under section 125 of Indian penal code, a woman does not have necessarily file for a divorce to have a right to receive maintenance from her husband. A petition is maintainable even in the absence of one for divorce. The landmark judgement made by Supreme Court that daughters have equal rights in their father's property ascertained women with her financial security and remains her rights.

Domestic violence is a matter of great concern at the international level also. Istanbul Convention can be mentioned in this regard. The objective of this convention was to protect the women from domestic violence. It came into effect from 1<sup>st</sup> August 2014. Turkey is one of the countries where a high rate of femicide persists. Further we observe that lockdown had claimed the lives of many women. It was in this context a new hashtag #Women supporting women raised a new storm on Instagram. But now Turkey is making efforts to withdraw from the treaty. So, it worth notable that. Treaties are not enough for the protection of women.

### **MECHANISMS USED BY OTHER FOREIGN COUNTRIES**

An aid of EUR 1 million is allotted by French government for organizations working against domestic violence. In Italy the government has launched an app that helps the victims to contact the legal systems via instant SMS. The Scottish government proclaimed a monetary aid of GBP Around 1.5 million for the survivors of the violence (9). In India, Anganwadis constitute one of the support systems for the victims and survivors of domestic violence. But due to the crisis put forward by lockdown the Anganwadis are temporarily locked. This makes the condition even worse. Counseling for the victims and perpetrators and mediation talks are some the services rendered here. The police force in the entire county are on a task to control this pandemic along with doctors and other medical staff so they face a difficulty at reaching them.

The mechanisms adopted by other countries face some limitations while applying in India. The mentality of people is the first barrier. According to our culture, husbands have a supremacy in the husband-wife relationship. At this stage, going against the husband will not be encouraged by the families so there starts the first menace. In rural areas of India, people are not familiarized with the smart technology mostly women they find it difficult to use apps and other forms technical updating against domestic violence. So, the technical barrier is another challenge we need to face. In India, surely, we need help from apps and smart technologies. Moreover, we need lively systems to approach the victims. We need a platform where we can hear them and can hold and pat their shoulders and can say that you go ahead. We are there to help you from these

violence's. Anganwadis, non-governmental organizations, etc. can help us in this to an extent.

## SUGGESTIONS

1. Financial crisis is one of the main factors for domestic violence. Economic dependence of women over men gives the male partner a mere consent for torturing his wife. In opportunities like this the victim needs a job. The recent condition suggests that providing employment for people in the economic conditions raised is not an easy task. This can be overcome by providing the victims of domestic violence in food preparation and food packaging for COVID patients who are hospitalized or in quarantine. This to be done for a regular wage basis till pandemic is over. This would be a great relief measure for unemployed victims to a limit.
2. As we have the "Epidemic Disease Act", we need a special act that ensures safety of women against domestic violence during such pandemic conditions.
3. There should be a mandatory awareness class for couples before their wedding. It should discuss the mutual respect and understanding, hardships and good sides of marriage. So, that we can prevent formations of more perpetrators and victims.
4. Our law enforces safety of women through domestic violence act and Dowry prohibition act etc., but these laws need to be made more strict and maximum punishment should be awarded to the convicts.

## CONCLUSION

The COVID 19 lockdown provided a new sight by the swell in domestic violence cases. It proves that even in homes women are not safe. A woman is subjected to harassment and violence not only in public places like office, roads, etc., but she also faces the same hazards in her home. It is not possible to wipe out this illegal action in just one day, but it is not impossible. For this we need a society that thinks out of the box. Families have to extend their support to their daughters financially and mentally. Women should come forward without hiding and believing that this is their fate. That is what the true meaning of women empowerment is. The children and women should be given education and the families and society should realize that education is more important than marrying. Women should not consider that they are inferior to men. Moreover, they need respect and understanding in every husband and wife relationship. The tortures and abuses faced by the victims affect their mental health badly which eventually leads to mental trauma including depression and suicidal thoughts claiming their life.

## ENDNOTES

- (1)[https://en.m.wikipedia.org/wiki/Domestic\\_violence](https://en.m.wikipedia.org/wiki/Domestic_violence)

- (2)<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- (3)<https://www.thehindu.com/news/national/tamil-nadu/81-of-rural-families-in-tn-suffered-domestic-violence-during-lockdown-survey/article31915775.ece>
- (4)[https://www.bbc.com/news/amp/world-asia-india-52559324#aoh=16013877221716&amp\\_ct=1601387727399&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s](https://www.bbc.com/news/amp/world-asia-india-52559324#aoh=16013877221716&amp_ct=1601387727399&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s)
- (5)<https://data.unwomen.org/resources/covid-19-emerging-gender-data-and-why-it-matters>
- (6)<https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=The%20prevalence%20estimates%20of%20intimate,are%20committed%20by%20intimate%20partners.>
- (7)<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>
- (8)<https://voxeu.org/article/role-prostitution-markets-domestic-violence-during-covid-19>
- (9)[https://indianexpress.com/article/explained/how-countries-are-dealing-with-the-surge-in-domestic-violence-under-covid-19-lockdown-6350186/lite/#aoh=16013894663603&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s](https://indianexpress.com/article/explained/how-countries-are-dealing-with-the-surge-in-domestic-violence-under-covid-19-lockdown-6350186/lite/#aoh=16013894663603&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s)



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