

“Impact on Domestic Violence during Covid’19 Lockdown : Behind the Closed Doors¹”

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INTRODUCTION:

True happiness depends upon more human factors like quality of time and energy we invest in our relationship with spouse, children and extended family members. As the world shuts itself indoors to stop the spread of one crisis a new crisis arise from the shadows. Due to lockdown, a huge number of domestic abuse cases has been recorded worldwide. The mounting data indicate that violence in Indian homes has become more frequent, more severe, and dangerous than ever before. This is the horrifying side effect as far as the lockdown due to the coronavirus is concerned while there'd be social and economic changes but this upward trend of violence against women is extremely alarming and to all the women. **National Family Health Survey (NFHS) 2015-16 reports** that 28.8% women experience some form of domestic violence. Though all forms of violence against women are of serious concern, domestic violence is particularly so as it is perpetuated with the safety of homes and have negative repercussions on the next generation. According to the **National Crime Records Bureau data 2018**, around one-third of the crimes against women are registered under cruelty by husband or his relatives. In this essay, author critically analysed the outbreak of Covid-19, particularly domestic violence, has increased in worldwide as security, health and financial fears and strain accentuated by the restricted and limited living conditions of a lockdown.

Gender inequality is the cause of DOMESTIC VIOLENCE:

Though we have **Article 15** under Indian constitution “prevents the state from discriminating against any citizen of India or violating their equal rights on the basis of race, caste, religion, class, or sex etc.² Gender discrimination is unacceptable global issue as it gives unfair pays opportunities, and rights for the women in comparison to men. Gender inequality is a result of the confidence that men and women have different rights and entitlements it means that men’s opinions and desires are more important than those of women. It is created and maintained though social norms, socialization of children and institutional and structural barriers. This inequality is the cause of domestic violence. inequality between men and women and parents and children give some people power over others which can lead to abuse .It is embedded in the belief that women purpose is to serve and obey and man’s role is to lead.

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² INDIAN CONST.art 15

When domestic violence is recognized as a result of gender inequality it becomes clear that a lot of excuses for violence are just debt excuses. Domestic violence is not caused by alcohol, poor temper, disobedient women uncompleted household works or any other excuse. It is caused only because of the belief that men are permitted to have their needs met and to be obeyed and this is power this is gender inequality. Gender inequality is deeply rooted in our society and the source of domestic violence but domestic violence also reinforce gender inequality it is a vicious cycle.

Gender based violence during covid-19 Pandemic:

We all knew the lockdown and quarantine are important to restrain covid'19 but they can corner the women with intimate abusive partners over the month as economic and social pressure and fear have grown. With shelter in-place measures and widespread organizational closures related to covid-19 likely to continue for an extended period of time, stress and associated risk factors for family violence such as unemployment, low income, and limited social support are likely to be further compounded. the issue of domestic violence is not restricted to India only.it is perpetrated all over the world as a follow up to the lockdown mandate. The women and children who live with violence partner have no escape from their abusers during quarantine. An added challenge has been the significance of tangled negative psychosocial impact on mental health of women.

The term domestic violence is used in many countries to refer to intimate partner violence (IPV), but it also encompasses child or elder abuse, or abuse by any member of a household. According to the World Health Organisation, 1 in every 3 women across the globe experience physical or sexual violence by an intimate partner or sexual violence in their lifetime. At least 30% of all women who have been in a relationship have gone through physical or sexual violence by their intimate partner.

Increase in domestic violence: The viciousness of COVID19:

After the imposition of lockdown to control the spread of the pandemic instances of domestic violence have been on a rise across the country. As more and more countries have entered lockdown, globally there is an alarming upshot in domestic violence related distress calls to support helplines and response shelters. As recently UN Secretary General, global lockdowns have resulted in a “horrifying surge” in gender-based violence (GBV)

ACCORDING TO WORLD HEALTH ORGANISATION “Globally, 1 in 3 women worldwide have experienced physical or violence by an intimate partner.

COUNTRY	INCREASED CASES REPORTED (in %)
FRANCE	36%
AUSTRALIA	75%
LONDON	25%

REPORTS RISE IN INDIA DURING LOCKDOWN :

India's National Commission for Women (NCW) on Friday said it registered 587 domestic violence complaints between March 23 and April 16 - a significant surge from 396 complaints received in the previous 25 days between February 27 and March 22.³

National Legal Services Authority (NALSA) report from the start of the lockdown till May 15 and was collected through 28 State Legal Services. A total of 144 cases of domestic violence were reported in Uttarakhand. Haryana, the number of cases were 79 and a total of 69 cases surfaced from Delhi.

DOMESTIC VIOLENCE LAWS IN INDIA

Part III of the constitution of India plays a vital role because it provides fundamental guarantees to the citizens. Fundamental Rights are considered as basic rights of all citizens, irrespective of their gender, caste, religion, creed etc. Domestic violence are mainly directed towards women and thus give rise to gender violence. The researcher observed that domestic violation i.e. violates the constitutional provision like Art 14, 15, 21.

PENAL PROVISIONS:

The Protection of Women from Domestic Violence Act, 2005

It provides protection to women in a household, from men in the household. The PWDVA, 2005 not only protects women who are married to men but it also protects women who are in live-in relationships, family members including mothers, grandmothers, etc. Under DV Act women can seek protection against domestic violence, financial compensation, the right to live in their shared household, and they can get maintenance from their abuser in case they are living apart.

³ <https://www.economist.com/graphic-detail/2020/04/22/domestic-violence-has-increased-during-coronavirus-lockdowns>

Dowry Prohibition Act 1961 This is a criminal law that punishes the taking and giving of dowry. Under this law, if someone takes, gives or even demands dowry, they can be imprisonment for 6 months or fine upto Rs 5,000.

Section 498A of the Indian Penal Code (Husband or relative of husband of a woman subjecting her to cruelty):This is a criminal law, which applies to husbands or relatives of husbands who are cruel to women. Cruelty refers to any conduct that drives a woman to suicide or causes grave injury to her life or health which including mental health and also includes harassment in the name of dowry. If convicted, people can be sent to jail for up to 3 years under this law

INTERNATIONAL CONVENTIONS:

- Universal Declaration Of Human Rights
- Convention On the Elimination of all forms of discrimination against women
- UN declaration on the elimination of violence against women
- UNFPA strategy and framework of action to addressing gender based violence 2008-2011
- Domestic violence legislation and its implementation: an analysis for asean countries based on international standards and good practices

Conclusion:

Movement restrictions aimed to stop the spread of the corona virus may be making violence in home more frequent, more dangerous. Lockdown can quickly become locked up victims of domestic violence. In many countries, where people are encouraged or required to stay at home, the risk of intimate partner violence is likely to increase. Several NGO'S say that due to the lockdown it has become difficult for women to report such incidents. Violence against women is a grave violation of women's human rights, no matter when, where, or how it takes place. The effects of violence are very often long-lived. Violence in all its forms can have an impact on a woman's well-being throughout the rest of her life. This is unacceptable, and the risks of violence that women and their children face during the current COVID-19 crisis cannot be ignored. If we thought dealing with the pandemic was pretty stressful, imagine what these countless women who're are dealing with the additional worry of surviving violence at home are going through. By addressing the problem in an efficient manner, it will help in restoring the lost self esteem of women in the society. They can be assured of a more peaceful, successful and empowered life.

SUGGESSTION AND RECOMMENDATION:

- States must give high priority to comprehensive measures to address domestic violence and other forms of GBV.
- States must also increase efforts to raise awareness of the criminal nature of domestic violence and the services available to victims. Such measures and should include physical and mental healthcare services, housing services including basic shelters. All cases of Gender Based Violence must be effectively investigated and perpetrators brought to account despite the pressure placed on policing capacity during lockdowns.
- In these unprecedented times, the obligation of States to promote and protect women's human rights becomes all the more important. As women all over the world are constrained to their homes, States must establish measures so that victims of domestic violence are still able to access redress for violations of their rights.

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