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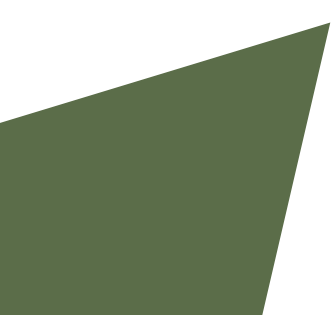
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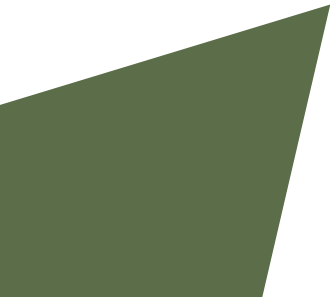
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**The Surge in Domestic Violence during the Covid-19 Pandemic: Legal
Remedies and Potential Solutions**

Shrishti Mittal & Tuhina Das

ABSTRACT

With the imposition of national lockdown during Covid-19 pandemic, India witnessed an alarming rise in complaints registered against domestic violence. This brings us to the question of how safe women actually are in their households. While the world urges everyone to stay home and stay safe, for a major section of women in the society staying home is no less than a nightmare. Despite of the legal provisions and remedies available in the Indian justice system, most women find it difficult to reach out for help. Taking cues from the thoughtful measures taken by a few countries in the west; this article seeks to analyze the potential solutions which would encourage women to seek for help.

INTRODUCTION

The Indian society has seen all kinds of patriarchal and conservative treatment of women. Given to the time before the commencement of the modern societies, Goddess Sita was made to do the *agni-pariksha*, to establish the true virtue of her character to many young women in modern India, a Nirbhaya who was brutally gang-raped in the capital of the country, making people across the globe shout from the rooftops of their houses that women should not roam around late at night, stay home, because homes are safe, forgetting that many women are battling to survive every day in the same 'safe households' where the suffering does not seem to end. They are subjected to emotional, physical, and verbal abuse that has no limitations. They are hit by their husbands, in-laws, starved, and sometimes even made to commit suicide. This is domestic violence. It is the violence against women or girls by their intimate partner, their in-laws, or someone from their domestic set up. Every third woman in India is subjected to domestic violence.¹

The world started experiencing the Corona virus or Covid-19 back in December 2019. No one had quite imagined the seriousness and gravity of the virus. The world hadn't seen something like this before. Soon enough the world started panicking as the cases of the virus increased and the death toll went on going high. The governments all around the globe mandated lockdowns since it was issued by the World Health Organization that people must practice social distancing. One of the implications that the governments didn't anticipate is that of domestic violence. The governments did think that protection from the lethal virus would be possible in the comfort of people's homes but the governments did not realize that home is not a safe place for the majority of Indian women. The cases of domestic violence have been increasing exponentially

¹ Sheikh Saaliq, 'Every Third Woman In India Suffers Sexual, Physical Violence At Home' (*News 18*, 08 February 2018) < <https://www.news18.com/news/india/the-elephant-in-the-room-every-third-woman-in-india-faces-domestic-violence-1654193.html>> accessed 20 May 2020

during this time. The problem has surged to such a level that the United Nations General Secretary, Antonio Guterres, called the surge horrifying² and expressed his concern for the same saying that a lot of women are stuck in their houses because of Covid-19 with abusive partners. He also urged nation-states to formulate a plan and address this problem. Because the survivors are confined to their homes, they are becoming more vulnerable to domestic violence because there is no escape.³

THE CURRENT SITUATION

The current scenario regarding the cases of domestic violence has two aspects. One, at some places, the cases are increasing and two, in others, they are declining. The possible reason for this is that women are locked in their houses all day with their perpetrators, earlier they could call for help and find haven in NGO shelter homes but while the pandemic is going on, shelter homes are flooded with women needing help, this is ruling out the possibility of the practice of social distancing and these shelter homes have become breeding centers for the Corona virus. Before the advent of the pandemic, women could even go to their maternal homes to seek refuge but since there is a halt in the transportation facilities due to the pandemic, the affected women cannot take this recourse.

Most of the complaints received by the National Commission for Women and other NGOs is through WhatsApp and e-mails. Given the fact that 68.8% of the Indian population earns less than \$2 (₹151.95) per day⁴, a major chunk of the Indian population lives in abject poverty. Most women don't have smartphones, let alone the possibility of having access to WhatsApp and e-mails. The women who are privileged enough to have these mediums have to go through intense scrutinizing by their partners, some have to wait till midnight until their perpetrator is asleep and go to some other room and ask for help. Even when women approach the police to ask for help, they are shut out because the police are too occupied enforcing the lockdown due to Covid-19. Some women are thrown out of their houses by their partners, having nowhere to go. The reasons for this are the loss of jobs, the frustration of either not getting alcohol or the paranoia after getting too much of it. Before the pandemic, women would go out and do odd jobs and

² Scott Neuman, 'Global Lockdown Resulting in 'Horrifying Surge' in Domestic Violence, U.N. Warns' (*Npr*, 6 Apr. 2020) < <https://www.npr.org/sections/coronavirus-live-updates/2020/04/06/827908402/global-lockdowns-resulting-in-horrifying-surge-in-domestic-violence-u-n-warns> > accessed 21 May 2020

³ Shubham Goel, 'Pandemics, Lockdowns And Domestic Violence – A Legal Perspective' (*Inbreakthrough*, 30 Apr. 2020) < <https://inbreakthrough.org/domestic-violence-lockdown-law/> > accessed 21 May 2020

⁴ SOS Children's Canada Bureau, 'Poverty in India: Facts and Figures on the Daily Struggle for Survival' (*Soschildrensvillage*, 15 Jan. 2017) <<https://www.soschildrensvillages.ca/news/poverty-in-india-602>> accessed 21 May 2020

support their husbands with the little they earned and now they are not able to do that, which is further contributing to the prevailing misogyny.

There has been almost a threefold increase⁵ in the cases of domestic violence. According to National Commission for Women, during the first 25 days of the lockdown, the commission received 239 complaints, that is double to the 123 complaints⁶ received the preceding month. Many prisoners and under trials have been granted parole, it was done to ease the over crowdedness of jails and to practice social distancing but this also means that a lot of people who were in jails because of domestic violence have returned home. The lockdown has also increased marital rapes and unplanned pregnancies, along with an upsurge in sexually transmitted diseases, such as HIV.

DOMESTIC VIOLENCE AND RELATED LEGAL PROVISIONS IN INDIA

1. The Protection of Women from Domestic Violence Act, 2005⁷.

The word domestic violence was used for the very first time by Jack Ashley in the Parliament of the United Kingdom back in 1973. The Act attempted to define domestic violence for the first time in Indian Law. Section 3 of the Act defines when an act or omission could result in domestic violence. It recognizes different forms of violence against women. It also provides compensation and maintenance arising out of domestic violence. The Act has also given importance to emotional abuse that is inclusive of traumatizing the woman for not having children or a male child.

2. One Stop Centers by Ministry of Women and Child.

National Legal Service Authority (NALSA) came into existence under the Legal Service Authorities Act, 1987. NALSA was created to provide people with free legal aid. It has communicated with State Legal Service Authority (SALSA) to have coordination with the One Stop Centers. The volunteers and law experts are present there to help women with the legal process of filing the cases and affidavits and to make them aware about their rights. Also, a helpline number '181' was issued to help women and provide them with free legal aid.

⁵ Jagriti Chandra, 'Covid-19 Lockdown | Rise in Domestic Violence, Policy Apathy: NCW' *The Hindu* (02 Apr. 2020) <<https://www.thehindu.com/news/national/covid-19-lockdown-spike-in-domestic-violence-says-ncw/article31238659.ece>> accessed 23 May 2020

⁶ Mail Today Bureau, 'Domestic Violence Spikes in Lockdown, Govt told to step in' (*India Today*, 27 Apr. 2020) <<https://www.indiatoday.in/mail-today/story/domestic-violence-spikes-in-lockdown-govt-told-to-step-in-1671460-2020-04-27>> accessed 23 May 2020

⁷ The Protection of Women from Domestic Violence Act 2005

HOW OTHER COUNTRIES ARE DEALING WITH THE PROBLEM OF DOMESTIC VIOLENCE DURING COVID-19

India is not the only country battling the problem of domestic violence, all the countries in the world, be it the superpower and the hegemon, the United States or the fairly literate countries of Europe. From Japan to the Middle East, the problem is not new and is increasing due to Covid-19.

Some of the European countries, like Spain and France have urged women to go to pharmacists and use the code word, that is, 'Mask-19' if they need help. The French government has also provided free counseling and is paying the bills of the hotel rooms of the victims who have asked for help at the pharmacies. On the other hand, Italy has come up with a smartphone application that assists victims to seek help without a phone call and has made a law, according to which, an abuser is supposed to leave the family home and not the woman. Spain is one of the countries affected gravely by Covid-19 and had enabled very strict lockdown, the Spanish government has enabled exemption from the lockdown to the women who have been facing domestic violence so that they can go and seek help. In the United Kingdom, the leader of the Women's Equality Party has asked for the abusers to leave the home for the lockdown and to also for the waiving off of court fee. Germany is demanding for more safe houses, where women can go to seek refuge.

POTENTIAL SOLUTIONS TO THE PROBLEM

Inclusive of the solutions that other nations have come up with, governments should address the issue and make the legal remedies known to the general public so that they don't suffer. Remedies should be published in the newspapers, NGOs should take initiatives to make the people acquainted with them and the mass media should highlight the problems women are facing in the safety of their homes and make known the ways by which women can seek help. Given the current situation of the world, the way it is battling a virus, something similar to which had never been seen before, there is death and chaos everywhere and people's mental health is getting affected because of this. Counseling is one of the best solutions to this. Psychiatrists, doctors, psychologists, and other professionals should come forward to provide aid to the people. A lot of professionals provide help via WhatsApp and video conferencing. By doing this, people can get help while sitting at home and not coming in contact with the lethal virus.

Women should try and seek help from a neighbor if they have to leave their home immediately for safety. A code word can also be developed with the neighbor so that they can come to the

victim's aid, in case they need it. A plan to leave home safely and immediately should also be there. A list of phone numbers, needed in the case of an emergency should be kept handy.⁸

If someone's loved one is facing violence during this time, they should keep in touch with that person on a regular basis, assuming that the perpetrator knows about it, so that it might prevent the victim from facing additional harm. They can also try finding services which help the people suffering from domestic violence during the pandemic and make it available to their loved one, directly, if it is safe and indirectly through their social media handles, if it is not.

India, like other countries should come up with different solutions and make it known to the people of the country.

Those who are engaging in abusive behavior themselves and know the consequences of it must limit the consumption of alcohol, seek counseling and whenever they feel agitated or annoyed, they must go to the other room and take a deep breath. They should also be mindful that it's not just them who is feeling stressed due to the pandemic but the entire family. They should also be kind, with their actions and words.

CONCLUSION

Domestic violence against women constitutes to the violation of human rights. The violence can lead to serious consequences. The violence is not limited to physical injuries but also includes mental and sexual abuse. It also leads to unplanned pregnancies and in extreme situations, death. Considering the present condition of the world, with the prevalence of the deadly virus, the violence experienced by women is increasing at an unprecedented rate. A lot of countries have shown an increase in the cases and some have shown a deduction, this could be the result of women being trapped with their abusers and having the fear of getting infected if they do choose to seek help. The disruption of normal busy life, stress, loss of jobs and income has exacerbated the extent of domestic violence faced by women, across the globe. The effects of domestic violence can affect the victim's entire life. It is the need of the hour to be mindful of the problems faced by people during the lockdown. Enough media coverage should be given to the cases of domestic violence so that more awareness is created. The government should take measures to curb it and help the women seeking refuge. The government while urgently implementing the lockdown to save its people forgot to pay attention to other evils that were

⁸ World Health Organization, 'Q&A Violence against women during covid-19' (*WHO*, 15 Apr. 2020) <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/violence-against-women-during-covid-19?gclid=EAIaIQobChMI0Ozz-L6QIV1qiWCh02mgvqEAAAYASAAEgLn_D_BwE> accessed 22 May 2020

borne due to their action. The government overlooked the implications of a nationwide lockdown. But instead of just blaming it all on the government, individuals must come forward to spread awareness about it so that the information and possible remedies can reach to the women who need it.