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# Analysis of the Affects of Covid 19 Pandemic on Domestic Violence

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## ABSTRACT

*Domestic violence does not confine itself to a single category of people. It extends to all the vulnerable groups. The current article is specific to one such vulnerable group i.e. Women. The surge of COVID 19 cases in the country worsened the already dreadful condition of women who were suffering from domestic violence. The quarantine had a negative impact on the business, economy and mental health of the people. Violence against women was regarded as an already serious problem in India. But the pandemic was seen to intensify the dreadful condition of women in households. Official reports indicate that one third of women between the age of 15-49 have experienced violence which is physical in nature and 1 in 10 women experience sexual violence. This is a grave violation of basic human rights. The current article attempts to understand the reason behind such awful effects especially during the pandemic. A study of legislation enacted in favour of women has been conducted. Further, a connection has been made to different countries to better scrutinize the affect and produce a comparative analysis. The report of WHO on the current topic is also looked into for a holistic understanding. The article also tries to suggest ways to improve the condition of women during such times.*

## I. INTRODUCTION

To control the pandemic, quarantine has been noted as a potent criterion for keeping the infections in control since the 14<sup>th</sup> century. The ancient societies successfully determined the link between the emanation of symptoms and the time duration. This term relates to plague in 1377 AD when the ships were deserted for 30 days and the travelers for 40 days.<sup>2</sup> Since the declaration of COVID 19 as a pandemic and the absence of vaccine in the early stages, quarantine was seen as the suitable modus operandi to contain the disease. This changed the lifestyle of people across the world drastically. These measures were proved fruitful in containing the disease to a certain point. But this change brought about certain negative impacts

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<sup>2</sup> Nie, W. (2015). The Origin Of Quarantine. Global Partners in Education Journal – Special Edition, [online] 5(2), pp.24–31. Available at: <http://www.gpejournal.org/index.php/GPEJ/article/view/108> [Accessed 12 Feb. 2021].

including economic uncertainty, mental health issues emerging from isolation, loneliness etc. One such negative impact is the gender based violence in households.<sup>3</sup> Gender based violence is confined to domestic violence in the present article and referred to as being one and the same further on. Domestic violence as small a word it might seem contains a much wider ambit of offence within itself. Such violence more often than not is associated to women. Women from time immemorial have been seen as vulnerable and have been exploited. One of the most conventional reasons for it has been seen as the biologically weaker physical structure of women compared to men. Another well-established reason is the traditional patriarchal system which has shackled women in emotional and economic dependence. Domestic violence/abuse/intimate-partner-violence has been defined by the United Nations as a behavioral pattern in a relationship that is used to attain, maintain and control power over an intimate partner.<sup>4</sup> It is an abuse, the nature of which can vary from physical, sexual, emotional, or psychological actions or threat of those actions.

It is no new revelation that India is among the top when it comes to crimes against women. It is almost every day that one comes across brutal cases of rape in the news. While these cases hold the limelight, it might be a surprise that it is actually domestic violence that forms the majority of crime against women. According to the National Crime Record Bureau (NCRB) 30% of the total crime against women was domestic violence. The state that aced at such brutality was Rajasthan followed by Uttar Pradesh.<sup>5</sup> In 2019 it was the highest committed crime against women. A significant increase in the number of cases of domestic violence complaints was recorded by the National Commission for Women (NCW) especially during the period of lockdown. Violence against women has been defined by the World Health Organization 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 in private life."<sup>6</sup>

## **II. GENDERED NORMS AND CONDITIONED THINKING**

For a very long time women have been made watchdogs of this patriarchal society. They have

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<sup>3</sup> Peterman, A., Potts, A., O'Donnell, M., Thompson, K., Shah, N., Oertelt-Prigione, S. and van Gelder, N. (2020). *Pandemics and Violence Against Women and Children*. Center for Global Development. [online] Available at: <https://www.cgdev.org/publication/pandemics-and-violence-against-women-and-children>.

<sup>4</sup> United Nations (n.d.). *What Is Domestic Abuse?* [online] United Nations. Available at: <https://www.un.org/en/coronavirus/what-is-domestic-abuse> [Accessed 10 Feb. 2021].

<sup>5</sup> Dhawan, H. (2020). *Not rape, domestic violence is top crime against women* | India News - Times of India. [online] The Times of India. Available at: <https://timesofindia.indiatimes.com/india/not-rape-domestic-violence-is-top-crime-against-women/articleshow/78494876.cms> [Accessed 5 Feb. 2021].

<sup>6</sup> Thongking, P. (n.d.). *Violence against women*. [online] [www.who.int](http://www.who.int). Available at: [https://www.who.int/health-topics/violence-against-women#tab=tab\\_1](https://www.who.int/health-topics/violence-against-women#tab=tab_1) [Accessed 6 Feb. 2021].

been conditioned to think that men have right over them. A report by the National Family and Health survey show that fifty two (52) percentage of women and forty two (42) percentage of men believe that the husband is 'justified' in beating his wife. There were seven specific circumstances put forth men and women which revealed the above data on justified thinking of violence against women. The first was when the woman goes out without telling her husband. Second situation when the wife neglects the house or the children. Third when she argues with her husband. Fourth when she refuses to have sexual intercourse with him. Fifth when she doesn't cook food properly. Sixth when the husband suspects the wife of being unfaithful. Seventh when the wife shows disrespect for the husband's in-laws.<sup>7</sup> It was seen that the husband's 'right' to control her wife's life included violence also. The simplest inference from this can be made is that women are only seen as being fit for care giving roles. When they are seen to slightly deflect from those roles domestic violence is the remedy sought by their partners. Domestic violence has been made invisible by the Indian society. It has been registered in the minds of the general populace that it is acceptable for a man to hit a woman and it is imposed on the woman to endure the act. This is a crime which does not restrict itself to the lower strata but has its roots are deeply imbedded in the elite class of the society too. The figures may differ but the presence of such atrocity is marked.

According to UNFPA, societal infrastructure breakdowns are mostly the product of pandemics, thereby exacerbating current vulnerabilities and disputes. As a consequence, current gender disparity is compounded by pandemic conditions. Data depicts that similar outcomes were recorded in other disasters as well. An escalation in domestic violence was seen during the Earthquake in Haiti in 2007, Hurricane Katrina in 2005, and Eruption of Mount Saint Helens in the 1980s.<sup>8</sup> It is no doubt that gender based violence against women has been acknowledged internationally and has also been seen as a violation of basic human rights. But the question still remains, is acknowledging the fact alone enough. The indispensable aspect is to first understand the gravity of such a crime. A crime which has seen to surpass the levels of brutality. Facts show that there have been cases of eye injuries, sprains, dislocations, burns, broken bones, broken teeth, and many such serious injuries<sup>9</sup>. The most disturbing fact is that the victim has to live under the same roof as that of the perpetrator every day, provide him with amenities

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<sup>7</sup> National Family Health Survey (NFHS-4). (2017). [online] International Institute for Population Sciences and ICF, p.514. Available at: <http://rchiips.org/nfhs/NFHS-4Reports/India.pdf> [Accessed 5 Feb. 2021].

<sup>8</sup> Campbell, A.M. (n.d.). An Increasing Risk of Family Violence during the Covid-19 Pandemic: Strengthening Community Collaborations to Save Lives. Forensic Science International. [online] Available at: [https://www.researchgate.net/publication/340597042\\_An\\_Increasing\\_Risk\\_of\\_Family\\_Violence\\_during\\_the\\_Covid-19\\_Pandemic\\_Strengthening\\_Community\\_Collaborations\\_to\\_Save\\_Lives](https://www.researchgate.net/publication/340597042_An_Increasing_Risk_of_Family_Violence_during_the_Covid-19_Pandemic_Strengthening_Community_Collaborations_to_Save_Lives) [Accessed 13 Feb. 2021].

<sup>9</sup> Ibid 4

he wishes and also suffer the ghastly consequences of basic human error.

### III. ANALYSIS OF CASES AND LEGISLATIONS IN INDIA

Every person has a right to live a life which is free from fear. Domestic abuse violates this core principle of human rights and degrades the moral vision. The violence against women has been encompassed in a separate legislation in India through the Protection of Women from Domestic Violence Act, 2005 (43 of 2005). Section 3<sup>10</sup> of the act defines domestic violence as any act, commission, omission or conduct of the respondent shall constitute as an act of domestic violence if the person-

- a. *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;*
- b. *harasses, harms, injures or endangers the aggrieved person with a view 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*
- c. *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*
- d. *Otherwise injures or causes harm, whether physical or mental, to the aggrieved person.*

The act goes a long way in protection of women against the perpetrators of domestic violence. Before the application of this act women had an option to approach the court under Section 498A<sup>11</sup> of the IPC. Although IPC never specifically used the term domestic violence and if a women approached the court under this section she would have to move out of her matrimonial house. There was no provision which allowed her to stay at her matrimonial house and raise her voice against such a crime at the same time. It was problems like these which forced the lawmakers to enact this legislation. The act has kept the ambit of abuse sufficiently wide to fit in all the types of crimes committed against women including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

On various occasions the courts in India have recognised various rights ranging from the right to be free from violence, right to dignity, right to shelter in the case of Francis Coralie Mullin

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<sup>10</sup> the Protection of Women from Domestic Violence Act, 2005.S. 3 [online] Available at: [https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf) [Accessed 11 Feb. 2021].

<sup>11</sup> Indian Penal Code, 1860.S 498 A [online] Available at: <https://www.indiacode.nic.in/bitstream/123456789/4219/1/THE-INDIAN-PENAL-CODE-1860.pdf> [Accessed 12 Feb. 2021].

v. Union Territory Delhi, Administrator<sup>12</sup>, Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan<sup>13</sup>, and Chameli Singh v. State of U.P<sup>14</sup> respectively. The domestic violence act protects the rights of women which have been guaranteed to them under article 14 and 15 of the Constitution of India. Although domestic violence is widespread in men, women and children, an intelligible differentia has been made in gender as it is mainly seen in women.

#### **IV. ANALYSIS OF WHO REPORT ON VIOLENCE AGAINST WOMEN DURING COVID 19**

Data is the most important aspect for any analysis. It is through this data that various risk factors, availability of services, access to services and evidence based policy and programmes can be implemented. During the COVID 19 pandemic the most difficult task is that of data collection, as face to face collection of data and traveling is scarcely possible. With the limited information available the report of WHO released in April, 2020 addresses violence against women during emergencies as a major threat to women's health. It has been noted that older women and women with disabilities are exposed to added risks and needs. Women who have been displaced or are refugees and living in areas that are prone to conflict are much more susceptible to such threats. Also, health issues due to violence, particularly by intimate partners are much higher. Reproductive health concerns such as sexually transmitted infections, HIV and unplanned pregnancies are some aspects which need to be addressed promptly. During such times when there is restricted movement it may be difficult for women to meet their family and friends. Even contacting them is difficult as the victim and perpetrator live together for longer duration than usual. There is much less privacy at homes for the victims. Remote data collection could be facilitated but that comes with its own risks. Since the victim is in confinement with the perpetrator resorting to help through mobile phones or SMS could increase the risk of violence as electronic communication leaves trail. If the abuser discovers that the woman is sharing such experience and seeking help, the risk of her being further abused increases much more than before.<sup>15</sup>

However, data should not be misinterpreted. If the helplines are receiving less number of calls than usual that does not mean that violence during pandemic has reduced. One such instance

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<sup>12</sup> Francis Coralie Mullin V The Administrator, Union Territory Of Delhi & Ors [1981] (Supreme Court) Available at: <https://indiankanoon.org/doc/78536/> [Accessed 11 Feb. 2021].

<sup>13</sup> Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan [1996] (Supreme Court) Available at: <https://indiankanoon.org/doc/1352960/> [Accessed 11 Feb. 2021].

<sup>14</sup> Chameli Singh vs State Of U.P [1995] (Supreme Court) Available at: <https://indiankanoon.org/doc/18928039/> [Accessed 11 Feb. 2021].

<sup>15</sup> Violence Against Women and Girls Data Collection during COVID-19. (2020). [online] UN Women, p.2. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/va-wg-data-collection-during-covid-19-compressed.pdf?la=en&vs=2339> [Accessed 13 Feb. 2021].

reported by a Delhi based NGO that runs a 24 hour helpline reported that the number of calls received in a week during lockdown was much lower than before lockdown. And the reason for it is the women's inability to seek help. Sometimes the victims cut the call midway as they live in fear of confrontation which may lead to further abuse. The condition of victims is further deteriorated as the neighbours who lend the first helping hand are reluctant to even respond because the fear of pandemic.<sup>16</sup> In situations like these the work of NGOs has been splendid as they provide services in times when government agencies were coping with containing the pandemic. It has been suggested that government and policy makers must include prompt services which the victims can avail. Health facilities should provide information even remotely. Survivors should be encouraged to connect to support services and the health providers should be trained to deal with them accordingly. More women empowerment initiatives must be encouraged so that women feel safe in their homes. Moreover, community members should be made aware of the increased risks of domestic violence during such time so that a helping hand could be lent complying with the physical distancing norms.<sup>17</sup>

## **V. ACTION PLAN OF DIFFERENT COUNTRIES DURING COVID 19**

According to reports the first week of lockdown alone attracted 257 complaint calls to the National Commission of Women. Women's organisations in India have shown that girls are under pressure to reconsider child marriage as an alternative, as access to education and livelihoods is unclear. Jobs globally are more vulnerable to cyberbullying and technology-enabled abuse and intimidation as working from home using modern technology has become the latest standard for many. A rise in helpline calls and police reporting was noted and since strict anti-COVID initiatives were in place, women perpetrators of abuse encountered additional obstacles to obtaining support. Even though there less data on this issue because of less media coverage and fewer reports from organization, the data in hand depicts an alarming picture of increased violence during the pandemic. In the US, intimate partners were also seen to use the pandemic to physically isolate women from resources. The injuries to women from domestic violence were also noted to be much graver.<sup>18</sup> In UK a project revealed shocking data which depicted that domestic violence death between 23<sup>rd</sup> March and 12<sup>th</sup> April had more than

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<sup>16</sup> Konikkara, A. (2020). Lockdown and domestic violence: As NGOs struggle to support women at risk, government plays catch up. [online] *The Caravan*. Available at: <https://caravanmagazine.in/gender/lockdown-domestic-violence-ngo-struggle-government-catch-up> [Accessed 15 Feb. 2021].

<sup>17</sup> COVID-19 and violence against women What the health sector/system can do. (2020). [online] World Health Organization, p.2. Available at: <https://apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf?ua=1> [Accessed 14 Feb. 2021].

<sup>18</sup> Gupta, A.H. and Stahl, A. (2020). For Abused Women, a Pandemic Lockdown Holds Dangers of Its Own. *The New York Times*. [online] 24 Mar. Available at: <https://www.nytimes.com/2020/03/24/us/coronavirus-lockdown-domestic-violence.html> [Accessed 12 Feb. 2021].

doubled when compared to an average rate in the previous 10 years.<sup>19</sup> As disturbing these reports may be, it showcases the truth behind a shadow pandemic. When the world is urged to stay at home in order to shun the effects of COVID 19 the partners in abusive relations are exposed to significant threat. Children may also be trapped in the clutches of domestic violence during such times.

As COVID 19 affected the social, economic and political scenarios of individuals, the redressal institutions such as courts worldwide were also seen to be profoundly impacted. Owing to the lockdown measures, the courts of various countries faced obstacles to stay active, some countries only continued to hear or prioritise "urgent cases," while others switched to digital technologies to resume work. For example, Botswana, Bulgaria, Poland and Turkey kept their courts open, but only to hear cases of emergency, such as domestic abuse and family matters. Virtual hearings were set up by Bangladesh and the Dominican Republic. In order to secure protection orders, as well as access to shelters and legal assistance to individuals, Malaysia digitalized its procedure, which was given free of cost. Peru and Puerto Rico went a step ahead and made use of the technology via WhatsApp and email by making a security order available through these platforms. Brazil was also seen to justly extend the validity of protection orders which would have otherwise expired during the lockdown period. Since the lockdown forced the market to be accessible only to a certain limit, the shops which were open in Belgium, France, Italy and Spain, besides grocery stores, offered anti-violence initiatives and guidance to survivors. The initiation of police response codes was also seen by the use of the code words such as 'masque 19', 'mascherina 1522' and 'mascarilla 19.' In Youpol, Italy the government also updated the police app to receive reports of domestic abuse, not only from the victims themselves, but even by neighbours or even family members, also anonymously.<sup>20</sup>

There were efforts made by the Government of India to make certain that the government schemes which were operational remain intact. Schemes such as One Stop Centres, Ujjawala Homes, and Emergency Response Support System were functioning. It was also seen that 33 percent of the complaints were made by the NCW's WhatsApp helpline which was introduced in April 2020.<sup>21</sup>

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<sup>19</sup> Grierson, J. (2020). Domestic abuse killings "more than double" amid Covid-19 lockdown. [online] the Guardian. Available at: <https://www.theguardian.com/society/2020/apr/15/domestic-abuse-killings-more-than-double-amid-covid-19-lockdown> [Accessed 11 Feb. 2021].

<sup>20</sup> RECAVARREN, I.S. and ELEFANTE, M. (2020). The shadow pandemic: violence against women during COVID-19. [online] blogs.worldbank.org. Available at: <https://blogs.worldbank.org/developmenttalk/shadow-pandemic-violence-against-women-during-covid-19> [Accessed 12 Feb. 2021].

<sup>21</sup> Nikore, M. (2020). With Covid-19, comes the "Shadow Pandemic": How the surge of domestic violence gripped India's women in 2020. [online] Times of India Blog. Available at: <https://timesofindia.indiatimes.com/blogs/irrational-economics/with-covid-19-comes-the-shadow-pandemic-how-the-surge-of-domestic-violence->

## VI. SUGGESTIONS

There are various threats posed by this worldwide pandemic including social, economic and political uncertainty albeit the gender based violence exposing the vulnerable situation of women is indisputable. The World Bank has jotted a detailed set of approaches to combat the menaces resulting from the COVID 19 pandemic. The World Bank's approach to the crisis is targeted at averting and also responding to domestic violence cases through a series of easily available resorts such as providing protection, making the support services available and activating the reporting mechanisms. These reporting mechanisms include helplines, services which target specifically to victims of gender based violence and mental health care systems. This strategy considers the change in behaviour and makes the social care services available to lessen the violence between partners and within the families. The best way to address the problem was seen by making use of the digital technology by facilitating the access to redressal and reporting mechanisms through mobile phones. Allocation of funds and providing proper training to people of health care services providers was also seen as a crucial aspect of overcoming the problem.

## VII. CONCLUSION

Family is a place which one calls home and finds peace, love and care but for the women experiencing domestic violence home is no longer a safe place. With the advent of COVID 19 pandemic the victims of such abuse found themselves in closed doors with their abusers. Forced cohabitation, loss of jobs, increase in stress and anxiety among the people added to the tension which turned home an unsafe environment for women. Restricted movements and handicapped communications with the natal family also add to the already worsened condition of women during the lockdown.

It was in April that UN chief Antonio Guterres rightly pointed that where women should be the safest, many are cornered without a way out from violence.<sup>22</sup> It was observed that for both men and women, the thinking that it is agreeable for a man to beat his wife tends to decrease with schooling and wealth. The agreement declined shockingly from 59 percent to 43 percent among women and 49 percent to 37 percent among men with rise in education. As Swami Vivekananda rightly said that 'it is education which bridges the distance between human being and being human'. To invest in the eradication of gender based violence is beneficial for the nation's development and is smart economics. Such violence against women puts a huge barrier in the

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gripped-indias-women-in-2020/ [Accessed 13 Feb. 2021].

<sup>22</sup> Ibid 16

advancement of women in all spheres including economic, social and political. Joint efforts of all the agencies like the lawmakers, policymakers, law enforcement, civil society organizations, service providers, researchers is required in supporting women and helping them come out of the vicious cycle of domestic violence. Strong laws and implementation policies need to be enforced for betterment of women in society. The UN Women an entity of the United Nations which is dedicated to gender equality and women empowerment launched a public awareness campaign called “the Shadow Pandemic” which focused on the surge of domestic violence cases globally during the COVID 19 crisis. More awareness in such form should be encouraged so that women feel united across nations to fight abuse. More resources and efforts should be engaged in tackling this issue.

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