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## DOMESTIC VIOLENCE: A DAUNTING TASK TO ADDRESS IN THE CONTEXT OF CORONA PANDEMIC

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### ABSTRACT

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Since a long span of time, domestic violence is considered as a global issue. It has reached across all the nations. It has spread widely and caused serious impacts on the health of women. Its cost to development of nation, to individuals and health systems is enormous. Due to the outbreak of COVID-19, there is an enormous increase in the cases of domestic violence. Not only India but several other countries are also facing this problem. The same is being fuelled by obligatory stay-at-home rules, social distancing, economic uncertainties, stress and anxieties caused by the pandemic. It is also true that the number of cases reported is not equal to the actual rise in domestic violence. Instead, the number of cases reported is high in number. From this one can guess that in reality how many cases are there for domestic violence. The researcher has made an attempt to cover such omnipresent issues. The first chapter of this research paper covers “COVID-19 and violence against women as global trends” depicting and focusing as to how the women of many countries are suffering from the same problem during this pandemic. The second chapter states about the reasons for exacerbating the risk of violence for women. Most common reasons include stress, degradation of social and security networks and limited access to services which can all increase the risk of violence against women<sup>2</sup>. The people are forced to stay at home which is also likely to increase the risk of intimate partner violence. Ahead is the third chapter which aims at discussing the relevance of legal provisions related to domestic violence in the present scenario? For protecting the women from this, an act was enacted which is known as ‘The Protection of Women from Domestic Violence Act 2005’. In reference to this, the chapter also contains some case laws. The fourth chapter contains the views of different activists on this subject matter. The chapter involves the recent statements delivered by the chairperson of National Commission for Women<sup>3</sup> (NCW) i.e. Mrs. Rekha Sharma along with Brinda Adige, Women's rights activist and a few more in respect of the problems and harassment which the women are facing in nationwide lockdown. The fifth and the last

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<sup>2</sup> COVID-19 and violence against women; <https://apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf>

<sup>3</sup>The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 ( Act No. 20 of 1990 of Govt.of India )

chapter provide suggestions to address the violence against women during the COVID-19 response which broadly focuses on the government policies, role of health providers and humanitarian response organizations, and other such tools that might help to mitigate the effects of violence on women and children. One out of every three women in the world witnesses physical or sexual harassment in their lifetime, according to World Health Organization<sup>4</sup> (WHO), making it the most common but least reported human rights violations. The research incorporates statistical data relevant to the subject and thus, outlines the worsened situation of women worldwide due to violence. Hence, covering all the legal, realistic and domestic aspects of the crime (domestic violence), the researcher has tried to analyze this ill practice in this phase of Corona pandemic.

**Keywords:** *COVID-19, domestic violence, pandemic, protection.*

### INTRODUCTION

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During the Covid-19 pandemic, the common directive from everyone is to stay home and to stay safe. But for several women, staying home is not equal to safety. After the imposition of lockdown throughout the country to control the situation and stop this pandemic, instances of domestic violence have been on a rise across the country. It is an offense that has existed since the society exists. An Act named “*Protection of Women from Domestic Violence Act*” was introduced in September, 2005 to combat domestic violence and provide certain relief provisions for its victims. This Act came into force in October, 2006. This Act envisages the fundamental rights assured under articles 14 and 15 of the Indian Constitution to the citizens.

Due to the wide spread of COVID-19, several countries have imposed lockdown. In India, the Prime Minister announced the nationwide lockdown to commence on 25th March 2020. Somehow the government failed to form strategies to address the possible fallout in several areas. Domestic Violence is one amongst the several areas that remained unaddressed. It basically includes all acts of physical, sexual, psychological, or economic violence in its broadest sense. These acts may be committed by the intimate partner or any family member.

Domestic violence is one of the most common forms of gender based violence that might be inflicted by members of family or household and/or by intimate partners who might be former or current romantic or sexual partners. The former situation is called family violence while the latter is called intimate partner violence (IPV).

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<sup>4</sup> The World Health Organization (WHO) is a specialized agency of the United Nations responsible for international public health.

## COVID-19 AND VIOLENCE AGAINST WOMEN AS GLOBAL TRENDS

Due to the emergence of COVID-19 pandemic, increase in domestic violence has been reported by many countries throughout the world. The details of the same are as follows-

Australia- It has been announced by the Australian government that there is an increase in the Google searches for domestic violence help by 75 percent more than normal<sup>5</sup>. There is an increase of five percent in the reports of domestic violence in comparison to previous years as per the Western Australia Police<sup>6</sup>.

Austria- Austrian national news broadcast ‘ZeitimBild’ announced on 19<sup>th</sup> May 2020 that during this pandemic there has been an increase in reported cases of domestic violence by 9 percent<sup>7</sup>.

China- Because of this pandemic, the quantum of domestic violence cases reported to the local police tripled in the month of February.

Colombia- It has been reported that in Colombia, a man shot his wife on the first day of lockdown that was 24<sup>th</sup> March. It was reported by the Mayor of the capital city, Bagota, that only the domestic violence’ crime statistics was not lowered during first week of lockdown and urged to 225 percent.

France- A nationwide spike of about 30 percent in domestic violence has been reported by the French police<sup>8</sup>.

India- There is a rise in gender based violence during the lockdown as per India’s National Commission for Women (NCW). 587 domestic violence complaints have been registered between 25 March and 16 April which is approximately 45 percent more in comparison with previous 25 days<sup>9</sup>. NCW recorded a more than two-fold rise in gender based violence during the initial lockdown period from across the country<sup>10</sup>.

<sup>5</sup>Kottasová, Ivana; Di Donato, Valentina (6 April 2020). "Women are using code words at pharmacies to escape domestic violence"

<sup>6</sup>Shepherd, Briana (9 April 2020). "Warning we are in the 'eye of the storm' with family violence set to rise as isolation pressure builds"

<sup>7</sup> <https://tvthek.orf.at/profile/ZIB-1/1203/ZIB-1/14052358/Kriminalitaet-um-die-Haelfte-zurueckgegangen/14699747>

<sup>8</sup> [A new Covid-19 Crisis: Domestic Abuse Rises Worldwide:https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html](https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html)

<sup>9</sup>The Economics Times.PTI, "India witnesses steep rise in crime against women amid lockdown, 587 complaints received: NCW", (April 17 2020).

<sup>10</sup> [Blame It On COVID-19: Domestic Violence On The Rise, Are Men Putting More Pressure On Women?https://www.outlookindia.com/magazine/story/india-news-a-monster-at-home/303071.](https://www.outlookindia.com/magazine/story/india-news-a-monster-at-home/303071)

Israel- 35.8 percent increase in domestic violence related calls between the duration of March and May 2020 compared to previous three months has been reported by ERAN which is a non-profit organization that handles domestic violence by email and telephone hotline. Many people protested against the murder of five women in seven weeks during the period of lockdown in the month of May.

Pakistan- ‘In a developing country like Pakistan with already very low indicators of socio-economic development, an epidemic is likely to further compound pre-existing gender inequalities’. 28% of women aged between 15-49 years have experienced physical violence since the age of 15 years, and 6% have experienced sexual violence. 7% of the women who have ever been pregnant have experienced violence during their pregnancy and 34% of ever-married women have experienced spousal physical, sexual or emotional violence. The most common type of spousal violence is emotional violence (26%) followed by physical violence (23%). 5% of the married women have experienced spousal sexual violence.’<sup>11</sup>

United Kingdom - In UK, it has been reported that there is increase in domestic abuse of about 700% in a single day. These reports were made through calls to its concerned helplines. Another helpline received 25% more calls after the commencement of the lockdown for seeking help to change their behaviour and to get rid of this problem<sup>12</sup>.

### **REASONS FOR EXACERBATING THE RISKS OF DOMESTIC VIOLENCE FOR WOMEN**

Various reasons are responsible for increasing this risk for women as follows-

- As this pandemic outbreak in several countries of the world, sudden lockdown was imposed in the various countries that ultimately resulted into the stress which may be of any kind.
- One of the common key factors between financial stress and domestic violence during lockdown is the huge global recession. Because of this global recession, the unemployment rate has also arisen and the salaries of the employees been lessened. This contributes to more financial burden and ultimately it has made them more tensed and aggressive. By this, the risk of Domestic Violence for women has increased.

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<sup>11</sup> Pakistan Federal Ministry of Human Rights ‘Policy Brief: Gendered Impact & Implications of Covid-19 in Pakistan’.

<sup>12</sup> Revealed: surge in domestic violence during Covid-19 crisis: <https://www.theguardian.com/society/2020/apr/12/domestic-violence-surges-seven-hundred-percent-per-cent-uk-coronavirus>.

- The compulsory ‘stay at home’ rule cut off the people from the world that resulted into depression and anxiety among the people. This is one of the main reasons for large number of cases of domestic violence.
- The social and protective networks have disrupted badly during COVID-19 resulting into more tension; that leads to domestic violence against women.
- Increased alcohol and drug consumption at home contributes to domestic violence as a drunken person is not able to control his emotions or violent behaviour.
- Interaction between members of family covers a wider range of activities and during lockdown; people are spending more and more time together. Thus, there are high chances of conflicts, misunderstandings and unexpected incidents to take place. These trivial things might get converted into big ones and increase the risk of domestic violence.

#### **RELEVANCE OF PROVISIONS RELATED TO DOMESTIC VIOLENCE IN REFERENCE TO PRESENT SITUATION AND CASE LAWS**

##### **Relevance of provisions related To Domestic Violence in reference to present situation**

Protection of Women from Domestic Violence Act<sup>13</sup>, 2005 protects the women either directly or indirectly. The scope of this piece of legislation has been expounded in plethora of judgments by the High Courts and the Supreme Court in India. It is a well-placed legislation though at the time of this pandemic, it somehow failed to protect the women from such violence.

The Delhi High Court has directed the Centre and Delhi Government to implement provisions of the PWDV Act effectively during the lockdown imposed to combat COVID-19.

A bench of Chief Justice DN Patel and Justice C Hari Shankar also directed the concerned authorities to keep a check that all helplines and whatsapp numbers through which victim can ask for help are in function and responding to calls or messages whatever received by them. They also directed the concerned authorities to bring into force an effective mechanism by which prompt action could be taken forthwith.

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<sup>13</sup> Protection of Women from Domestic Violence Act, 2005, <https://www.indiacode.nic.in/handle/123456789/2021?locale=en>

This shows that somehow this Act failed in providing an effective mechanism during this pandemic because the judiciary felt need to interfere in this matter and give directions to the concerned authorities. Though the provisions related to Domestic Violence play an important role in protecting women from such wrong acts but they are not as per the recent requirements of this pandemic situation. This decreases the relevance of these provisions in the present situation.

#### CASE LAWS

In the case titled as *Ajay Kumar v. Lata @Sharuti*<sup>14</sup>, Justice DrDhananajay Y. Chandrachud and Justice Hemant Gupta have passed the judgment on the date 08.04.2019. In accordance with the proviso to the section 2(q) of the Protection of Women from Domestic Violence Act, 2005, indicates that both, an aggrieved wife or a female living in a relationship which is in the nature of marriage may also file a complaint against a relative of the husband or the male partner, as the case may be.

In the case titled as *MeghaKhandelwal v. RajatKhandelwal*<sup>15</sup>, Justice Khanwilkar and Justice Rastogi has passed the order on the date 10.05.2019. It was found appropriate by the Supreme Court to enhance the interim maintenance to Rs. 25,000 per month to be paid to the petitioner in a domestic violence case despite the fact that the wife is well educated.

The order has been passed by the Justice MadhumatiMitra in the case titled as *Smt. HaimantiMal v. State of West Bengal*<sup>16</sup> on the date 09.07.2019. Calcutta High Court has awarded Rs.1,00,000/- as compensation to the wife for mental agony suffered due to the conduct of the husband. But, in absence of any evidence or materials on record the grant of compensation cannot be justified. Section 22 of the Protection of Women from Domestic Violence Act, 2005 speaks about compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondent.

In the case titled as *V.D. Bhanot v. SavitaBhanot*<sup>17</sup>, it was held by the Supreme Court that even if a wife who had shared household in the past, but was no longer doing so when the Act came into force, would still be entitled to the protection of PWDV Act. The Court

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<sup>14</sup>*Ajay Kumar vs Lata @ Sharuti. 2019 SCC OnLine SC 726*

<sup>15</sup>*MeghaKhandelwal v. RajatKhandelwal CRIMINAL APPEAL OF 2019(Arising out of SLP (CrI.) No. 6422 of 2018*

<sup>16</sup>*Smt. Haimanti Mal v. State of West Bengal C.R.R. No. 3907 of 2016, decided on 9 July 2019*

<sup>17</sup> *VD Bhanot v. SavitaBhanot, AIR 2012 SC 965*

considering the advanced age of the Respondent directed the Petitioner to provide suitable portion of his residence to the Respondent and a sum of Rs. 10,000 for her maintenance.

**VIEWS OF DIFFERENT ACTIVISTS**

“Since the lockdown, the number of complaints doubled in the first week. Later on the numbers decreased but it is still more than the usual complaints we received before the lockdown. We have seen a high rise in the cases especially in the northern states and NCW is on its toes and working on the complaints 24\*7”- said the chairperson of NCW Rekha Sharma<sup>18</sup>.

As per NCRB data 2018, around 1/3rd of the crimes against women are registered under cruelty by husband or his relatives. In many cases, women face violence at night. But after the lockdown has been imposed, they are bound to stay with the abuser throughout the day. This is the reason that more cases are coming up. In such situation, it is advised to all those who are dealing with emotional abuse that they must try and limit their engagement with the abuser. On contrary, to those who are facing the physical abuse and thus need immediate intervention, it is advised that they must approach the police because that's the only machinery left to help them in such circumstances.

**DOES ECONOMIC STABILITY DURING SUCH CRISIS TIME IMPACT DOMESTIC VIOLENCE?**

The answer to this question is yes. As per a study report of Daniel Schneider at UC Berkeley, unemployment among men led to abusive behaviour during the Great Recession of the 2000s. The study also said that as men felt increasingly anxious and out of control over their jobs and financial security, they became more likely to increase control over their romantic partners, sometimes to the point of abuse.

“There was this case where a man was watching blue films in the house and the wife was trying to put the children to sleep. When it did not work, she went and yelled at the husband for the same. He started beating up the wife and the children. When she contacted the police, they said this isn't important right now (during this pandemic). They even asked her why she doesn't counsel her husband”. - said Brinda Adige, Women's rights activist<sup>19</sup>.

<sup>18</sup> How Domestic Violence Cases Doubled During Lockdown  
<https://www.youtube.com/watch?v=zANvXYDz7qk&feature=youtu.be>  
<sup>19</sup>Id

The National Family Health Survey of 2015 revealed that only 12% of women who have suffered violence from husband have sought any form of help. Several NGOs today say that due to lockdown, it has become difficult for women to report such incidents.

“Our organization earlier received 25-30 cases weekly on an average but now only 5-6 cases are being reported. Most of the calls received these days are after 9pm or before 8 am. By talking to the survivors, we are realising that they are not getting the time to report”- said Dolly, counsellor in Shakti Shalini NGO<sup>20</sup>.

According to NCW, most of the complainants use e-mails to report such incidents so this puts women without internet at a much higher risk. A WhatsApp number has also been introduced for women to report such cases of violence. Whatsapp number for Domestic Violence complaints is 7217735372.

“We are reaching out to each and every complainant and closing down the cases in a day or two day duration. In few of the cases, we needed to transfer these ladies to some other places like their parents' home; hostels etc. and we moved them also. In few cases, police also filed an FIR against the husbands and arrested them”- said NCW Chairperson.

“The need of the hour is that we bring about some amount of equality and we need to have enactment which is gender sensitive in India for the moment. We have examples stating that at least one out of every three women at some point or the other have made complaints of domestic violence. That's huge and extremely high percentage and today we see worldwide that this phenomenon is so bad that UN Secretary has made a plea for people to protect women in their houses. Having said this, we are in a very sensitive time. We are at a time where we need to take care and nurture our fellow human beings and leave alone our wives, our soul mates, our lifemates”- words by Adv. Geeta Luthra<sup>21</sup>.

#### **SUGGESTIONS TO ADDRESS VIOLENCE AGAINST WOMEN DURING THE COVID-19 RESPONSE**

The following are the recommendations to mitigate domestic violence during this lockdown. It is critical that any solution for women and girls who have undergone abuse follows the fundamental concepts of an approach focused on survivors. It must include taking into account their various needs, identifying risks and vulnerabilities, keeping them safe and protected, adhering to confidentiality and privacy standards and doing no harm.

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<sup>20</sup>Supra note 17

<sup>21</sup>Webinar | Geeta Luthra | Domestic Violence and Allied Laws | How to tackle?  
<https://www.youtube.com/watch?v=DESssC7a1Rs>



**Government Policies**

Governments across the world must act urgently to prevent and tackle the rising rates of violence against women and girls during the COVID-19 crisis by putting stronger measures in place such as designating shelters and hotlines as emergency services and supporting police and the justice sector during lockdowns, according to the United Nations Development Programme<sup>22</sup> (UNDP).

The helplines must be strengthened by including protection from sexual exploitation and abuse (PSEA), online counseling and tech-based solutions like SMS, online tools and social networks in the services. Capacity of key services must be formulated as in raising awareness of police and judiciary about the increase of violence against women and training must be provided on how to respond, protect and refer victims /survivors to appropriate services.

**Healthcare Providers And Humanitarian Organizations**

Health facilities should recognize victim support programs available locally (such as hotlines, shelters, rape crisis centers) and refer women when accessing health care. Health care providers should be aware of the risks and consequences of violence against women, and provide support and appropriate medical treatment to those affected. The use of mobile health and telemedicine to help those experiencing violence against women in a safe manner must be explored as a matter of urgency, as must other ways of reaching women in settings where access to cell phones or the internet is restricted or missing.

Humanitarian organizations need to make resources accessible and collect data on documented incidents for women experiencing abuse. The on-going epidemic of violence against women cannot be ignored, as the global health community struggles with how best to halt the spread of covid-19.

**Civil Society Organizations-United Nations Agencies**

Organizations must engage with media outlets to continue increasing the awareness of increased violence against women, explaining how the risk factors behind abuse in COVID-19 are compounded. They must provide information to survivors of domestic violence, including through public service announcements, on, for example, service referrals, or how to safely continue employment, using accessible formats for different groups of women. In

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<sup>22</sup>The UNDP was founded on 22 November 1965 with the merging of the Expanded Programme of Technical Assistance (EPTA) and the Special Fund.

addition, they must sensitize and involve the private sector using the global guidelines available on how to avoid and respond to violence against women and girls, including female employees working from home during COVID-19 and witnessing domestic abuse.

### CONCLUSION

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Domestic violence refers to a number of social-spatial abuses that occur. It's a broad term encompassing intimate partner violence (IPV), a type of abuse committed by a current or ex-partner. The research has focused on the expertise and experience of a wide range of experts in support of approaches to end violence against women and girls, sensitive to the nature of the country in which the crisis is taking place.

COVID-19 (new coronavirus strain) has been declared a global pandemic. Measures introduced in recent weeks to counter it have dramatically altered the everyday life of people. These improvements are necessary if coronavirus is to defeat and protect health care systems. While the epidemic continues to spread around the world, it brings with it many new challenges including physical and psychological health threats, alienation and depression, the closing of many schools and industries, economic instability and job losses.

Recommendations need to be addressed by all aspects of society, from governments to international organizations and civil society groups, with examples of steps already taken to avoid and respond to violence against women and girls, at the beginning, during and after the public health crisis. The pandemic also has an economic effect and its implications for aggression against women in the long term.

If one thinks that dealing with the pandemic is pretty stressful, they should just give a thought about the mental state of these countless women who are dealing with an additional worry of surviving violence at home.