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PANDEMIC SHADOWS: REVISITING THE NEED OF WOMEN'S RIGHTS AGAINST VIOLENCE IN INDIA

Shabih Fatima¹ and Mohd Ayan²

“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women...”³

ABSTRACT

Protection of women has always been a primary concern in the Indian society because of the large population, backwardness in the gender equity, low literacy rate, migration of people from villages to the cities, socio- economic factors, poor condition of legal aid and many other factors. Even for industrialized countries around the world, the Covid-19 pandemic presented a difficulty in terms of women's protection in the current pandemic age, particularly during the lockdown phase when it's extremely difficult to walk out and call for help. This research paper aims to determine the situation of domestic violence against women during Covid-19 pandemic, specifically in India. Reports from different Newspaper Resources as well as virtual media platforms from all over the world have been cited to present the case of the rise in domestic violence during the pandemic. Thereafter based on the close analysis of the data, the reasons of the same have been mentioned. Furthermore, its effect on the social as well as economic front has also been discussed briefly ending with a conclusion.

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³ Gender inequality and domestic violence *available at:*

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/DVenderinequality/~/_media/Committees/fapa_ctte (last visited on November 03, 2022).

KEYWORDS

Protection of women, covid-19, legal aid, India, women's protection

I. INTRODUCTION

The United Nations Declaration on the Elimination of Violence against Women declares that "*unequal power relations*" leads to the violence against women in a society. Women's violence is an all-too-common occurrence that is also mostly unnoticed. In terms of gender equity, the UNDP's gender development index puts India 140th out of 156 nations. Gender equity and socioeconomic progress are inextricably intertwined. In addition to the aforementioned criteria, another important criterion for achieving gender equity would be to eliminate violence against women, particularly domestic violence, which is widespread in India but, unlike most other forms of violence against women, is rarely acknowledged as widespread and rarely treated as a crime. Indian society, on the other hand, renders domestic violence unnoticeable. Domestic abuse is one of the few issues that transcends all cultural, socioeconomic, educational, ethnic, and religious divides. This form of violence not only appears to be on the rise, even as women's education rises, but it also exists among society's elite. In an Indian survey of domestic violence against women, 94 percent of the instances had a family member as the perpetrator.⁴ Domestic violence is unquestionably a human rights concern as well as a significant impediment to development. This fact was accepted in the Vienna Accord of 1994, the Beijing Declaration, and the Platform for Action (1995). The offence of Domestic Violence has found much more attention in the recent times.

The COVID19 pandemic is a potential threat to humanity through various means. The disease's harmful effects have not just been restricted to

⁴ Women and Violence, *available at*: <http://www.un.org/rights/dpi1772e.html> (last visited November 05, 2022).

death, but have also had significant sociopsychological ramifications. Almost everyone has suffered severe consequences as a result of the psychological impact of the Covid19 pandemic and the subsequent lockdowns. Fears, worry, and despair have resulted in an alarming surge in bad mental health of the people. However, the pandemic's impact on women has been considerably severe, and it's worth looking into.

To slow the spread of Covid-19, countries around the world took measures such as nationwide lockdown, quarantines, online work, and school closures. Covid-19 has had a profound impact on families, relationships, and society, resulting in an economic crisis. Beyond the political, social and international cooperation, Covid-19 is putting societies to the test. The repercussions of increased domestic violence instances during the epidemic are one such substantial impact that has been felt to an alarming amount. Although with countries throughout the world enforcing lockdowns and movement restrictions, decreasing the infection rate of Covid-19, data suggests that “*domestic abuse is acting like an opportunistic infection, flourishing in the conditions created by the pandemic*”.⁵ All impacted countries' lockdowns and other social isolation measures have caused women to be confined to their homes, despite the fact that they are victims of domestic violence, with minimal or no social support alternatives available. This led to the continuous growth of domestic violence throughout the Covid-19 pandemic which undoubtedly emerged as severe worldwide threat parallel to the threat of health. In the global South, particularly India, there has been an uptick in domestic violence.

According to research, one of the most common strategies employed by abusers to isolate victims from their support networks is social isolation.⁶

⁵ A New Covid 19 Crisis: Domestic Abuse arises Worldwide, *The New York Times*, Apr 06, 2020, *available at*: <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html> (last visited November 3, 2022).

⁶ Coohey C. The relationship between mothers' social networks and severe domestic violence: A test of the social isolation hypothesis. *Violence and Victims*. *available at*: <https://pubmed.ncbi.nlm.nih.gov/17691556/> (last visited November 3, 2022).

Domestic violence cases have increased dramatically now that physical seclusion is a government-sanctioned strategy. For example, the National Domestic Violence Hotline in the United States, as well as numerous other portals and government institutions, has reported a considerable increase in calls from victims of domestic violence.⁷

II. HYPOTHESIS

The hypothesis of this assignment is that there should be more awareness about the domestic violence and the unrecognized hardship awomen goes through in domestic households. Indian laws should be made more stringent to tackle the menace of domestic violence which often goes unreported and uninformed.

III. RESEARCH METHODOLOGY

The methodology opted for carrying out this report is doctrinal. It was difficult for the other to conduct an empirical study. So, doctrinal research with help of both primary and secondary data is used. In primary data, the author has utilized various legislations in bare acts, the reports of the law commission and books. In secondary data, the author has analyzed scholarly articles and research papers to get hold of the present flaws and inadequacies in Indian laws with regard to the domestic violence in India.

IV. RESEARCH QUESTIONS

There are a few research questions around which the present piece revolves which are as followed:

1. What is the current scenario and trend in the Domestic Violence Cases in India and which enactment determines the cases of Domestic Violence?

⁷ Javonti Thomas, Domestic violence calls increase locally, nationwide during COVID-19 pandemic *available at*: <https://www.kalb.com/content/news/Domestic-violence-calls-increase-locally-nationwide-during-COVID-19-pandemic--569689371.html>(last visited November 4, 2022).

2. How did the Domestic Violence Cases saw a surge during the times of Covid -19 and what are the causes behind the same?
3. What are the effects of this surge on the Economic and Social Environment?

V. CONCEPT OF DOMESTIC VIOLENCE

Domestic Violence is a result of a pattern of behavior shown to demonstrate or retain power and dominance over an intimate partner in any relationship. Abuse is defined as physical, sexual, emotional, financial, or psychological acts or threats against another individual. Any behavior that terrorizes, manipulates, hurts, humiliates, harm or injure someone falls under this category. Anyone of any race, age, sexual orientation, religion, or gender can be a victim of domestic violence. It can happen in a variety of partnerships, including married, cohabiting, and dating couples.⁸

Intimate partner violence is defined by the World Health Organization as "*a physical, sexual, or psychological coercive act by a current or former partner or spouse against a woman.*" Intimate partner violence has a variety of psychological explanations. Relational masochism, for example, is emphasized by psychoanalytic theorists to explain a woman's decision to stay with an abusive spouse. This notion, however, stands criticized as it indirectly blames the victims, and promote violence, and treat masochism as a feminine quality. When the abuse is just sporadic, a negative reinforcement mechanism, such as the cessation of pounding, strengthens the bond between the couples.

Domestic violence is referred to as 'intimate terrorism' by feminist researchers, who argue that the patriarchal system's gender power dynamics are at the root of it. This male compulsion serves as resource' in

⁸ Domestic abuse, *available at*: <https://www.un.org/en/coronavirus/what-is-domestic-abuse>(last visited November 6, 2022).

controlling the spouse. One valid predictor of domestic violence is status discrepancy between men and women. Domestic violence is thus the outcome of "*cultural norms, regulations, and practises that give men more status and power than women*".⁹ This helps to explain why the prevalence of domestic violence varies by culture and country. The patriarchal dogma is present in every aspect of life in India. Males in Indian families are known as *annadata* (the provider of food), a reference to the man-worshipping culture and male dominance. According to the National Crime Records Bureau's 2018 report, '*Cruelty by Husband or His Relatives*' in the domestic environment is the most commonly reported kind of 'cruelty against women,' accounting for 31.9 percent of all incidents reported.¹⁰ In India, the dowry system is also one of the most important predictors of domestic violence. In 2018, 7,166 dowry deaths were recorded.¹¹ For a long time, domestic violence has been one of the most prevalent gendered diseases in Indian society.

VI. DOMESTIC VIOLENCE DURING COVID-19

A recent piece in the Guardian¹² discusses the rise in domestic violence and highlights a pattern that can be seen around the world. This includes a 40–50 percent increase in domestic violence incidents in Brazil, a 20–30 percent increase in calls to helplines in Spain and Cyprus within the first few days of the confinement period and also within a week after the first Covid-19 patient was diagnosed, and a 25% increase in calls related to domestic violence cases in the United Kingdom within a week after strict

⁹ Torres, S., A comparison of wife abuse between two cultures: Perceptions, attitudes, nature, and extent. *Issues in Mental Health Nursing*, available at: <https://pubmed.ncbi.nlm.nih.gov/1988377/> (last visited November 5, 2022).

¹⁰ National Crime Records Bureau (NCRB), (2018). Crime in India-2018. available at: <https://ncrb.gov.in/en/crime-india-2018> (last visited November 5, 2022).

¹¹ Nazri, H. Countering everyday extremism against women: The other pandemic. available at: <https://hannah.nazri.org/countering-everyday-extremism-against-women-the-other-pandemic/> (last visited November 5, 2022).

¹² Lockdown around the world bring rise in domestic violence, *The Guardian*, Mar 28, 2020 available at: https://www.theguardian.com/society/2020/mar/28/lockdowns-world-rise-domestic-violence?CMP=Share_iOSApp_Other/ (last visited November 4, 2022).

social distancing and lockdown measures were enacted.¹³ In terms of the impact of Covid-19 on domestic violence in the United States, some states have seen an increase in cases, such as Portland, which saw a 22 percent increase in domestic violence arrests in March 2020 compared to March 2019, Jefferson County, Alabama, which saw a 27 percent increase in domestic violence calls in March 2020 compared to March 2019, and New York City, which saw a 10% increase in domestic violence calls in March 2020 compared to March 2019.¹⁴

VII. THE CASE WITH THE INDIAN SOCIETY

Due to a large population, equality concerns, a lack of positive deviance at the community level, illiteracy, socioeconomic circumstances, migration from rural to urban regions, inaccessibility to legal support, and many other causes, the protection of women is of highest importance and primary concern in India. Even for affluent countries, Pandemic had been a challenge. Nations around the world concerns women's protection in the current epidemic phase, particularly during the lockdown period when stepping out and shouting for aid is extremely difficult. To deal with the crisis, the police force and other protection troops have been heavily deployed. Covid-19 pandemic. This transformation has a huge impact on the numerous forms of violence that are still being perpetrated against women. Women's health in the post-pandemic era pregnant women and their children are especially vulnerable groups. Women, in general, are afraid of meeting new people, especially in pandemic situations. Furthermore, the majority of women are compelled to remain at home due to a variety of factors due to lockdown. The mental health of women who have experienced violence, as well as their burden due to societal

¹³ June Kelly and Tomos Morgan, "Coronavirus: Domestic Abuse Calls up 25% Since Lockdown, Charity Says", *BBC*, Apr 6, 2020. *available at* <https://www.bbc.co.uk/news/uk-52157620/> (last visited November 5, 2022).

¹⁴ Domestic violence report, *available at*: <https://www1.nyc.gov/site/nypd/stats/reports-analysis/domestic-violence.page/> (last visited November 4, 2022).

difficulties, is a big concern around the world, especially when combined with income loss and other socio-economic determinants of health. Loss of jobs, stress, reduced income, lockdown, violence, family problems, and a variety of other variables affecting daily life form a vicious circle in which women become entangled, particularly in pandemic and lockdown scenarios. For decades, several national and international organisations have advocated for maternal health and women's empowerment, recognizing that they are particularly vulnerable populations in disasters such as pandemics. The Covid-19 epidemic has shown the protective system's flaws in protecting the above-mentioned susceptible groups. A desire for a special cadre to safeguard women in disasters such as pandemics arose as a result of the circumstances. Many protective services appear to have been neglected throughout the Covid-19 era, which may have unfavorable and harmful consequences for the general public in the future.

VIII. THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Domestic violence is defined by the Protection of Women from Domestic Violence Act of 2005 as physical, sexual, verbal, emotional, and financial abuse against a woman by her partner or family members living in a joint family, as well as unlawful dowry demands. It includes any type of harassment or injury caused in order to fulfill any unlawful demand.¹⁵ India bears a disproportionate share of the worldwide cost of domestic violence. The main objective of the act has been to identify every act done in pursuance of domestic violence as punishable. The reason to enact such an act is to protect the victims within four walls of their home from any such related act which comes under Domestic Violence as described in Section 3 of the Act.¹⁶ Moreover, in *Vandhana v. T. Srikanth*¹⁷ it was stated

¹⁵ The Protection of Women from Domestic Violence Act, 2005, s. 3.

¹⁶ *Indra Sarma vs. V.K.V Sarma* AIR 2014 SC 309.

¹⁷ CS No. 548 of 2007.

by the Madras High Court that the purpose of this act is to provide more effective and effluent protection to the rights of the women enshrined in the Constitution of India who are the victims of any violence of any ancillary act of domestic violence which occurs within the family.

Domestic violence against women topped the list of categories of violence against women in India, according to the latest data from the National Crime Records Bureau (NCRB). In 2018, about 90,000 cases of crimes against women were reported. Almost one-third of these were due to cruelty by the husband or his relatives.¹⁸ In India, there have been numerous studies on domestic violence. Domestic violence is also linked to women's education, employment status, caste, and religion, firstborn child's sex, husband's alcohol consumption, dowry, asthma, genital sores or ulcers, genital discharge, and sexually transmitted diseases (STIs), abortion.

Although domestic violence has long been a problem in Indian society, it escalated at an alarming rate during the COVID-19 outbreak. This corresponds to the global spike in domestic violence cases during the pandemic, which has been dubbed the 'double pandemic,' 'shadow pandemic,' 'hidden epidemic,' and 'the other pandemic,' among other terms. Domestic abuse instances increased significantly during the COVID-19 pandemic, according to a recent assessment of gender-based violence during the epidemic. These women were also cut off from their support networks during the COVID-19 outbreak and the ensuing lockdown, indicating a lack of supporting policies and resources. The Prime Minister of India announced a one-day nationwide lockdown on March 22, 2020. To stop the spread of COVID-19, the lockdown was extended for a week, then for 21 days, and eventually until May 3rd, 2020. Under the Catastrophe Management Act of 2005, India labeled COVID-19

¹⁸ "Domestic violence tops crime against women in 2018: NCRB", *Outlook*, Jan 9, 2020, available at: <https://www.outlookindia.com/newsscroll/domestic-violence-tops-crime-against-women-in-2018-ncrb/1704114>(last visited on November 5, 2022).

a "notified disaster". Women were especially vulnerable to domestic violence as a result of the pandemic's extended lockdown and other social distancing tactics. Inside their homes, women were combating a shadow pandemic.¹⁹ Domestic violence allegations in India increased during the statewide shutdown, according to data from the National Commission for Women (NCW). Domestic abuse reports have increased in Tamil Nadu, according to the police. During the lockdown, they got about 25 calls per day and recorded at least 40 similar incidents. Similarly, the Bangalore Police Department recorded an increase in domestic violence reports from 10 to 25 per day. Domestic abuse incidents spiked across the country during the shutdown, according to statistics from several sources.²⁰ Organizations such as Jagori, Shakti Shalini, and the AKS Foundation, on the other hand, have observed a decrease in domestic violence complaint calls). Confinement at home, frequent monitoring and controlling decision-making by the abuser, social isolation of victims from friends and family members, and fewer choices for help could all contribute to the reduction.

Domestic violence victims in India were unable to leave their homes and escape the abusive situation due to stringent lockdown in the early months of the pandemic, a circumstance known as "locked down with the abuser". Husbands and other relatives, including other ladies such as mothers-in-law, are on the list of abusers. Specifically, it was discovered that one of the most prevalent techniques for dealing with violence among women is to leave the abusive partner temporarily. As a result of the rigid gender roles, women in various geographical locations and sectors of Indian society are rarely allowed to leave their homes unless to go to work or education. As a result, while men had the freedom to leave their homes for vital tasks, women were limited to their domestic environment. As a result,

¹⁹ Violence against women and girls: The shadow pandemic, *available at*: <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic> (last visited on November 4, 2022).

²⁰ Editorial, "Domestic violence calls up from 10 to 25 a day during lockdown in Bengaluru". *The Times of India*, Apr 10, 2021.

being unable to flee the combat zone may explain the cruelty that women have experienced in terms of physical abuse as well as suicide situations. The decline in domestic violence reports in June and July after the unlocking procedure supports the link between being locked up with the abuser and an increase in domestic violence instances.

a) Causes of the Increase in the Cases of Domestic Violence during Covid-19

Domestic violence increases as a result of Covid-19 forcing most countries to enforce certain physical distance limitations, which is consistent with the knowledge that "*domestic violence increases whenever families stay together and tend to be in close proximity, such as during the vacations and holidays.*"²¹ There is a direct relationship which suggests that when families tend to live together and spend time with each other, violence may occur without cause—a dynamic that may be traced to human psychology. Covid-19, on the other hand, can be regarded an indirect cause of violence. As the number of people infected with Covid-19 rises, countries are obliged to impose limitations on certain aspects of mobility, a tactic that has resulted in unemployment, job losses, and lost money. Low income has been linked to an increase in domestic violence. First, even if a family has never been abused, economic despair caused by financial strain and a lack of social support during a pandemic can feed violence. This is in line with the literature, which claims that couples with high stress levels have a 3.5 times higher rate of violence than couples with low stress levels. Second, a shift in duties may be the catalyst for domestic violence.²² When victims are with abusive spouses due to shifts in obligations,

²¹ *Supra* note 3.

²² Michael L. Benson; Greer L. Fox, Economic Distress, Community Context and Intimate Violence: An Application and Extension of Social Disorganization Theory, Final Report, *available at*: <https://nij.ojp.gov/library/publications/economic-distress-community-context-and-intimate-violence-application-and-0> (last visited on November 7, 2022).

abusers have the opportunity to torment them. According to recent study, lockdown situations triggered by unusual events such as natural disasters and pandemics place families in close contact for extended periods of time, reducing the safe time available (*i.e., due to one person going to work*) and increasing the risk of domestic violence. Third, domestic violence may arise as a result of increasing contacts (*also as a result of spending more time together*) exposing diverse habits that are incompatible in a family setting.²³

b) A Motivated Offender

A "lady and her teenage kid from an earlier marriage, were feeling the brunt of her second husband's frustration over not being able to buy alcohol during the lockdown," according to an incident from Hyderabad.²⁴ Similarly, one domestic violence victim informed Tamil Nadu police that her spouse harassed her on a daily basis since alcohol was unavailable²⁵. In the third occurrence, a college student said that "his father was becoming violent, beating up his mother and even grandmother due to alcohol withdrawals."²⁶ Domestic violence has been linked to both suffering alcohol withdrawal symptoms and using alcohol. "She was despondent because her spouse had succumbed to alcohol abuse out of anxiety over a financial situation," a domestic violence victim explained.²⁷ Unemployment has also been seen as a factor to fuel an offender to be motivated. Job security and

²³ Cindy Uken, "Domestic Violence Cases May Surge In Valley", *Uken Report*, Apr 22, 2020, available at: <https://ukenreport.com/domestic-violence-cases-may-surge-in-valley> (last visited on November 7, 2022).

²⁴ Joy, S. "Coronavirus crisis: no lockdown for domestic violence" *Deccan Herald*, Apr 26, 2020, available at: <https://www.deccanherald.com/specials/insight/coronavirus-crisis-no-lockdown-for-domestic-violence-829941.html>. (last visited on November 7, 2022).

²⁵ Editorial, "Domestic violence cases in Chennai up, cops get 25 calls a day". *The Times of India*: Apr 14, 2020.

²⁶ Editorial, "A parallel pandemic as domestic abuse victims trapped with their abusers", *The Hindu*, Apr 20, 2020.

²⁷ *Ibid.*

unemployment thus remain causes of perpetrating domestic violence.

A victim of domestic violence revealed that her husband just lost his factory job and beats her in front of her children.²⁸ "A woman from Kolkata was caught at home with her husband, who had been jobless since the lockdown," according to the second instance. He was abusing the woman in front of her son, robbing her of all her savings, and assaulting her."²⁹ A woman who worked in a play school was the subject of the third incident... "When her husband was warned he may be laid off, he got enraged and insecure, and she became a target for his rage and insecurity."³⁰

Frustration and anxiety were discovered to be connected factors that contributed to motivation. Things were more balanced when her alcoholic spouse had a job, according to a domestic abuse victim. He sat at home all day after losing his job, became furious, drank drinks, and made a commotion. As a cause of domestic violence, this represents the interaction of alcohol intake, unemployment, and frustration.³¹

c) A Suitable Target

Following incidents put value and inertia on the fact that why a woman is a suitable target for a motivated offender. In one case, a man murdered his wife in front of his children, accusing her of infidelity.³² In another case, a woman was allegedly slain by her husband for protesting his extramarital affair.³³ In a separate example, a Bangalore

²⁸ Editorial, "India's 'Shadow Pandemic' *The Diplomat*, Apr 17, 2020.

²⁹ "COVID-19 lockdown: You can now report domestic violence using this signal", *The New Indian Express*, Apr 4, 2020.

³⁰ *Ibid.*

³¹ H. Gatty. & P.Rathee, "How lockdown + unemployment + hunger + liquor increased domestic conflicts in low income households"., *Citizen Matters*, Jun 18, 2020.

³² G. Shivakumar, "While battling COVID-19, we can't let the pandemic of domestic violence continue". *The Wire*, Apr 28, 2020.

³³ *Supra* note 21.

woman said that after she refused her husband's sexual advances, he stopped opening his grocery store and stopped showering. He allegedly punched the woman after she declined to have sex with him.³⁴The fourth incident involved a 34-year-old lady whose husband had left her for another woman for eight years and returned during lockdown while she stayed with his parents. and abused her sexually on a daily basis.³⁵

It has also been found that increased visibility and accessibility of the victim during the lockdown contributed to them being subjected to violence. In one example, a victim of recurrent verbal and emotional domestic violence claimed that her profession allowed her to save her spouse from his abuse. Her husband's work required him to be away from her. She had to live in constant fear of being victimized after the lockdown was imposed.³⁶ In another case, a domestic abuse victim revealed that when her husband hit her, she would flee into the tiny passageways of a slum. She couldn't leave her house because of the lockdown and police blockade and had to stay inside.³⁷A woman from Nainital said she couldn't get to her house in Delhi because her husband was assaulting and beating her.³⁸A 43-year-old victim of domestic violence shared a similar story. On April 1, she was planning to leave her marriage and move into a working women's hostel. However, due to the COVID-19 lockdown, she is currently confined to

³⁴ "Bengaluru woman reports husband after he stops showering and demands sex during lockdown", *News18*, Apr 20, 2020 available at: <https://www.news18.com/news/buzz/bengaluru-woman-reports-husband-after-he-stops-showering-and-demands-sex-during-lockdown-2584707.html>.(last visited on November 5, 2021).

³⁵ *Supra* note 21.

³⁶ N. Deshpande, "What India's lockdown did to domestic abuse victims", *BBC News*, available at: <https://www.bbc.com/news/world-asia-india-52846304>(last visited on November 14, 2021).

³⁷ S, R., "Locked down with abusers: India sees surge in domestic violence". *Al Jazeera*, Apr 18, 2020, <https://www.aljazeera.com/news/2020/04/locked-abusers-india-domestic-violence-surge-200415092014621.html>.(last visited on November 4, 2021).

³⁸ Editorial, "Domestic violence, abuse complaints rise in coronavirus lockdown: NCW". *The Indian Express*, Apr 03, 2020.

a two-bedroom flat in Kolkata with her husband and mother-in-law.³⁹

d) Absence of a Capable Guardian

There have been relevant incidents of absence of a capable guardian leading to the offence and vulnerability of domestic violence. Domestic violence was fostered by the lack of a capable guardian during the lockdown, as evidenced by these occurrences. The police are the primary formal source that functions as a capable guardian against any type of violent crime. During the lockdown, there was a shortage of police officers, according to the content analysis. When the epidemic struck, much of the police force was on the front lines, enforcing stringent lockdown protocols. A large number of officers were stationed in the containment zones. Others were stationed at state borders to prevent people and cars from entering from neighboring states.⁴⁰ As the police focused on implementing the lockdown limitations, it was discovered that incidences of police indifference to domestic abuse victims increased. Furthermore, courts were not operating on a regular basis and only heard emergency pleas.⁴¹

The support services are the next formal source that functions as a capable guardian for victims of domestic violence. NGOs, ASHA workers, and counselling service providers are examples of these support services. Several non-governmental organisations (NGOs) and counselling services have established dedicated helplines for these victims. However, many of these hotlines reported receiving little complaints. For example, a domestic violence victim in Delhi sought the assistance of her brother in Nepal. Her brother sought assistance from a non-governmental organisation. The NGO intervened with the help of

³⁹ *Supra* at note 21.

⁴⁰ Editorial, "Covid-19 lockdown | Rise in domestic violence, police apathy: NCW". *The Hindu*, Apr 02, 2020.

⁴¹ Editorial, "Domestic violence during Covid-19 lockdown emerges as serious concern". *Hindustan Times*, Apr 26, 2020.

the police to mediate between the abuser and the victim, and the woman was asked to stay at home during the lockdown. The woman's condition deteriorated after this intervention, and she was repeatedly abused.⁴² Victims' parents and family members were unable to physically interfere due to the lockdown and travel restrictions. A complaint was filed by the victim's father in one case from Rajasthan.⁴³ In another example, the victim's brother, who was based in Nepal and couldn't physically interfere, filed a complaint.⁴⁴ Due to the mental and financial burden presented by the lockdown, the situation of several women who sought support from their parents was horrible. For example, right before the first lockdown, a woman who had been subjected to verbal and physical violence by her husband went to her mother's house to seek refuge. Due to her brother's job loss and dwindling income, she began to feel like a burden on her family, rather than feeling safe. As a result, her brother assaulted her. The government's travel limitations hindered the capacity of victims' family to intercede and function as capable guardians in general.⁴⁵

Because of the travel restrictions and the victim's family's incapacity to interfere, the neighbors may serve as guardians. Because of their proximity to the victim, neighbors may be the first to intervene, intercede, and prevent domestic abuse when victims are locked in with their abusers. In one example, a 9-year-old daughter of a domestic violence victim sought assistance from a neighbor, who subsequently intervened and stopped the abuse.⁴⁶ This, however, was not the case for everyone. Domestic abuse is considered as a private matter in India, and many people are hesitant to intervene. In a recent occurrence in Uttar Pradesh, a woman was viciously thrashed by her husband,

⁴² *Ibid.*

⁴³ Editorial, "No lockdown for abuse" *The Hindu*, Apr 09, 2020.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Supra* note 31.

resulting in her death. Rather than intervening and assisting the victim, the neighbors were spotted capturing the incident on video.⁴⁷

IX. EFFECT OF DOMESTIC VIOLENCE ON ECONOMIC AND SOCIAL ENVIRONMENTS

An increase in the cases of domestic violence as a result of Covid-19 would deteriorate the economic and social condition of the state in addition to the other factors. First, victims of social crises had access to help from family and relatives, sheltered housing, and even legal remedies such as protective orders prior to Covid-19. However, during a lockdown, such alternatives are no longer available. Because victims are unable to leave their homes, the level of violence and misery they endure is likely to rise. Second, domestic violence has a profound impact on children. This is compounded by the fact that regions under containment may not even have access to childcare, adding to the issues that children experience in terms of food, schooling, and overall development. Furthermore, greater parental violence and unpleasant interactions as a result of lockdown may have a mental impact on children. Third, the impact of Covid-19 on domestic violence will be felt through a person's social ties with others. Friendships, external family members, neighbors, and coworkers are examples of social peers with whom one has a relationship. Domestic violence appears to have an impact on maternal-child interactions, preschool-age children's functioning, and young people's relationships, according to a research.⁴⁸ Victims may lose social relationships as a result of the lockout and their inability to contact social peers. Covid-19, which has implemented work-from-home or remote working on a large scale, is hurting people's social circles, everyday interactions, and, more critically,

⁴⁷ "UP: Man beats wife to death in Raebareli, viral video becomes 'evidence' against him", *Mirror Now News*, available at: <https://www.timesnownews.com/mirror-now/crime/article/up-man-beats-wife-to-death-in-raebareli-viral-video-becomes-evidence-against-him/60125> (last visited on November 5, 2022).

⁴⁸ AA Levendosky, "The impact of domestic violence on the maternal-child relationship and preschool-age children's functioning.", *Huth-Bocks AC, Shapiro DL, Semel MA, J Fam Psychol.* 275-87 (2003).

preventing in-person support teams from completing their jobs and assisting victims to survive abuse. These difficulties are particularly difficult for socioeconomically disadvantaged groups, such as women of colour, women from lower socioeconomic strata, and immigrants, who, for structural and cultural reasons, may not have had access to government and community support even before the pandemic.⁴⁹ As a result of the post-pandemic issues for such communities, we may see a world where social imbalances are accelerating across numerous streams. Increase in the cases of domestic violence would lead to the incumbent duty of the state to provide protection to its citizens which will wither be by isolating them or incorporating any other measure for their security which would require investment by the government, which will be another addition to the already deteriorating economic condition of the state.

Covid-19 is projected to drive domestic violence across cultures because to income losses, which is consistent with the data suggesting that rates of intimate partner violence are highest in the poorest communities.⁵⁰ More separations and divorces are likely as a result of domestic violence, implying that government resources will be used, putting further demand on the economy. Domestic violence's negative impacts on physical and mental health have been well documented in the literature, and can vary from depression to hazardous sexual behaviour and substance addiction to more long-term issues including chronic diseases.⁵¹ Domestic violence also means that governments risk losing a productive workforce that would otherwise contribute to the economy but is instead taken away by the psychological and physical impacts of domestic violence. This long-term effect may not manifest itself in a day or two, but it is unavoidable.

⁴⁹ Tam DM, Tutty LM, Zhuang ZH, Paz E. "Racial minority women and criminal justice responses to domestic violence". *Journal of Family Violence*. 527–538 (2016).

⁵⁰ L Kiss, B Schraiber, L Heise, C Zimmerman, "Gender-based violence and socioeconomic inequalities: does living in more deprived neighbourhoods increase women's risk of intimate partner violence?", *Watts C Soc Sci Med*. 1172-9(2012).

⁵¹ Rivara F, Adhia A, Lyons V, Massey A, Mills B, Morgan E, Simckes M, Rowhani-Rahbar A, "The Effects of Violence on Health", *Health Aff (Millwood)*. 1622-1629(2019).

There can be seen a nexus between the impact of Covid 19 and domestic violence in the form of economic difficulties. Mental Health is an indirect cause of fluctuation in the economic well-being which thus becomes the outcome of domestic violence. In the times where the countries are already under complete lockdown affecting the economic state massively, it becomes all the way more downtrodden with domestic violence in picture.

Nonetheless, we can confirm that economic issues arising during the Covid-19 crisis are the most significant contributors to the surge in domestic violence, based on the number of domestic violence cases in some of the worst-affected regions and the economic turbulence regions are experiencing under the current scenario.

X. CONCLUSION

With the pandemic hitting practically every country on the planet, our daily routines have changed significantly. People's daily routines have radically changed as a result of India and other countries imposing lockdowns or issuing stay-at-home orders. People did not leave their houses for work, school, or leisure activities during the lockdown. They were only permitted to leave their homes for vital services. The only people who went about their daily routines during the shutdown were those who provided critical services.

Though the Covid -19 has nothing to do with the gender of the people, the socio psychological effect of the pandemic is however affecting the institution of gender role in the society. The COVID19 pandemic has affected the lives and livelihoods of people enormously. Its grave consequence being the impact on the women amidst lockdown and isolation. Women have suffered more as a result of home containment, which was thought to be the most successful technique of protecting the public's health and well-being. While the nationwide lockdown protected people from the spreading of the infection, it led women being exposed to

violence within their own households with no or little social or legal aid. The sharp increase in domestic violence cases published in India's leading news newspapers is a strong indication that the domestic space remains dangerous for the majority of women. While the threat of a pandemic has passed and the lockdown has been lifted, the wounds of the violence will remain for the women who have been harmed. Individuals' legal day-to-day activities give opportunity for illicit conduct. In the case at hand, the legitimate action of adhering to a legal order to stay within the home in order to prevent the spread of COVID-19 resulted in a likely offender who regarded their partners as acceptable targets being able to inflict violence in the absence of capable guardians. Covid-19 is an external shock that is having a considerable impact on the global incidence of domestic violence. While no one could have foreseen such a spike in the number of instances around the world, it is now time for law enforcement agencies, governments, and society as a whole to work together to develop effective methods to prevent Covid-19's negative impacts on domestic violence.