
Domestic Violence: An Addition to COVID-19 Crisis?

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1. Introduction

The year 2020, when the entire world has come to a standstill, has life been the same for all of us? Well, in my opinion, the way of life has certainly changed for almost all sections of the society but it has gravely affected the most vulnerable ones i.e. women. Adding to the extensive roll of crisis tossed at the human race by this pandemic, one evolving evil was out of purview until reports started coming in from various parts of the world. This issue is one that needs to be addressed in its entirety and demands a closure. This is the problem of Domestic Violence or Domestic Abuse to which women are subjected and these cases are increasing at an alarming rate worldwide. Gender equality, even in the 21st century, lacks prominence among the civil society members. According to the World Health Organization², one in every three women across the globe experience physical and/or sexual violence by an intimate partner or sexual violence by any perpetrators in their lifetime. Talking about India, irrespective of the fact that the grundnorm of the country is not gender-biased and strongly points out to the concept of gender equality, yet it is merely just something confined in theory and not preached in reality. Violence against women has been deeply rooted and women have always been subject to a harsh attitude in some way or the other. A New York Times report³ stated, “Add another public health crisis to the toll of the new coronavirus: Mounting data suggests that domestic abuse is acting like an opportunistic infection, flourishing in the conditions created by the pandemic.” Thus, it is apt to state that there has been a global surge in the cases of women being subject to domestic violence during the COVID-19 crisis. The escalating evil even caught the attention of the United Nations which called for urgent action by all the governments to synchronize efforts to put women’s safety first as they respond to the pandemic concurrently.

2. Meaning of Domestic Violence

The term ‘domestic violence’ in its basic sense, is used in many countries to imply intimate partner violence but in the wider sense, it also includes child or elder abuse, or abuse by any member of a household.

- All acts of physical, sexual, psychological, or economic violence committed by a family member or intimate partner.⁴

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² World Health Organization, Violence Against Women, November 29, 2017.

³ Amanda Taub, A New Covid-19 Crisis: Domestic Abuse Rises Worldwide, The New York Times, April 6, 2020.

⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.⁵
- Any threat or exercise of physical, psychological, and/or emotional violence; i.e., any type of force against another person with the intent of inflicting harm or exercising power and control over them.

The scope of domestic violence in the present scenario has been extended to include within its wide ambit all facets which relate to physical, economic, or social abuse as well. Thus, it is not merely confined to the boundary walls of physical abuse only as compared to the initial, primitive stages where it is related only to physical abuse.

3. Domestic Violence vis-à-vis COVID-19

According to sociologist Marianne Hester, “Domestic violence goes up whenever families spend more time together, such as the Christmas and summer vacations.” It has been clearly established by numerous reports that countries like China, the United Kingdom, the United States, Tunisia, France, Australia, Brazil, and many others have reported cases of increased domestic violence and intimate partner violence. India, which is iniquitous for being the fourth worst country in gender equality, is no exception as it is not untouched by this vice; rather the cases have seen a distressing spike. Since the outbreak of the pandemic, The National Commission for Women has been constantly receiving complaints of domestic violence and thus, the data established a surge in these cases. As per the commission’s data, severe growth in the number of cases was reported when the lockdown was at its peak i.e. between March 23 and April 16 and the cases registered were 587 in number, out of which 239 cases were related to domestic violence⁶. It has been stated by the chairperson of the commission that the actual cases in the country may not be in proportion to those reported as most of the women lack access to means for reporting and are currently locked down with the abuser. The chairperson further believed that since most of the complaints come from women of the lower strata in the society who send their complaints by post, the real figure is likely to be more.

4. Legal Perspective

Since every evil needs to be countered with an efficient and effective solution, similar is the case of domestic violence. Talking about the safeguards against this menace, in India, there are three legislations to tackle domestic violence which encompass all facades of this evil, namely: The Protection of Women from Domestic Violence Act, The Dowry Prohibition Act and Section 498A of The Indian Penal Code.

⁵ UN Declaration on the Elimination of Violence against Women, 1983.

⁶ Scroll Staff, Covid-19 lockdown: Domestic violence cases reported to NCW nearly double in last 25 days, April 17, 2020.

4.1 The Protection of Women from Domestic Violence Act, 2005

This act has been specifically enacted to protect women who suffer domestic violence of any kind. The act very comprehensively defines Domestic Violence under **Section 3**⁷ as any act which:

- (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; or
- (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 above-mentioned definition very extensively implies that the term domestic violence is not merely limited to physical abuse but also includes in its domain all kinds of mental and economic abuses as well. This act provides for monetary relief to the victims of abuse and further establishes alternative remedial measures of counseling etc. This act also provides for other compensatory reliefs as may be deemed fit and proper for the victims.

4.2 Dowry Prohibition Act, 1961

Dowry deaths are a major concern in India even in the 21st century. Dowry demand is not only limited to the money demanded for the purpose of marriage but it may also include money demanded for any other purpose, condition being, that the demand must be in connection with the marriage. The death and violence due to dowry demands constitute domestic violence. Similar to the acts of domestic violence, the acts committed in dowry-related offences generally incorporates mental, physical, economic violence as well as harassment to punish the victim or to compel her to meet those demands. According to the National Crime Records Bureau reports, on an average, every hour a woman succumbs to dowry deaths in India with the annual figure rising upwards of 7000. The relevant section referring to dowry death as under the act is stated below:

Dowry Death – Section 304 B⁸: Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage, and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

⁷ The Protection of Women From Domestic Violence Act, 2005, Sec 3.

⁸ Dowry Prohibition Act, 1961, Sec 304-B.

4.3 Indian Penal Code, 1860

The IPC is a comprehensive code which covers all the substantive aspects of criminal law. To strengthen the anti-dowry law, provisions of 498-A were inserted with the Criminal Law (Second Amendment) Act, 1983.

Section 498-A⁹: Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this section, “cruelty” means—

- (a) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Despite the fact, that the laws are well in place, the difficulty continues to persist as it is not feasible for the judicial system to break into the stronghold of the patriarchal family. Further, the lack of societal will is one of the main factors for the prolonged existence of this evil. In my opinion, another significant aspect responsible for this spike is the gendered roles placing all domestic work on women’s’ shoulders, thereby defining it as women’s work. Under lockdown, when everybody is at home, the entire workload is expected to be borne by the women, failing which she is likely to be subjected to violence.

5. Conclusion

There is a dire need to change the societal mindset and let women free from societal pressures. The male counterparts must equally respond to the crisis and lend a helping hand to the women that would enhance their communication and help them both develop a better understanding amongst themselves. Only when the men will step into the shoes of women, it is certain to change the taken for granted attitude towards women. The women across the globe must be given a safe and healthy environment where they can evolve freely. Hence, while we endeavor to flatten the COVID-19 curve, women are suffering parallel fatal losses of all forms and kinds. It thus becomes significant to sensitize men to the needs of their female counterparts and the utmost need of a peaceful and loving atmosphere to which they are exposed daily. It becomes all the more necessary to empower and uplift women so that they can be self-dependant and self-reliant in times of unprecedented crisis specifically. Therefore, we all must strive to build a better world for both men and women, to let them go forward in seeking opportunities and making their lives the way they ought to. We, as a civilized society, must pledge to provide a secure and dignified life to fellow human beings.

⁹ Indian Penal Code, 1860, Sec 498-A, Added by Criminal Law (Second Amendment) Act, 1983.