

Lockdown in Covid Pandemic and its Impact on Violence Against Women

V. Vijay Karthik*

Assistant Professor, Chennai Dr. Ambedkar Government Law College, Pattaraiperumpudur, India

Abstract: This paper presents an overview on lockdown in covid pandemic and its impact on violence against women.

Keywords: Covid, lockdown, pandemic, physical, psychological, sexual, violence, women.

1. Introduction

The first case of ongoing pandemic covid19 was first identified at Wuhan in China in the year 2019. The disease is caused by severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) [1]. It is highly contagious disease which spreads through contaminated droplets when people breathe and through small airborne particles containing the virus. The common symptoms of this disease are headache, loss of smell and taste, cough, high fever, body pain and breathing difficulties. It is diagnosed on the basis of symptoms and confirmed using Reverse Transcription Polymerase Chain Reaction (RT-PCR) Test [2].

The methods adopted to prevent the spreading of infection include getting vaccinated, staying at home, wearing mask, social distancing, avoiding crowd, washing hands etc. The mortality rate is high among elderly compared to young people.

2. Lockdown and its Impact on Domestic Violence

Lockdown is restriction policy for people or community to stay where they are, usually due to specific risks to themselves or to others if they can move and interact freely [3]. A full lockdown means that people stay where they are and may be in a building or room. Preventive lockdowns are taken as preemptive measure to mitigate the spread of highly infectious disease like COVID-19.

The Government of India ordered nationwide lockdown for 21 days on 24 March 2020. It was taken as a preventive measure against the spread of covid-19 in India [4]. The lockdown was extended for several months to contain the spread of covid-19 pandemic in India. The lockdown restricted people from stepping out of their homes. All the transport services except rail, air, police, fire and emergency services were suspended. Education institutions, industrial establishments and other commercial activities were closed. Due to the closure of factories and workplaces, millions of workers lost their income. There was an acute shortage of food and the families of migrant workers went hungry. With no work and money, there was an

uncertainty about the future of the workers. The condition of women was far worse as they had to bear the burden more. The anxiety and stress caused due to the scarcity and economic crisis faced by the breadwinners of the family had adversely affected the safety of women inside home.

There was a steep increase of domestic violence against women during the lockdown. Domestic violence or family violence is violence that occurs in a domestic setting. It can assume various forms including physical, verbal, emotional, economic or sexual abuse. It may range from subtle to most coercive form like murder. The victims of domestic violence are mostly women. Domestic violence is caused not only by the husband but also done by other members of family like father, brother, son and in-laws [5]. The violent acts against wife by husband are not considered a form of abuse by the society in some countries due to their cultural view. Domestic violence is among the most under reported crime around the world. During lockdown for covid-19 some victims were inside their homes with the abusers. They were left without an option to escape during this period, which further led to under-reporting. Violence against women and girls is most prevalent human rights violations worldwide. Violence against women tend to be less prevalent in developed western countries compared to developing countries.

The 1993 UN Declaration on the Elimination of Violence against Women [6] states that "the violence against women is manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men and to the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men" [7].

Violence against women shall be understood to encompass, but not limited to, the following:

- a) Physical, sexual or psychological violence occurring in the family, including battery, sexual abuse of female children in the household, dowry-related violence, marital rape, female mutilation and other traditional practices harmful to women, non-spousal violence related to exploitation.
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in

*Corresponding author: vijaykarthik582@gmail.com

educational institutions and elsewhere, trafficking in women and forced prostitution.

- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.” Economic exploitation was later added to this definition.¹ The UN General Assembly through Resolution 58/147 recognizes that “domestic violence can include economic deprivation and isolation and that such conduct may cause imminent harm to safety, health or well-being of women. [8]”

3. Psychological Effects of Domestic Violence on Women

Domestic violence is an intentional act of abuse aimed against family members and violating their rights and personal wellbeing. Domestic violence causes physical and psychological suffering. People using domestic violence make family members subordinate and gain control over them. Offenders exercise physical violence; however, emotional, sexual or economic abuse is not uncommon [9].

Victims of violence are depressive, anxious, experience somatic stress-related symptoms often diagnosed as neurosis and may also show symptoms of disorganised behaviour and thoughts. Also very frequent are symptoms of post-traumatic stress disorder (PTSD) is also seen among the victims [10]. PTSD is a mental disorder that may develop after exposure to exceptionally threatening or horrifying events [11]. PTSD can occur after a single traumatic event or from prolonged exposure to trauma, such as sexual abuse and violence [12]. Acts of aggression concern mostly the physically weaker, i.e., women and children. A chronic feeling of threat and powerlessness against the situation leads to the disturbance of the emotional balance of the victim and manifests as mood disorders (depression, anxiety), addictions, symptoms of post-traumatic stress and even suicide. Patients with PTSD are at increased risk of experiencing poor physical health, including somatoform, cardio respiratory, musculoskeletal, gastrointestinal, and immunological disorders. It is also associated with substantial psychiatric co morbidity, increased risk of suicide and considerable economic burden.

Victims of physical abuse experience the greatest health consequences visible to society, and as a result they are the most supported group. Victims of sexual abuse experience both emotional and physical consequences, which may not be noticed by other people, and consequently they do not receive sufficient support. Due to specific psychological problems concerning very intimate aspects of one's experience, the victims of sexual abuse are the last to search for support. Those women might use various psychological strategies to cope with the traumas they undergone [13].

4. Statutory Protection of Women from Domestic Violence in India

The Protection of Women from Domestic Violence Act 2005 is an Act enacted to protect women from domestic violence in India. It was brought into force on 26 October 2006. The Act provides a definition of "domestic violence" for the first time in

Indian law, with this definition being broad and including not only physical violence, but also other forms of violence such as emotional and psychological abuse. It is a civil law meant primarily for protection orders, rather than criminal enforcement.

The progress of any society depends on its ability to protect and promote the rights of its women. Guaranteeing equal rights and privileges to women by the Constitution of India had marked the step towards the transformation of the status of the women in this country.

The domestic violence in this country is rampant and several women encounter violence in some form or the other or almost every day, however, it is the least reported form of cruel behavior. A woman resigns her fate to the never-ending cycle of enduring violence and discrimination as a daughter, a sister, a wife, a mother, a partner or a single woman in her lifetime. This non-retaliation by women coupled with the absence of laws addressing women's issues, ignorance of the existing laws enacted for women and societal attitude makes the women vulnerable. The reason why most cases of domestic violence are never reported is due to the social stigma of the society and the attitude of the women themselves, where women are expected to be subservient, not just to their male counterparts but also to the male's relatives.

Till the year 2005, the remedies available to a victim of domestic violence were limited. The women either had to go to the civil court for a decree of divorce or initiate prosecution in the criminal court for the offence punishable under Section 498 A of the IPC. In both the proceedings, no emergency relief/reliefs is/are available to the victim. Also, the relationships outside the marriage were not recognized. This set of circumstances ensured that a majority of women preferred to suffer in silence, not out of choice but of compulsion. The enactment of Act, 2005 is a milestone for protection of women in this country [14].

The Statement of Objects and Reasons refers to three International Conventions where recommendations were made to the parties States to take measures including Legislation to protect women against violence including occurring within the family. General Recommendation No. XII of the United Nations Committee on Convention on Elimination of All Forms of discrimination against women stated: (Eighth session, 1989) Violence against women The Committee on the Elimination of Discrimination against Women.

Considering that Articles 2, 5, 11, 12 and 16 of the Convention require the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life.”

The very purpose of enacting the DV Act was to provide for a remedy which is an amalgamation of civil rights of the complainant i.e., aggrieved person. Intention was to protect women against violence of any kind, especially that occurring within the family as the civil law does not address this phenomenon in its entirety. It is treated as an offence Under Section 498 A of the Penal Code, 1860. The purpose of enacting the law was to provide a remedy in the civil law for the protection of women from being victims of domestic violence

and to prevent the occurrence of domestic violence in the society. It is for this reason, that the Scheme of the Act provides that in the first instance, the order that would be passed by the Magistrate, on a complaint by the aggrieved person, would be of a civil nature and if the said order is violated, it assumes the character of criminality [15].

The Protection of Women from Domestic Violence Act, 2005 is different from the provisions of the Indian Penal Code in that it provides a broader definition of domestic violence in what it covers and who it protects [16].

Pursuant to the Act, the aggrieved person is defined as "any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to domestic violence by the respondent [17]."

This law protects not only women from violence within their husband-wife relationships, but women living in the same home with people with whom they are in a domestic relationship with. This protects women from violence within their relationships by marriage (ex: husband-wife, daughter-in-law with father-in-law/mother-in-law/etc.), relationships by blood (ex: father-daughter, sister-brother), relationships by adoption (ex: adopted daughter-father), and even relationships in the nature of marriage (ex: live-in relationships, legally invalid marriages). This Act was considered to be the first piece of legislation to provide legal recognition and protection to relationships outside of marriage [18].

Domestic violence is defined by Section 3 of the Act as "any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

- 1) 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
- 2) Harasses, harms, injures or endangers the aggrieved person 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
- 3) 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
- 4) Otherwise injures or causes harm, whether physical or mental, to the aggrieved person."

5. Remedies Available to the Affected Women

The aggrieved person has the following rights:

- 1) They can apply for protection order, order for monetary relief, custody order or monetary compensation.
- 2) They can avail free legal aid services.
- 3) They can file complaint u/s 498A IPC.
- 4) They have right to reside in the shared home even they do not have title or ownership.
- 5) They can reside in shelter home as the form of relief.
- 6) They can avail free medical aid with or without the orders of Protection Officers.

Under the Domestic Violence Act, 2005, Protection Officers are appointed by the Government to help the aggrieved women in filing the case against her husband or against any male adult person who has committed domestic violence and who is in domestic relationship with the victim. The Protection officer facilitates the victim to approach the Court by providing legal aid and get appropriate relief from the Courts concerned. Further they execute the orders of the Court wherever necessary with the help of police. Options are available on the aggrieved person to file the petition before the Judicial Magistrate Court or in the nearby police station.

A reading of the provisions of The Protection of Women from Domestic Violence Act, 2005 shows that it creates an entitlement in favour of the woman of the right of residence under the "shared household" irrespective of her having any legal interests in the same. The direction, *inter alia*, can include an order restraining dispossession or a direction to remove himself on being satisfied that domestic violence had taken place [19].

6. Cases Reported in Tamil Nadu:

Recently a survey was conducted by representatives from 24 NGOs which was organized by Prajnya Trust. Samples were taken from 33 districts in Tamil Nadu [20]. Nearly 31% of the participants have stated that economic stress was the main reason for domestic violence during lockdown. When asked about the number of cases registered under The Domestic Violence Act 2005 and Indian Penal Code it was stated that 103 cases in Villupuram and 80 cases in Virudhunagar were registered.

The stress caused due to loss of job and consequently economic instability has increased the consumption of alcohol, which had resulted in the increase of domestic violence. There is a noted surge in the increase of sexual violence especially against children during lockdown as the porn usage had increased [21].

7. Suggestions

The consequences of domestic violence is devastating. Active steps must be taken to counter the surge in domestic violence during the lockdown. Effective implementation of Protection of Women from Domestic Violence Act, 2005 is much needed.

It can be done,

- a) By making wide publicity in the mass media about the Act, since the necessity to develop awareness requires wide ranging efforts utilizing print as well as electronic media,
- b) Visible display of information about help line numbers, shelter homes in public places and school text books.
- c) Identify the signs of domestic violence by conducting door to door surveys by the government authorities while doing it for checking COVID-19 symptoms.
- d) Giving psychological counseling to the victims apart from treating physical injuries caused by domestic

violence. The aim of counseling is to resolve developmental and situational difficulties. Counseling helps to bring change in life, thought, emotion and behavior. Counseling is about taking control and making the changes your clients want. Within the safety of the therapeutic relationship your client can express deeply-held feelings such as anger, pain and anxiety that they may not have fully acknowledged before. By making sense of the past and gaining insight into present behavior, more options can be created for change in the future [22].

One in three women worldwide experience physical or sexual violence, mostly by intimate partner. Violence against women is a serious human rights violation and the adverse effects long term physical, mental and sexual health can be devastating. The violence perpetrated against women negatively affects women's general well-being and prevents them from participating in the society. It has impact on their family, their community and country at large. Not only does this have an adverse effect on health status of a woman but also affects her degree of productivity, the belief of self-sufficiency, confidence and overall quality of life. The shortage of basic amenities, lack of social support, disruptions to the economy, feelings of helplessness, powerlessness and paucity in access to basic means of livelihood during the lock down had caused both sudden and indelible effects on violence against women in the society. There is a general trend of increase in sexual violence and intimate partner violence during the lock down in this pandemic. So active steps should be taken to protect the women from violence during this ongoing global crisis.

References

[1] https://www.who.int/health-topics/coronavirus#tab=tab_1

- [2] https://www.icmr.gov.in/pdf/covid/labs/2_SOP_for_Confirmatory_Assay_for_2019_nCoV.pdf
- [3] Latha, "Impact of Lockdown due to Covid 19 outbreak, Lifestyle changes and public health concerns in India."
- [4] <https://www.mha.gov.in/notifications/circulars-covid-19>
- [5] <https://www.naaree.com/domestic-violence-helplines-india>
- [6] <http://www.un-documents.net/a48r104.htm>
- [7] <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>
- [8] https://www.un.org/esa/socdev/unpfii/documents/EGM12_concept_note.pdf
- [9] K. Browne, M. Herbert, and M. Babiuch, "Zapobieganie Przemocy W Rodzinie," Warszawa: Wydawnictwa Szkolne i Pedagogiczne - Spółka Akcyjna, Warsaw, 1999.
- [10] R. Lobmarm, W. Greve, P. Wetzels, and Ch. Bosold, "Violence against women: conditions, consequences, and doping," in *Psychology, Crime & Law*, vol. 9, pp. 309-331, 2003.
- [11] G. A. Bonanno, "Loss, trauma, and human resilience: have we underestimated the human capacity to thrive after extremely aversive event," in *The American psychologist*, vol. 58, no. 1, pp. 20-28, 2004.
- [12] J. I. Bisson, "Post-traumatic stress disorder," in *BMJ (Clinical research ed.)*, vol. 334, no. 7597, pp. 789-793, 2007.
- [13] B. N. Uchino, J. T. Cacioppo, and J. K. Kiecolt-Glaser, "The relationship between social support and physiological processes: a review with emphasis on underlying mechanisms and implications for health," in *Psychological Bulletin*, vol. 3, pp. 488-531, 1996.
- [14] Satish Chander Ahuja vs Sneha Ahuja Civil Appeal No.2483 of 2020 (Arising out of SLP(C)No.1048 of 2020).
- [15] Kunapareddy Alias NookalaShanka Balaji Vs. Kunapareddy Swarna Kumari and Anr., (2016) 11 SCC 774.
- [16] Datta, Damayanti (4 December 2006). "The new laws of Marriage- India Today. Retrieved 29 March 2013.
- [17] The Protection of Women from Domestic Violence Act, 2005.
- [18] Agarwal, Anuja, "Law and live in relationship in India," in *Economic and Political Weekly*, vol. 47, no. 39, 2012.
- [19] Manmohan Attavar Vs. Neelam Manmohan Attavar, (2017) 8 SCC 550.
- [20] <https://www.thehindu.com/news/national/tamil-nadu/economic-stress-contributed-to-domesticviolence-during-covid-19-says-survey/article33641230.ece>
- [21] M. Vora, B. C. Malathesh, S. Das, and S. S. Chatterjee, "COVID-19 and domestic violence against women," in *Asian journal of psychiatry*, vol. 53, 102227, 2020.
- [22] Syed Muhammed Sjjad Kabir, "Introduction to Counseling," 2017.