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**TACKLING A DOMESTIC PANDEMIC AMIDST
A GLOBAL PANDEMIC- THE NEED TO
ADDRESS AND ANALYSE RISE IN DOMESTIC
VIOLENCE AGAINST WOMEN IN INDIA
DURING COVID-19**

Meenakshi Priya CM- Bharat Mata School of Legal Studies

Tackling a Domestic Pandemic amidst a Global Pandemic- The Need to Address and Analyse the Rise in Domestic Violence Against Women During Covid-19

Meenakshy Priya CM

Introduction

Violence against women is a grave human rights violation, an age old universal issue, which has a great negative impact not only on its victims/survivors but also on their families, and communities. According to the special report of UN Secretary General¹, in the last 12 months, almost 18 per cent of women and girls aged 15 to 49 years who have ever been in a domestic relationship have experienced physical or sexual violence by an intimate partner. The United Nations described the increased violence against women in India during the pandemic as a “shadow pandemic”² When that is the Global scenario, India also witnessed a similar spate of Domestic Violence cases during the pandemic

Domestic violence has always been a subject of discussion ever since Independence and the statistics of Domestic Violence cases during Covid’19 in Indian Scenario is much worse. In order to battle against the Covid’19 the government had imposed a lockdown from 24th March 2020. Meanwhile, the National Commission for Women recorded double the number of complaints from March 23 to April 24 than it had in the previous month. Also, the reports of National Legal Services Authority (NLSA) shows that there is a great toll in the rise of complaints regarding domestic violence during last few months. Hence, there is a significant need to address and analyse how this issue has been tackled

¹ Report of the UN Secretary General, Special edition: Progress towards the Sustainable Development Goals, UN Economic and Social Council Distr.: General E/2019/68 (May 8th 2019), <https://undocs.org/en/E/2019/68>

² UN News Global Perspective Human Stories, <https://news.un.org/en/story/2020/12/1080182> {Accessed Sept 5, 2021}

by the legal machineries as of now, its short comings and how the situation can be resolved to a better extent.

The reasons why domestic violence cases sky rocketed during the pandemic cases are many and almost the same around the globe. Frustration as a result of loss of employment as a result of Covid'19 and financial dependence upon one's partner is one among the many reasons why domestic violence escalated especially in developed countries. This dependence forced the women to endure domestic violence from their partners and family members. Restrictions on movement to contain the spread of Covid'19 and the lockdown imposed in a way compelled the women to be enclosed in those four walls enduring her partner's violence. Despite the increased cases of domestic violence, majority of the cases go unreported owing to the proximity of relationship between the abuser and the victim. Another main reason why the domestic violence cases go untreated is because of the non availability of emergency services during Covid to deal with the abuse as they prioritized the patients of Covid'19. Also access to friends, family, public spaces, legal institutions and police stands rendered barricaded on account of the lockdowns. Resultantly women and girls are unable to escape from the abuser or the violations.

When it comes to India, the main reason for the increased figures of domestic violence cases is the non availability of alcohol and the resulting frustration upon those who are over dependant on alcohol. Due to the lockdown, the availability of liquor has reduced considerably; this has resulted in an increase in statistics of domestic violence. The consequences of this frustration are faced by their intimate partners in the form of physical, mental and sexual tortures. Economic dependence is another factor, majority of Indian women depend upon their partners for economic stability. Also, it is a tradition or custom of our society to be obligated to the male partner. This situation suggests that domestic violence can be regarded as a family menace. The male partners find it an apt reason for

torturing and harassing their women partners furthermore. As people are staying at home during lockdown women are in difficult position as they are to spend more time with their abusive partners

To understand the need and importance of mitigating domestic violence in our country, it is necessary to have a comparative analysis of domestic violence during the pandemic in different countries around the world, how they deal with the same and how far their strategies could be adopted here in India. Lockdown is really a tough time not only for Indian women but also for women around the world. Even women from developed countries are also undergoing similar situations. It is better to say there is no difference in the violence suffered by women whether it is a developing nation or developed nation. Since the lockdown on March 2020, reports of domestic violence in France have increased by 30%, Argentina emergency calls for domestic violence cases have increased by 25%, Cyprus and Singapore have registered an increase in calls of 30% and 33% respectively. Increased cases of domestic violence and demand for emergency shelter have also been reported in Canada, Germany, Spain, United Kingdom and United States. Countries in Africa such as Liberia, Kenya and Nigeria have reported an escalated rise in domestic violence cases during pandemic.

Countries around the World have come with their own strategies tackling increased domestic violence cases. In Argentina, pharmacies have been declared safe spaces for victims of abuse to report; In France, grocery stores are housing pop-up-counselling services. Victims are being asked to access pharmacies and inform pharmacists about the abuse directly, or using a code word: mask if they are accompanied by their abuser. France's government also recently announced that it had reserved 20,000 hotel rooms for victims of domestic violence. In Spain, where lockdown rules are extremely strict, and many people are being fined for breaking them, the government has told women they will not be fined if they leave home to report abuse. Canada and Australia have integrated funding for

violence against women as part of their national plans to counter the damaging fall-out from COVID-19. Prime Minister Justin Trudeau of Canada has set aside tens of millions of dollars to support women's NGOs, shelters and sexual assault centers across Canada.

In India, Protection of Women from Domestic Violence Act' (PWDVA) was passed in 2005. The law recognizes domestic violence beyond physical or sexual violence, including mental, economic, and emotional violence, and provides resort to both married as well as unmarried women. s. 12 of the act enables an aggrieved person or a protection officer on her behalf to file a petition seeking any of the reliefs under the Act which includes a protection order (s.18) prohibiting the respondent from committing domestic violence, residence order (s.19) which restrains the respondent from entering the shared household and committing domestic violence, monetary relief for any loss caused (s.20) custody order (s.21) and a compensation order (s.22). The court has under s.23 power to grant ad interim orders. Similarly under s.31, breach of an order passed by the magistrate under the Act is made punishable. Along with this special statute, Article 21 of the Indian Constitution provides every person right to life and personal liberty which includes right to have a dignified life free from any sort of violence. Hence, the fundamental shortcoming is not per se with the present legal framework but its implementation thereof.

Indian Courts have played a major role in handling this shadow pandemic of domestic violence during Covid'19. In April 2020, All India Council of Human Rights filed a PIL urging the Delhi High Court to address the increasing domestic violence cases during lockdown. The petition suggested various solutions such as increasing the number of staffs to attend the hotlines, establishing nodal offices, providing free tele-counselling etc. The High Court directed the State Government to form a committee to implement these recommendations. The High Court while considering the petition also suggested the appointment of more

number of temporary protection officers to deal with the situation. Similarly, Jammu & Kashmir High Court³ has taken suo moto cognizance upon domestic violence cases during the Covid 19 and streamlined certain initiatives that the Government should take. Madras High Court⁴ mandated that a magistrate should while considering an application under s. 12 of Domestic violence Act has to take necessary steps to dispose the same within 60 days from the filing of the petition thereby providing expeditious justice to the aggrieved. Both Allahabad and Karnataka High Courts⁵ have asked for Status report from their respective State Government regarding the initiatives that they had taken to tackle domestic violence during Covid'19.

Indian Government as well as certain NGOs with a view to address the increasing domestic violence cases has introduced certain initiatives. In Uttar Pradesh, an NGO called Breakthrough started a community radio program, the purpose of which is to create awareness about domestic violence. It teaches the people how to recognize domestic violence, and ways to address the same. Women are encouraged to share their experiences through calls.⁶ A platform called StreeLink was introduced that allows women to share, exchange, and collaborate with other women in dealing with problems at home, in public spaces, and at work to get practical, actionable solutions and find strength from each other. Similarly, the police launched 'Suppress corona, not your voice' initiative asking victim women to call a helpline number enabling women police officers to reach them following

³ In Re Court on its own motion v. Union Territories of Jammu Kahmir through secretaries social welfare department, Order dated 21.07.2020 in W.P. (C) PIL No. 14/2020 before the Hon'ble Supreme Court.

⁴ Express News Service, 'Effective steps taken to curb domestic violence during lockdown, TN tells Madras HC', New Indian Express, <https://www.newindianexpress.com/states/tamil-nadu/2020/apr/25/effective-steps-taken-to-curb-domestic-violence-during-lockdown-tn-tells-madras-hc-2135296.html> (April 25th, 2020)

⁵ India Legal Bureau, Karnataka HC Directs Government To Take Measures For Migrant Workers And To Curb Domestic Violence, India Legal Live, <https://www.indialegallive.com/constitutional-law-news/courts-news/karnataka-hc-directs-government-to-take-measures-for-migrant-workers-and-to-curb-domestic-violence/> (April 27th, 2020)

⁶ Covid-19 and Impact On Women, Breakthrough, <https://inbreakthrough.org/covid19-and-impact-on-women/> {Accessed Sept 5,2021}

a complaint. Another campaign, Bell Bajao! (Ring the Bell), was launched which calls on men and boys to take a stand against domestic violence. The NCW launched a whatsApp number allowing women to contact them for help related to domestic violence through messages. Odisha Police has launched a drive to contact and ascertain the status of all previous cases of domestic violence in the state. In Pune, Maharashtra, perpetrators of domestic violence will be institutionally quarantined. Women's Entrepreneurs for Transformation (WEFT), a non-profit organization has started red dot initiative where people can identify and inform authorities about the domestic violence victim by seeing a red dot on the palm to door service providers like postal workers, garbage collectors, food delivery staff home repair agencies thereby providing them the opportunity to detect violence in the home and report their concerns to the proper authorities.⁷

Conclusion and Suggestions

In the face of Covid'19 pandemic, the shadow pandemic, domestic violence is indeed posing a threat to women. To curb and mitigate the darker shades of this shadow pandemic following suggestions are put forward

- The first step to tackle the issue of rising gender violence in the times of pandemic is the acknowledgment of the issue, which has been ignored during the pandemics in the past.
- Shelters and help lines for women must be considered an essential service with specific funding and broad efforts made to increase awareness about their availability.

⁷ Using red dot signal, women seek help to escape domestic violence during lockdown, Deccan Herald, <https://www.deccanherald.com/national/north-and-central/using-red-dot-signal-women-seek-help-to-escape-domestic-violence-during-lockdown-821281.html>. {Accessed 5th Sept 2021 }

- Anganwadi workers should be placed as co-ordinators to receive and escalate calls of domestic abuse to their immediate superior officials.
- As many counsellors should be temporarily designated as protection officers to address cases of violence expeditiously. The mobile numbers of all such officers (one in every district) should be made publicly available. The contact details of the one-stop centres at every district should also been made publicly available.
- Immediate arrangement for the transport of the protection officers and other officials to respond to complaints of domestic violence should be made and women in distress be rescued on time and be shifted to shelters when necessary.
- Ensure increased support to call-in lines, including text services so reports of abuse can take place discreetly
- The lack of enforcement as well as alternative source of residence also impedes women filing complaints with officials or the police. There is also a huge trust deficit. Hence awareness has to be provided that protection, adequate accommodation in shelter homes and free medical aid shall be provided to the victims.



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