



Human Rights Violation with Special Reference to Domestic Violence: During COVID-19

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Abstract:-

The United Nation General Assembly has declared 1995 to 2004 as International Decade of Human Rights Literacy in order to make people aware of their general human rights which are available to them. Human Rights are specially enacted for human, if humans are not aware of their rights they won't be able to claim such rights. Domestic violence is a part of human rights. Domestic violence is not only the problem in India, rather this problem is raised in almost every country. During pandemic a massive number of cases related to domestic violence are came into light. The problem of domestic violence is not only within the four walls but this issue also occurs with women in open space also. Due to this many women feel degraded which distrust them to work at any workplace. According to data analysis one out of every three women has been victim of domestic violence. The restrictions imposed during pandemic to control the spread of COVID-19 resulted in increase in domestic abuse. The pandemic has forced every person to stay at home which may raised the domestic abuse as the victim may live in same household. The National Commission for Women in India has reported numerous of cases and complaints of domestic violence during COVID-19 in country. The negative result of lockdown is most commonly seen on women. The object of present paper is to study the root problem relating to domestic violence during COVID-19.

Key Words:- Domestic Violence, COVID-19, Massive, Pandemic, Distrust.

Introduction:-

Domestic violence is a serious concern in society and pandemic gave this issue an alarming rate. The impact of COVID-19 pandemic on women is worse before as compared to previous years. On March 24, 2020 the Prime Minister of the nation announced lockdown in whole country. There are many challenges was faced during the lockdown. India imposed strict rules to be followed during lockdown. Government suspended all un-necessary travel from one place to other, flights are not taking off, railways are stopped, no other means of public transport. There has been increasing a sharp number of cases of domestic violence according to the National Commission for Women (NCW). The National Commission for Women has announced that there was sixty-nine numbers of cases are reported within a week since lockdown. According to NCW this is a sharp number of cases. The reason behind the increasing number of cases is the men who are sitting at their homes with no work, not able to go out for any activities, which in results increasing the frustration level among men. Mostly, the problem of domestic violence was seen in rural areas, due to lack of knowledge and education many women are not able to seek help. Most of the women in rural areas are not able file their complaints, even not able to send a message to seek help. According to NCW this is a worrying data not only from India rather from all over the Globe. Domestic violence is now a global problem. Here are some of the data from media report, that the domestic violence cases in United States are significantly increases by 20%, in Turkey number of cases increases by 38.2%, in South Africa number of cases is increased by 37%, in United Kingdom 25% of increase in cases was seen, in France 32% number of cases are seen increased by France government after announcing the lockdown. The United Nation report also says that this is a terrifying view that the violence against women is increasing with such a height. And these are those cases which came into light, most of the cases are not reported yet and due to society stigma and family pressure on women these cases never come into light. Domestic violence is violence against human right. The victims of domestic violence are not only women but also men and children. Domestic violence includes Intimate Partner Violence (IPV). Males are considered to be the strong part of society, while on the other hand females are considered to be the weak section of society. Females are considered to be the property of man. Man can do anything with his property, this considered to be another reason for violence against women. Domestic violence is basically a silent violence which occurred within four walls in a house, but this is not so, violence against women is occurred in open space also. During lockdown confine into home for a long time may create stress in human, resulting in domestic abuse. Staying at home due to corona virus amounts to forced co-habitation between partners, may increase the risk of domestic abuse. Home is considered to be the safest place for human being but this statement is not true at all in case where any man, children or women facing any kind of domestic abuse because in such situation home is considered to be the place where abuse in a way takes place. Inadvertently, lockdown may give people more freedom to abuse their partner. Home quarantine was given to people to protect themselves from COVID-19 but it results in increasing the number of women suffering from domestic abuse. Violence among women includes bride burning, dowry

death, honor killing, infanticide, femicide, matricide, sati, sexual assault, acid attack, sororicide, forced marriage, forced pregnancy and forced abortion.

Object:-

- To study the basics of domestic violence during COVID-19.
- To secure the human rights of every individual.
- To study the roots of domestic violence and find out the measures to solve the issue.

Summary of Domestic Violence: During COVID-19:-

India is one of those nations which top-listed in crime. Globally, women are the victim of domestic violence, women has to experience more severe foams of violence as compared to man. Women shall cover almost fifty percent of population of the country. While being almost half part of the population, Women are considered to be the weaker part of society. Male was considered as ‘annadata’ of the family and a strong part of society. Therefore, a male may harm the women in any ways. Domestic violence not only hurts a woman physically but also breaks her mentally, emotionally and psychologically. The most common types of domestic abuse with women are “Marital rape”. Rape is considered as a property crime against women. As per the *Doctrine of Coverture* a married women didn’t consider to be separate legal existence from her husband. In other words according to “Doctrine of Coverture” husband and wife are consider as one person. Husbands also have power to manipulate their wives, being their owner, leader and curator of their property. As per this princi pal a single woman has legal status to manage her property by her own and make contracts in her own name. After being married, women are legally considered as the property of her husband. Any property she holds before marriage is her property, after marriage such property is consider as her husband’s property and she has no right to appear in court and make any contract. This situation continues till 19th Century. After that, many states may pass Married Women property Act to reduce the effects of Coverture. But in reality this is not so, till today women are property of their husband. This situation is much seen during COVID-19 lockdown. Cases of Marital Rape are much seen during COVID-19 in society, and the most horrendous thing is these cases are not come forward. Marital rape is an act by one spouse to forcefully push another spouse to indulge in sexual activity, without the consent of another spouse. To protect rape victim, Indian Penal Code, 1860 has given many provisions but in case of marital rape no such specific provision is enacted yet. Many times the Exception II of section 375 of IPC, 1860 was challenged to protect rape victim. However, the Exception II of section 375 states that “sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not a rape. In *Sakshi v. Union of India and Ors. SC (2004)*, it was said that why sexual intercourse without the consent of the wife is not considered to be a punishable offence. Besides this, another PIL is filed in Supreme Court in *Independent Thought v. Union of India and Anr. SC 2007*, an NGO filed a petition challenging Exception II of Section 375 of IPC, age factor under Exception II increased from 15 to 18 years. But it did not consider married

women victimized by marital rape. One another factor which was noticed in India is most of the women from rural areas are not able to reach online platform to seek complaint. Domestic violence also called Intimate Partner Violence (IPV). During COVID-19 the Intimate Partner Violence has been increased. The reason behind such increment in cases of Intimate Partner Violence is lockdown. As during lockdown the population was restricted to stay at their home which increases stress and anxiety, resulting domestic abuse. Stress includes loss of employment, financial hardship, job insecurity, unstable business, food insecurity. Since, during COVID-19 the partners are sharing the same household this will increase the chances of domestic abuse. SC in [*Satish Chander Ahuja v. Sneha Reddy 2020 SC 841*] cleared the definition of “Shared Household” as it doesn’t mean the household of husband. Instead it means the household belonging to any of the relative of husband with whom women is live in a domestic relationship. The Domestic violence during COVID-19 also includes economic abuse which means deprivation of economic and financial resources which a person is entitled by law. Not only India rather the countries all over the world has faced employment crisis during COVID-19. Due to lockdown imposed in India the trade and business of most of the persons is affected resulting lack of financial resources to which there was tension in the mind of people that if this situation continues, how will they live their life without money? [*Court on it’s Own Motion V. UTs of J&K and Ladakh, WP(C) PIL No. (unnumbered) of 2020, dated 16-4-2020*], A division bench of Justice Gita Mittal and Justice Rajnesh Oswal took suo motu cognizance of increasing domestic violence cases against women during COVID-19 lockdown and suggested measures to handle the situation. The court also passed directions upon the Government and various authorities. Considering gravity of the situation, the High Court suggested following measures to grant immediate assistance:

- (i) Creation of dedicated funding to address issues of violence against women and girls as part of the COVID-19 response by the Union Territories of the Jammu and Kashmir and Ladakh.
- (ii) Increased availability of call-in services to facilitate discreet reporting of abuse.
- (iii) Increased tele/online legal and counselling service for women and girls.
- (iv) Designated informal safe spaces for women, say grocery stores and pharmacies, where they can report domestic violence/abuse without alerting the perpetrators.
- (v) Immediate designation of safe spaces (say for instance empty hotels/education institutions etc.) as shelters for women who are compelled to leave their domestic situation. These shelters must be treated as accessible shelters.
- (vi) Giving urgent publicity to information regarding all of the above measures as also the availability of the facilities for seeking relief and redressal against the issues of domestic violence.

(vii) Increasing awareness campaigns on all aspects of the issues.

The Court also passed certain directions on various authorities:

- (a) Secretary, Department of Social Welfare; Governments of UTs of J&K and Ladakh; and the Member Secretary, J&K State Legal Services Authority, will submit a report informing about the steps taken regarding domestic or any other kind of violence being faced by the women on account of the implementation of the COVID-19 lockdown.
- (b) Secretary, Department of Social Welfare; Governments of UTs of J&K and Ladakh; and the Member Secretary, J&K State Legal Services Authority, will examine suggestions given by the Court as enlisted above as also the innovative measures taken by countries world over and the spotlight initiative taken up by the United Nations. The said authorities will take a view regarding requirements and steps to be taken to mitigate the sufferings of the victims of domestic violence in the Union Territories.
- (c) A report of measures in place, steps underway, and those contemplated, be placed before the Court before 28th April, 2020, the next date of hearing.
- (d) The Secretaries of the J&K Legal Services Authority shall call for list of all cases involving cases of domestic violence which are pending as complaints with the police stations in the Union Territories or in the courts and ascertain the safety and well being of the complainants.
- (e) All the courts in the UTs of J&K and Ladakh shall treat cases of domestic abuse as urgent and proceed with the matters in accordance with the Circulars issued regarding the procedure to be followed ensuring social distancing. (1)

The World Health Organization (WHO) on dated 11 March, 2020 has declared Corona Virus a global Pandemic. The WHO also declared that the virus has been increasing at an alarming rate. In order to protect person from virus India has declared lockdown. The problem of domestic violence was there in the society before, but due to the closure of India, this problem has increased even more. According to the data by the National Commission for Women (NCW), domestic violence against women had increased manifold during the lockdown. Only between March 25 and May 31, [the NCW received 1,477 complaints of domestic violence from women](#). This short span of 68 days recorded [more complaints than those](#) received between March and May in the previous ten years. In the entire year of 2020, when some level of restriction on movements was imposed in various parts of the country even after the lockdown, [the women's commission received 5,297 complaints of domestic violence](#). This was almost a 79% jump from 2019 when the NCW received 2,960 such complaints. (2)

Literature Review:-

1. **Ram Ahuja (2004), “Social Problems in India”** in his intensive study considers violence against women or domestic violence a major social problem in India. He points out that this problem is not a new problem. Women in the Indian society have been victims of humiliation, torture and exploitation for as long as we have written records of social organization and family life. Today women are being gradually recognized as important, powerful and meaningful contributors to the life of men; but till a few decades back, their condition was pitiable. Ideologies, institutional practices and the existing norms in society have contributed much to their harassment. In spite of the legislative measures adopted in favor of women in our society after independence, the spread of education and women’s gradual economic independence, countless women still continue to be victims of violence. They are beaten at homes, raped, burnt and murdered. Violence towards women in the Context of marriage becomes more significant when a husband who is supposed to love and protect his wife beats her.. Sometimes the violence may be related to drunkenness but not always. Bred in Indian culture, a wife rarely thinks in terms of reporting a case of battering to the police. She suffers humiliation in silence and takes it as her destiny. Ram Ahuja also points that even if the women wants to revolt, she cannot do it because of the fear that her own parents would refuse to keep her in their house permanently after the marital break down. He also mentions“ that dowry is related to domestic violence. According to him most of the dowry-deaths either by way of suicide by a harassed wife or murder by greedy husband and in-laws have indeed become a cause of great concern for parents, legislators, police, courts and society as a whole.
2. **Niveditha Menon and Michael P. Johnson, “Patriarchy and Paternalism in Intimate Partner Violence: A Study of Domestic Violence in Rural India”** points that violence against women is a social phenomenon that crosses age, culture, and national boundaries. In all societies, women have been subjected to cultural and familial institutions that result in physical, sexual and psychological harm. These acts of violence have worked to subjugate women and have contributed greatly to the gender inequality that is prevalent all over the world. In India, this violence takes the form of rape, sexual harassment, female infanticide, widow burning, dowry deaths, and domestic violence. The focus of their study was domestic violence against women in India. As with family violence in Western societies, violence within the Indian home has long been considered a „private matter“.Beginning in the 1970s with a focus on the problem of dowry deaths, the Indian women’s movement has brought attention to the wider problem of domestic violence, redefining dowry deaths and other violence against women as a product of unequal relationships between men and women in India (Pande, 2000; Omvedt, 1990). Many women’s organizations were formed to examine the problem of domestic violence at the local and national level. The movement not only gave rise to new laws specifically to address dowry and domestic violence but also sparked an explosion of research in this area by social scientists, social

workers, and policy makers. Official estimates from the Ministry of Law, Justice and Company affairs speculate that over 60 percent of urban households experience domestic violence, out of which five percent report the matter to the police and prosecute the perpetrator of the abuse. As per domestic violence more narrowly defined in terms of physical assaults, a number of studies suggest that the rate of domestic violence in household's ranges from 33 percent to 66 percent. The relationships between patriarchy and the use of violence against women is the site of such violence-at home. Women's position in Indian society has been partly shaped by ideology of the Indian family. Although the family is theoretically a sanctuary for women, it also has the potential of acting as a prison with a restrictive code of conduct. The Researcher also point that the hierarchy of relationships that typically characterize a patriarchal home, which "develops along age and gender lines", (D'Cruz and Bharat, 2001), so that young women entering a patriarchal household are vulnerable to acts of violence from their marital family. They also mentioned the feminist theoretical understanding of the relationship between patriarchal attitudes and violence against women; they set out to investigate the more general argument that social contexts that are more patriarchal will produce more intimate partner violence against women. One of the more common forms of the patriarchal family form in India is the joint family, in which married couples move into the husband's family household, and the wife comes under the patriarchal control of the head of the household, typically a senior male member of the family. Another factor responsible for domestic violence is financial dependence of women on their husbands.

3. **Dr. Saraswati Mishra in her book "Status of Indian women"** in her 18th chapter mentioned about violence against women that it remained, indifferent biological and psychological forms, has remained in practice, since thousands of years in India. The root cause of this phenomenon lies in the complete subordination and dependence of women on men in the male-dominated society. In the patriarchal family system, under the Hindu Law, the husband had full right to punish his wife, if she was not behaving according to the social norms, favoring male counterparts, and even according to his own whims and fancies. This act of violence, physical or verbal, was the manifestation of demonstrating and maintaining the authority, when it was challenged (Mehrotra, 1992.). Women's biological structure and less physical strength, as compared to man, have left her more vulnerable and susceptible to violence from the other male counterpart. Our social structure has in-built discrimination and oppression against women which has victimized them in exercising physical and emotional injury. She also points that it is a matter of great concern that new forms of violence against women, are emerging and the events of different forms of violence are increasing day by day. Mishra also suggested that at present our country is passing through a transitional stage between the traditional and modernity and the cultural changes are taking place. Due to the contacts and other influences of western societies, the process of change started. Consequently, we have adopted the modern lifestyle to a great extent, started using even the aeroplanes for transportation, telephones for communication and television for entertainment purposes,

but our thoughts, religious beliefs, traditions, customs, etc, have not changed much. Therefore, the women going out for education and employment are further exposed of violence outside the house leaving aside the double burden of work and tension of role conflicts. Although women have to gather strength to protect themselves against violence, without cooperation of men, it cannot be checked considerably. She also mentioned about the need for attitudinal change towards looking at the women. Lessening the total dependence of women on men by giving them all types of opportunities equally, may work to some extent in decreasing the violent behavior of men, but to a great extent, acceptance of women, as they are, with significance to their individuality and personality, by the men folk.

4. **The Intersection of Partner Violence and Adverse Childhood Experiences** -The landmark adverse childhood experiences study revealed the additive dose-response relationship between number of adverse childhood experiences and adult adverse health risk behaviors (e.g., smoking, alcoholism, drug use) and chronic health outcomes (obesity, depression, diabetes, heart disease, stroke, COPD).¹
5. **Longitudinal Outcomes for Victims of Child Abuse**- Evidence has also established the correlation between witnessing Domestic Violence in childhood and risk of adult victimization, adult violence perpetration, and criminal activity.²
6. **'Domestic Violence the Dark truth of our Society'**, The authors in their research paper on have described various aspects of Domestic Violence cases. The paper majorly talks about the causes of DV such as psychological, jealous behaviour, social stress, mental illness and marital conflicts are some of the causes. The present DV Act was created keeping in view articles 14, 15 and 21 of the constitution to provide protection under civil law to the victims of domestic violence. The authors suggest that there is a need for more pliable remedy for civil as well as criminal cases.

Definition:-

- India's [domestic violence law](#) also includes a definition of "economic abuse:" (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
- (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the

1. ¹Montalvo-Liendo, N., et al., Issues in Mental Health Nursing, 2015. 36(12): p. 989-1006.

2. ²Buckingham, E.T. and P. Daniolos. Curr Psychiatry Rep, 2013. 15(2): p. 342.

aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

- (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.
- The law also authorizes the magistrate to issue a protection order that also prohibits the perpetrator from “alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate” (Article 18(e)).
- The [Law on Protection Against Domestic Violence \(2005\) of Bulgaria](#) (hereinafter Law of Bulgaria) states: “*Domestic violence is any act of physical, mental or sexual violence, and any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or cohabit or dwell in the same home.*” Chapter 1, S. 2

Scope of the study:-

The scope of the study is to apply an instrument which is sufficient for the victims of domestic violence and to make sure victims of such abuse shall resume their health and lead a normal life. Spread awareness in the society to solve the problem of domestic violence. To take all needful steps to stop human beings from committing the acts of violence and to help them in their reconstruction for better livelihood. Provide timely justice to the victim of domestic abuse. Understand the act of domestic abuse.

Research Methodology:-

The present research is based on descriptive analysis of the study on Domestic Violence during COVID-19. The data for the same is collected from the secondary sources including books, articles, magazine, newspapers, and Journals and research papers on the subject for the purpose of collection literature for the study analysis. The data was processed to fulfill the objectives of the study and conclude the findings. The researcher while doing this work will take help from the internet sources as well.

Conclusion:-

From the above analysis it is clear that during COVID-19 cases of domestic abuse has taken a sharp increment. Since the Government of India imposed lockdown, violence among humans has been increased. The corona virus has been increasing so rapidly to whole over the globe. The WHO has declared the COVID-19 a global pandemic, this situation is not new in human history. No person is ready to face such issue. The much impact of COVID-19 is seen in household relationship. Various guidelines are issued by the government to curb the problem of increasing domestic violence. NCW has reported many new cases of domestic violence within few days of COVID-19. According to NCW all these cases have been reported through online platform viz. by G-

mail, Whatsapp number given by NCW, text messaging etc. Movement from one place to another place is banned during COVID-19 change the routine life of every person cause more crimes. People are allowed to come outside of their homes only for essential services. Home is consider as safest place, but for majority of women who are victim of domestic violence, for her home is unsafe. When Prime Minister of the nation declare lockdown, all means of transport is stop, flights are not taking off, railways are not working this situation change the routine life of people resulting increasing crime. All trade and businesses are stop in COVID-19 to ensure safety this will increase economic and financial insecurities. Due to financial insecurity person feel stress and this will increase domestic abuse among women. For the victims of domestic violence the government should ensure financial packages to reduce economic impact of domestic abuse.

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