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## Shadow Pandemic: The violence against women

Dr. Deepa Kaushik<sup>a</sup>

<sup>a</sup>Assistant Professor, VIPS, GGSIPU, Delhi, India

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*However, developed a nation becomes or holds debates on women empowerment, COVID-19 pandemic has reiterated the fact that women are still one of the most vulnerable sections across the globe. A number of surveys at national, and international levels depict the impact of the Pandemic on the safety of women in their own homes leaving unhealable scars on their emotional and psychological wellbeing. Measures such as lockdown, social distancing, and isolation during a pandemic, led to the evolution of another pandemic of violence, abuse, and torture against women or girls, as these vulnerable sections were confined in their homes with their own abusers. Aggressive behaviour at home is widespread, profoundly imbued, and has a profound effect on the health of women's well-being and prosperity. During the period of lockdown, incidents of abuse and violence started expanding, putting women and children at higher peril. Such home confinement deprived women of accessibility to social, and emotional support from the outside world be it her parental home (which is supposed to be her first security net), police authority, or other legal authorities' crucial role played by the governmental and non-governmental organizations across the globe to resolve the issue of domestic violence during the pandemic cannot be ignored. To tackle such issues of violence against women, there is a need to redouble efforts of making comprehensive strategies, and effective policies, spreading awareness about the issue. The indictment inadequacy in the treatment of domestic violence cases must be tended to and the conviction rate ought to be expanded in such cases. The measures and remedies in the context of India, whenever taken in their full structure may assuage and bend the hazard of domestic violence in India.*

**Keywords:** domestic violence, shadow pandemic, covid-19, women, legal framework.

## INTRODUCTION

Viral diseases are the world's driving reasons for grimness and mortality. The 2019 flare-up of COVID-19 in China, spread across the globe at a very fast pace. Each country confronted a troublesome time in controlling the mushrooming pandemic caused by the novel virus, which was not known or researched by the scientist or medical community. India, too, forced a nationwide lockdown and mandated strict recognition of social distancing. However, one of the backlashing effects of lockdown orders was the flood in viciousness against women and girls, particularly the approaching instances of aggressive behaviour towards them in their own homes. Women were constantly viewed to be defenceless and in a vulnerable situation to be abused. Dowry deaths, physical, sexual, verbal, or emotional abuse of wife and female child are instances of domestic violence. Among the numerous signs of the infringement of the basic rights of women, facing aggressive behaviour at home is one of the most abominable and torturesome. Various reports depict a steep rise in instances of viciousness against women, girls, children, and the elderly in the last two years of the pandemic.<sup>1</sup> The child line is reported to have received double the number of calls it used to get in non-pandemic times.

## SHADOW PANDEMIC & GLOBAL TREND

During the Pandemic, the issue of domestic violence was not confined to India only. The instances of domestic violence expanded far and wide throughout the world during the lockdown. The issue has risen alarmingly and soaks across incidences from China, the United States, the United Kingdom, Brazil, Tunisia, France, and Australia.<sup>2</sup> Numerous Countries like Spain, Germany, Argentina, Italy, Norway, and France dispatched *Campaign Mask-19* which is also called the *Code-word scheme*; “the domestic abuse codeword scheme i.e. Ask for ANI (Action Needed Immediately) is being established in pharmacies to enable victims of domestic abuse to access support within their local community”. As per the scheme, when a lady

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<sup>1</sup> Andrew M. Campbell, 'An increasing risk of family violence during the Covid-19 pandemic' (*National Library of Medicine*, 12 April 2020) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7152912/>> accessed 01 May 2022

<sup>2</sup> Phumzile Mlambo-Ngcuka, 'Violence against women and girls: the shadow pandemic' (*UN Women*, 6 April 2020) <<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>> accessed 01 May 2022

encountered maltreatment at home or was raped, she could visit the closest drug store, where the drug store staff would note down her name, telephone number, address, etc, and advise the police headquarters and crisis administrations to warn them about the maltreatment. The upsurge in the number of cases during the lockdown constrained the French government to declare that they would open the pop-up centres for counselling and pay for lodgings. In Italy, the legislature presented an application that empowered domestic violence victims to look for help without settling on any telephone decisions. The administration also considered a proposal to assign 4 million Euros to women who were victims of such domestic abuse or casualties. In Malaysia, the legislature executed the TalianKasih hotline to give appropriate help to the casualties of domestic violence and different types of abuses. In Greece, authorities affirmed that they were organizing a mission to give women the assistance and guidance to manage issues that happened from the issue of restriction.

## POSITION IN INDIA

India's condition<sup>3</sup> wasn't an exemption to the pattern of an expansion in viciousness against women during the pandemic. In the initial three weeks of lockdown throughout the world; information from the National Commission for Women (NCW) showed a quick upsurge<sup>4</sup> in the number of complaints mainly falling under three categories of domestic violence, violation of the right to lead a dignified life, and torture of women for the want of dowry. The majority of the cases accounted mainly for states like Uttar Pradesh, Delhi, Bihar, Haryana, and Punjab. In order to handle these complaints efficiently, NCW launched a 24x7 helpline for the speedy redressal of such grievances. The police adopted adequate measures to battle such domestic violence cases. The Uttar Pradesh Police dispatched a helpline Number for abusive behaviour at home casualties and the NCW thereafter dispatched a WhatsApp number to report abusive behaviour at home. A few NGOs and helplines worked 24 hours to help or insight survivors of domestic violence by moving them into a protected area and furthermore guiding them via telephone or on an online medium. Judiciary played a crucial role by directing the Central

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<sup>3</sup> Prachi & Astutya Prakhar, 'Pandemic triggers domestic violence' (*The Leaflet*, 15 July 2020)

<<https://www.theleaflet.in/pandemic-triggers-domestic-violence/#>> accessed 02 May 2022

<sup>4</sup> Mansi Vora, & et. al., 'COVID-19 and domestic violence against women' (*National Library of Medicine*, 15 June 2020) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7295494/>> accessed 02 May 2022

Government, Delhi government, Delhi Commission of Women, and different specialists to bring the gathering to a significant level and consider the issue of survivors of homegrown maltreatment during this period and required advances ought to be promptly executed to shield the victims of domestic violence from the abusers.

## LEGAL FRAMEWORK TO SAFEGUARD VICTIMS OF DOMESTIC VIOLENCE

“Domestic violence Act, 2005”: Violence at the domestic level is defined in Section 3<sup>5</sup> of the Act as *“any conduct, exclusion or commission of the respondent will comprise domestic violence on the off chance that it hurts or jeopardizes the wellbeing, security, life, appendage or prosperity, regardless of whether mental or physical, of the victim individual; or harasses or jeopardizes the concerned aggrieved individual to force her or any other individual related to her to satisfy any unlawful need for any settlement or other property or important security”*.

The victim gets qualified for a few reliefs under this Act once the offence of aggressive behaviour at home is by all appearances set up.<sup>6</sup>

- **Protection orders:** This order is passed to offer insurance to the distressed by keeping the Respondent from entering wherever frequented by her, supporting or submitting a demonstration of domestic violence, building up any sort of correspondence with her, distancing any advantages utilized by both, making brutality her family members or doing some other demonstration indicated in the Protection order.
- **Residence orders:** This order guarantees that the wronged woman has a position of living arrangement and isn't dislodged or alienated and the common family isn't uprooted and the mutual family unit isn't distanced from her weakness. Under the Act the abused likewise gets qualified for an option of staying separately if she for specific reasons can't remain in the common family unit and every expense towards this will be paid by the Respondent.

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<sup>5</sup> Domestic Violence Act, 2005, s 3

<sup>6</sup> Srishti Kaushal, 'Protection of Women from Domestic Violence Act' (*Ipleaders*, 17 February 2020)

<<https://blog.ipleaders.in/protection-of-women-from-domestic-violence-act/>> accessed 02 May 2022

- **Fiscal orders:** This order accommodates money-related remuneration to the wronged for all costs acquired and misfortunes endured by her because of the punishment of brutality by the Respondent. Such alleviation may incorporate loss of income, clinical costs, misfortune or harm to property, and installments towards the support of the victim individual and her children.
- **Custodial Orders:** This order awards impermanent authority to keep the child in the custody of the victim or any related individual intending the best possible interest of the child. It might make game plans for the visit of such child by the respondent or may prohibit such visit on the off chance that it may jeopardize the safety of the child.
- **Remuneration Orders:** The Respondent might be coordinated to pay for the harms of wounds/injury caused to the abused because of his demonstrations of abusive behaviour at home. Such wounds may likewise incorporate mental torment and enthusiastic pain caused to her.

The Indian Penal Code provides two roads to criminal approvals against culprits of domestic violence. **Section 498-A of IPC**<sup>7</sup> ("Anti-Cruelty Act") states that anyone who is the spouse or the relative of the woman's husband, subjects the woman to any abuse, will be rebuffed with detainment along with subjection to a fine. Be that as it may, this section just outcomes in a discipline where the viciousness or provocation is probably going to drive the woman to end it all or to cause grave risk to her life, appendage, or health. **Section 304B**<sup>8</sup> of IPC ("Dowry Death Act") condemns any violence or brutality against a woman when it may be indicated that the death of the woman was caused in relation to dowry. Under **Section 125(1)**<sup>9</sup> of the Code, women who share the same household (cohabit) with the respondents in a mutual family and who are related to the respondent by marriage, blood relation, adoption, or likewise; the children who are minor and adopted are entitled to claim maintenance in specific situations.

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<sup>7</sup> Indian Penal Code, 1860, s 498A

<sup>8</sup> Indian Penal Code, 1860, s 304B

<sup>9</sup> Indian Penal Code, 1860, s 125(1)

## POSSIBLE SOLUTIONS

**Increase Awareness:** Awareness about gender equality and women's privileges ought to be imparted to young men and women from an early age so as to achieve a revolution in the mentality of the group of people yet to come. Legal aid camps can play a crucial role in spreading awareness about domestic violence in society. Sensitization projects ought to be sorted out for the strategy creators and women ought to be made mindful of the Women's Commission

**Role of Government:** The state governments need to announce helplines as "basic administrations" that ought to stay open during lockdowns in the future if any. The government ought to guarantee legitimate authorization of existing laws identified with women's privileges. Government must install and operationalize a national emergency helpline number effectively monitored and regulated by trained women staff only.

**Role of Media:** Media ought to be utilized to sharpen the authorities and the general population about abusive behavior at home in order to build up an inspirational disposition towards women by and large, and women casualties, specifically.

**Role of Judiciary:** There ought to be a unique court with a woman judge and magistrate in each area to deal with domestic violence cases. Mobile courts ought to be presented as a successful methodology to give equity to the survivors of homegrown viciousness.

**Integration of social and public health systems:** As defined by WHO health is not merely at the physical level but at the psycho-social level also, there is a need to incorporate mental health promotion into health communication at all possible levels of healthcare. With emerging digitalization across the globe especially after pandemic times, telemedicine facilities have proved to be an asset in these situations, especially in respect of digital training or digital communication. Voices and practical experiences of the victims of violence at domestic levels matter and need to be disseminated for support and training amongst peer groups.

## CONCLUSION

An extensive report<sup>10</sup> prepared (during the Pandemic) by a Mumbai-based NGO working to empower women stated, “As we move towards a ‘new normal’ in post-pandemic times, we need to heed the lessons we have been taught in this period. There will be many such pandemics and crises in the future and women will need different forms of support which we will have to build today to prepare for tomorrow.” It also emphasized, “Ensuring that information and food security for different marginalized sections especially disabled women reach them.” This family brutality that women experiences are essentially an aftereffect of the old patriarchal system in our society; the degree is so much even in the hour of cataclysmic event that happened recently. In this way, the onus is presently on the legislatures that while assembling the designs to react to one of the greatest debacles humanity has ever confronted called Covid-19, the issue of domestic violence should be tackled more diligently. In India, the legislature to an extent ignored the need to officially coordinate domestic violence and psychological wellness repercussions into the general wellbeing readiness and crisis reaction plans against the pandemic. Taking into account the above-expressed realities, the legislature must come up with progressively severe laws to secure the rights of women who are survivors of violence/ brutality of any kind inflicted inside their own family, so it would fill in as a preventive measure to destroy the wrongdoing. At last, indictment inadequacy in the treatment of domestic violence cases must be tended to and the conviction rate ought to be expanded in such cases.

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<sup>10</sup> Lyly Bavadam, ‘A report: ‘Grappling with the Shadow Pandemic: Women’s Groups and Domestic Violence in India’, collates experiences of victims and is aimed at providing a template of solutions for the government in the event of a similar situation arising in the future’ (*Frontline*, 14 January 2022)  
<<https://frontline.thehindu.com/social-issues/gender/domestic-violence-during-covid-lockdown/article38034608.ece>> accessed 02 May 2022