



Shadows lurking in the Pandemic

Pearl Monteiro

Assistant Professor

V. M. Salgaocar College of Law, Goa

Abstract

One of the most unfortunate and unseen consequence of Covid 19 was that the pandemic also gave rise to a “shadow pandemic”, this term is used to describe the horror of domestic violence cases which simultaneously spread. The total lockdown announced by the government led to families forcibly confined in small spaces, literally 24x7. The by word of the lockdown was, “Stay home, stay safe”, but for many, home instead of being a haven, was the most unsafe place. Crowding and economic stress coupled with the uncertainty of the pandemic, led to many men battering their women folk. This paper will highlight and critically analyse the legislative provisions, and the judicial response to it, the impact of Covid 19 on domestic violence meted out to women which is the grossest form of violation of human rights. The aim is to offer suggestions which can prevent future occurrences.

Key words: domestic violence, human rights, Covid – 19 Pandemic

1. Introduction

A virus originating in a market exponentially spreads across the whole world, affecting the lives and livelihoods of millions of people. A year ago, a sentence like this would probably only be found in the annals of science fiction. Nobody could have even dreamt or imagined

the havoc caused by a tiny virus. From Wuhan China, the virus travelled across the world.¹ The declaration of Covid 19 as a global pandemic by the World Health Organization on March 11, 2020, and its subsequent call to the governments across the globe to unite and fight the pandemic led to unprecedented and drastic measures, never seen or felt in such proportion before.² The mantra of the day was lockdown. The economic and psychological effects of the lockdown were astronomical, with predictions that the world was set back by decades and would take decades to recover. One of the fall outs of the lockdowns was the increase in domestic violence meted out to women specially.

2. Domestic Violence

“It doesn’t matter how rich or poor a person is, what gender or social class, or how much fame or education she possesses. Verbal, mental, and physical abuse can happen to anyone. It doesn’t matter what a woman’s ethnicity is because the only distinguishing color of abuse is black-and-blue.” — La Toya Jackson

The term, “domestic violence, is often used to explain the violence inflicted by male partners on women.³ The United Nations defines domestic violence as, “Domestic abuse, also called ‘domestic violence’ or ‘intimate partner violence’, can be defined as a pattern of behavior in any relationship through which power and control is maintained over an intimate partner. Abuse can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person in any manner such a causing intimidation, terror, manipulation or hurt.”⁴ Merriam Webster defines domestic violence as, “violent or abusive behavior directed by one family or household member against another”⁵.

¹ Tanabe, Kazuhiro. (2020) “Society Coexisting with COVID-19.” *Infection Control & Hospital Epidemiology* 41, no. 8: 988–89. doi:10.1017/ice.2020.130.

² James, James J. (2020) “COVID-19: Reflections.” *Disaster Medicine and Public Health Preparedness*, , 1–8. doi:10.1017/dmp.2020.191.

³ The Editors of Encyclopaedia Britannica Domestic violence September 03, 2020 available at URL <https://www.britannica.com/topic/domestic-violence> accessed on 7 January 2021

⁴ United Nations Covid 19 Response available at <https://www.un.org/en/coronavirus/what-is-domestic-abuse> accessed on 10 January 2021

⁵ Merriam Webster Domestic Violence available at <https://www.merriam-webster.com/dictionary/domestic%20violence#h1> accessed on 10 January 2021

The widest spread violation of human rights against women is due to violence or abuse. History is replete with narrations of domestic violence across the centuries.⁶ The women were considered the property of man, and he could use force as his prerogative. Literature glorified the ability of man to control his wife, for example, William Shakespeare's *Taming of the Shrew*, is replete with gross domestic violence. Similar is his *Othello*.⁷ George RR Martin's *A Song Of Fire And Ice* which is part of the popular series, *Game of Thrones*, depicts domestic violence a normal occurrence. Initially domestic violence was considered to be a private matter to be resolved within the house hold. Thus, even though domestic violence was wide spread it did not receive much attention, however in recent times, it has been nationally and internationally recognized to be a matter of grave public concern meriting intervention by the State and its agencies. To add insult to injury crusaders of women's rights often find themselves victimized because of what they do. "Women human rights defenders are attacked because of who they are and what they do."⁸

Mothers with young children are more often the victims of domestic violence, probably due to the fact that the general amount of work and consequent stress increases with the presence of small children, especially in fragile families.⁹ Low-income families, struggling to make ends meet, lack of adequate food and shelter are generally more prone to have frequent instances of violence meted out to the women.¹⁰

In cases of domestic violence, home is the unsafest place to be in as very often what happens behind closed doors is not obvious to any outside person who might have otherwise been

⁶ Hardwick J (2006) Early Modern Perspectives on the Long History of Domestic Violence: The Case of Seventeenth-Century France *The Journal of Modern History* Volume 78, Number 1 March Article DOI <https://doi.org/10.1086/499793>

⁷ Nadelhaft, R. (1984). Domestic Violence in Literature: A Preliminary Study. *Mosaic: A Journal for the Interdisciplinary Study of Literature*, 17(2), 242-259. Accessed on January 9, 2021, from <http://www.jstor.org/stable/24778799>

⁸ Kumi Naidoo, Amnesty International's Secretary General

⁹ Golden SD, Perreira KM, Durrance CP. (2013) Troubled times, troubled relationships: how economic resources, gender beliefs, and neighborhood disadvantage influence intimate partner violence. *J Interpers Violence*. Jul;28(10):2134-55. doi: 10.1177/0886260512471083. Epub 2013 Jan 8. PMID: 23300198; PMCID: PMC3806630.

¹⁰ Breiding MJ, Basile KC, Kleven J, Smith SG. (2017) Economic Insecurity and Intimate Partner and Sexual Violence Victimization. *Am J Prev Med*. 2017 Oct;53(4):457-464. doi: 10.1016/j.amepre.2017.03.021. Epub 2017 May 10. PMID: 28501239; PMCID: PMC6426442.

motivated to intervene and help.¹¹ Domestic violence faced by many women, is a human rights and public health issue.¹²

3. Legislative Response

In 1993, Declaration on the Elimination of Violence against Women affirmed that, “violence against women constitutes violation of the rights and fundamental freedoms of women” and recognized that, violence against women reflects a manifestation of historically unequal power relations between men and women which have led to the domination of men over women. It also recognizes that women are forced into subordinate position by men through violence. The Declaration cast an obligation on States to condemn and pursue policies to eliminating any kind of violence against women. Such obligation should not be avoided through the invocation of any custom, tradition or religious consideration.¹³

Indian legislature enacted the Domestic Violence Act in 2005 to safeguard women from domestic violence.¹⁴ The Act was enacted to provide effective protection of women’s rights guaranteed under the Constitution who are victims of violence occurring within the confines of home. Any woman in any relationship with a man, who faces domestic violence is recognized as aggrieved person under the Act.¹⁵ Thus the Act protects a woman who shares residence with any male, related by blood or affinity, and includes a “live in” relationship.¹⁶ The Act provides a blanket protection to women from any form of violence, be it physical, mental, sexual, or economic.¹⁷ The legislation creates a network of protective machinery

¹¹ Bradbury-Jones RN, PhD Louise Isham PhD The pandemic paradox: The consequences of COVID-19 on domestic violence (2020) <https://doi.org/10.1111/jocn.15296> available at <https://onlinelibrary.wiley.com/doi/full/10.1111/jocn.15296> accessed on 10 January 2021

¹² Deniz Ertan, Wissam El-Hage, Sarah Thierrée, Hervé Javelot & Coraline Hingray (2020) COVID-19: urgency for distancing from domestic violence Article: 1800245 | Received 08 May 2020, Accepted 03 Jul 2020, Published online: 04 Sep 2020 <https://doi.org/10.1080/20008198.2020.1800245>

¹³ Declaration on the Elimination of Violence against Women

¹⁴ The Protection of Women from Domestic Violence Act, 2005

¹⁵ 2. (a) “aggrieved person” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

¹⁶ S. 2(f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

¹⁷ S. 3. Definition of domestic violence.—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(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

including, police officer, Protection Officer, service provider and Magistrate. The authorities are entrusted with the duty to inform the victim of the various rights available to her under the Act including free legal aid, and utilization of a safe residential premises.¹⁸ Provision is made for shelter homes¹⁹ and medical facilities.²⁰

4. Judicial Response

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- (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. Explanation I.—For the purposes of this section,—
- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- (iii) “verbal and emotional abuse” includes—
- (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
- (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- (iv) “economic abuse” includes—
- (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 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. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

¹⁸ S. 5. Duties of police officers, service providers and Magistrate.—A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person—

- (a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
- (b) of the availability of services of service providers;
- (c) of the availability of services of the Protection Officers;
- (d) of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);
- (e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant: Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

¹⁹S. 6. Duties of shelter homes.—If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

²⁰ S.7. Duties of medical facilities.—If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

Though history is replete with domestic violence, the legislation to prevent it was enacted as late as 2005. However, the Act is retrospective in nature and protects women who were victims of domestic violence even before it came into force, as held by Supreme Court in *V.D. Bhanot v Savita Bhanot*²¹

In *D. Veluswamy v. D. Patchaiammal* Supreme Court held that the Act protects women in live in relationships from domestic violence. The Court held that “relationship in the nature of marriage is akin to a common law marriage. Common law marriages require that although not being formally married: -

- (a) The couple must hold themselves out to society as being akin to spouses.
- (b) They must be of legal age to marry.
- (c) They must be otherwise qualified to enter into a legal marriage, including being unmarried.
- (d) They must have voluntarily cohabited
- (e) They parties must have shared a household as defined in Section 2(s) of the Act.”²²

Shared household has been restrictively interpreted in *S.R. Batra v. Smt. Taruna Batra* to mean, “the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member,” the wife can only claim right of residence in such shared house hold and not at any other premises where the couple might have resided. Thus, the wife could not claim a right of residence in premises belonging to her mother-in-law, even though for all purposes it constituted her matrimonial home.²³

In *Manmohan Attavar v. Neelam Manmohan Attavar*, the Court affirmed that the Act created a right of residence in favour of the women, “A reading of the aforesaid provisions 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.

However, the narrow interpretation of “shared household” in *S.R. Batra v. Smt. Taruna Batra* was distinguished and overruled by Supreme Court recently in *Satish Chander Ahuja v. Sneha Ahuja* where the Court observed that “the progress of any society depends on its ability

²¹ (2012) 3 SCC 183

²² (2010) 10 SCC 469.

²³ 2007 3 SCC 169

to protect and promote the rights of its women. In order to do that, social stigma of the society towards women who stand opposed to their male counterparts or to the male's relatives need to go away.²⁴

Similarly, maintenance can also be claimed by a woman who without being legally wedded wife is in a relationship akin to marriage with the person who perpetrates the domestic violence. The Court observed in *Lalita Toppo v. State of Jharkhand*, that the woman had “an efficacious remedy to seek maintenance under the provisions of the Protection of Women from Domestic Violence Act, 2005 even assuming that she is not the legally wedded wife and, therefore, not entitled to maintenance under Section 125 of the Code of Criminal Procedure, 1973.”²⁵

Maintenance of wife by husband as personal obligation of husband was held by the Supreme Court in *Vimlaben Ajitbhai Patel v. Vatslaben Ashokbhai Patel*²⁶

However, all live in relations are not protected, casual or sporadic cohabitation, or situations where in a marriage between the parties is not legally possible, do not come under the ambit of the Act.²⁷

In *Sou. Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade*, Supreme Court held that the female relatives of the male may also be amenable to punishment under the Act and comes under the term ‘respondent’.²⁸

In order to better protect the wife, the husband may be prevented from residing in the same home. The Court held, “even in the absence of such an alternate accommodation a violent husband cannot enter the matrimonial home if the petition is pending”²⁹.

5. Impact of Covid 19

The incidents of domestic violence are at high in India.³⁰ In 2019, the Crime Bureau Report stated that largest numbers of crimes committed against women was that of domestic

²⁴ Civil Appeal NO.2483 of 2020

²⁵ 2018 SCC OnLine SC 2301

²⁶ (2008) 4 SCC 649

²⁷ Reshma Begum v. State of Maharashtra, 2018 SCC OnLine Bom 1827

²⁸ (2011) 3 SCC 650

²⁹ Sabita Mark Burges v. Mark Lionel Burges 2013(5)BomCR387

violence.³¹ The National Crime Records Bureau 2018 data cites that domestic violence tops crimes against women, with the “majority of the cases being registered under 'cruelty by husband or his relatives' at 31.9%.”³²

Reasons for domestic violence in India include the fact that men treat women as their chattel or property. It stems from the indignity and discrimination meted out to girls as compared to boys within the family setup, alcoholism and the menace of dowry demands.³³

During the pandemic the mantra is, “stay home, stay safe,” but for some women, the home is unfortunately the very opposite of safe. According to the World Health Organization, violence against women has increased during the current Covid 19 pandemic due to stress, disruption of protective networks, and loss of income.³⁴ Quarantine is associated with depression, stress and violent behaviour.³⁵ Domestic violence increased to such astronomical proportions during the pandemic, earning for itself the infamous title of “Shadow Pandemic” The Shadow pandemic is also truly global with effects felt all over the world.³⁶

Existing inequalities, biases, exclusion and violence endured specially by women were heightened by women, peaking globally during the lockdown.³⁷ The simple logic giving rise to this menace was increased proximity and stress. People, especially men who were predisposed to venting out their frustrations by hitting their wives or partners, now found

³⁰Vignesh Radhakrishnan, Sumant Sen & Naresh Singaravel Data | Domestic violence complaints at a 10-year high during COVID-19 lockdown The Hindu 24 June 2020 available at <https://www.thehindu.com/data/data-domestic-violence-complaints-at-a-10-year-high-during-covid-19-lockdown/article31885001.ece> accessed on 9 January 2021

³¹ Himanshi Dhawan Not rape, domestic violence is top crime The Times of India available at http://timesofindia.indiatimes.com/articleshow/78494876.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst accessed on 9 January 2021

³² Rukmini Sen (2020) Stay Home, Stay Safe: Interrogating Violence in the Domestic Sphere *Economic & Political Weekly* ISSN (Online) - 2349-8846 Vol. 55, Issue No. 25, 20 Jun, 2020

³³ International Clinical Epidemiologists Network (INCLIN) Domestic Violence in India A Summary Report of a Multi-Site Household Survey available at <https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-3-A-Summary-Report-of-a-Multi-Site-Household-Survey.pdf> accessed on 9 January 2021

³⁴ World Health Organization Coronavirus disease (COVID-19): Violence against women available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/coronavirus-disease-covid-19-violence-against-women> accessed on 9 January 2020

³⁵ Brooks S.K. Webster R.K. Smith L.E. et al. (2020)The psychological impact of quarantine and how to reduce it: rapid review of the evidence. *Lancet.*; 395: 912-920 [https://doi.org/10.1016/S0140-6736\(20\)30460-8](https://doi.org/10.1016/S0140-6736(20)30460-8)

³⁶ Boxall, Hayley; Morgan, Anthony and Brown, Rick. (2020) The prevalence of domestic violence among women during the COVID-19 pandemic [online]. *Australasian Policing*, Vol. 12, No. 3, Sep 2020: 38-46. Availability: <<https://search.informit.com.au/documentSummary;dn=435862482298266;res=IELIAC>> ISSN: 1837-7009. [cited 08 Jan 21].

³⁷ Forester, Summer and Cheryl O'Brien.(2020) “Antidemocratic and Exclusionary Practices: COVID-19 and the Continuum of Violence.” *Politics & Gender* 16, no 4 1150–57. doi:10.1017/S1743923X2000046X.

themselves at home 24x7, jobless, and with no flow of income. The crisis perpetrated by the uncertainty and vulnerability led to tremendous stress.³⁸ The wives often find themselves trapped inside the home, ironically, the place which was deemed the safest, during the pandemic and otherwise. It was impossible to escape, the lockdown was strictly implemented, the authorities inaccessible, the maternal home, neighbours, any safe place a mere mirage. Prolonged and unavoidable contact of victim and aggressor was a natural result of the lockdown.³⁹

Women are generally a vulnerable group, doing most of the household chores, and during the lockdown had the additional responsibility of monitoring the children, including the online schooling.⁴⁰ Family dynamics are always vulnerable to economic crisis.⁴¹ Documental studies indicate that catastrophes generally lead to surge in instances of domestic violence.⁴² Increased frequency and heightened severity of violence was experienced by many women during the Covid 19 pandemic lockdown.⁴³ The mere fact of spending increased amounts of time together may lead to increase in domestic violence without any other cause.⁴⁴ Thus the true impact of the pandemic has unfortunately been under estimated and not properly assessed.⁴⁵

In India, the National Commission for Women (NCW) received double the number of complaints that they usually receive during the nation wide lockdown.⁴⁶ This led to the NCW

³⁸ Lipsy, Phillip Y. (2020), "COVID-19 and the Politics of Crisis." *International Organization*, 1–30. doi:10.1017/S0020818320000375.

³⁹ Rodriguez-Jimenez, Roberto, Natalia E. Fares-Otero, and Lorena García-Fernández. (2020) "Gender-Based Violence during COVID-19 Outbreak in Spain." *Psychological Medicine*, 1–5. doi:10.1017/S0033291720005024.

⁴⁰ Nanthini, S., and Tamara Nair. Report. S. Rajaratnam (2020). School of International Studies, Accessed January 8, 2021. doi:10.2307/resrep26875.

⁴¹ Schneider D., Harknett K., McLanahan S. (2016) Intimate partner violence in the great recession. *Demography*;53(2):471–505

⁴² Yasmin B. Kofman and Dana Rose Garfin Home (2020) Is Not Always a Haven: The Domestic Violence Crisis Amid the COVID-19 Pandemic *American Psychological Association*, Vol. 12, No. S1, S199–S201

⁴³ Amanda Taub A (2020) New Covid-19 Crisis: Domestic Abuse Rises Worldwide *THE INTERPRETER* April 6 2020 available at <https://chescocf.org/wp-content/uploads/2020/04/Domestic-Abuse-Rises-Worldwide-New-York-Times.pdf> accessed on 9 January 2021

⁴⁴ Sharma, A., Borah, S.B. (2020) Covid-19 and Domestic Violence: an Indirect Path to Social and Economic Crisis. *J Fam Viol* . <https://doi.org/10.1007/s10896-020-00188-8> accessed on 9 January 2021

⁴⁵ Ibarra-Nava, Ismael, Jesús A. Cardenas-de la Garza, Raul E. Ruiz-Lozano, and Raul G. Salazar-Montalvo. (2020) "Mexico and the COVID-19 Response." *Disaster Medicine and Public Health Preparedness* 14, no. 4: e17–e18. doi:10.1017/dmp.2020.260.

⁴⁶ EPW ENGAGE COVID-19, Domestic Abuse and Violence: Where Do Indian Women Stand? *Economic & Political Weekly* ISSN (Online) - 2349-8846

creating a special WhatsApp number for redressal.⁴⁷ However, a traumatized victim of abuse, domestic or otherwise, will only sum up the courage to complain, when she is sure that the aggressor will not witness her complaining, as she fears an increase in violence. The luxury of such privacy to make even a WhatsApp complaint is not always available to victims of domestic abuse, especially during lockdown, where all family members were at home all the time. The incidence of domestic violence was so alarming that various high courts including the Delhi High Court, Karnataka High Court and Jammu & Kashmir High Court, directed the government to take appropriate action. The Jammu & Kashmir High Court in its Suo moto writ petition held: “A duty is cast upon the government under Section 11(a) of the enactment to take all measures to give wide publicity to the provisions of the law through public media including the electronic and the print media. The Court directed the government to implement the following measures:

“(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) Increasing awareness campaigns on all aspects of the issues.”⁴⁸

6. Suggestions

1. Facilitate Reporting

A major deterrent to crime is punishment. However, a crime has first to be detected in order to be punished. Women are hesitant to report crimes for a variety of reasons, including the cumbersome procedure, the unfortunate stigma attached to the victims

⁴⁷ Lockdown: NCW receives 315 domestic violence complaints in April The Hindu 4 May 2020 available at <https://www.thehindu.com/news/national/lockdown-ncw-receives-315-domestic-violence-complaints-in-april/article31497599.ece> accessed on 9 January 2021

⁴⁸ In Re: Court on Its Own Motion v Union Territories of Jammu & Kashmir and Ladakh through Secretaries, Social Welfare Department High Court Of Jammu And Kashmir At Jammu WP(C) PIL no. ____/2020 (Through Video Conferencing)

of domestic violence and the major hurdle being, the perpetrators are the victims own family members. Reporting should be encouraged by making the process simple, easy and accessible, keeping in mind the peculiar situation where in the victim and the violator share space of residence and are closely related by blood or marriage.

2. Creating economic security

This suggestion is two-pronged, economic security gives the victim the courage to move away from an abusive relationship. Very often women tolerate abuse as they have no alternative, they have no independent means of sustenance for themselves and their minor children. No doubt the Act provides for maintenance, but self sufficiency is the greatest key to independence and courage in standing up to the aggressor.

3. Monitoring of victims

Domestic violence is a culmination of many factors. When a victim complains to the authority, but continues to stay in civil residence, without any formal monitoring by State agencies there is always the apprehension that the violence and abuse may continue, and may even worsen. Frequent monitoring of victims is a sine qua non to try and reduce the same.

4. Counselling

Both victims as well as perpetrators of domestic violence need counselling to enable them to break the cycle of abuse. It is often noticed that periods of violence are interspersed with periods of love and affection. The value of mechanisms to cope with stress cannot be under estimated.⁴⁹

The notion that woman is property of man, to be controlled and used, needs to change, as chillingly expressed by Author Meena Kandasamy, in her autobiographical book, *When I Hit You: Or, A Portrait Of The Writer As A Young Wife*, “*The man who rapes me is not a stranger who runs away. [t]he rapes whose aim is to make me*

⁴⁹ Annett Lotzin ,Elena Acquarini,Dean Ajdukovic,Vittoria Ardino,Maria Böttche,Kristina Bondjers (2020) Stressors, coping and symptoms of adjustment disorder in the course of the COVID-19 pandemic – study protocol of the European Society for Traumatic Stress Studies (ESTSS) pan-European study Article: 1780832 | Received 19 May 2020, Accepted 27 May 2020, Published online: 27 Aug 2020 <https://doi.org/10.1080/20008198.2020.1780832>

understand that my husband can do with my body as he pleases. This is rape as ownership.”

7. Conclusion

“Each time a woman stands up for herself without knowing it possibly, without claiming it, she stands up for all women.” — Maya Angelou

The Covid 19 pandemic has demonstrated our inability to deal with crisis. Whether it was prevention of the spread of the virus, the miseries faced by the migrant workers, the problems of the marginalized groups such as the transgenders, or the violence meted out to the women, State machinery as well as civil society largely proved inadequate in its responses.

As observed by the Jammu & Kashmir High Court: “The COVID-19 pandemic has impacted everyone all over the world, but all crisis including COVID has disproportionately impacted women not only nationally but internationally.”