

**COVID 19 AND VIOLENCE AGAINST WOMEN- A PANDEMIC WITHIN
A PANDEMIC.**

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ABSTRACT

This research paper is about the increase in crime or violence against women during this pandemic .What are the possible reasons for this increase during the pandemic and what possible measures can be taken to resolve or solve this problem . Everyone in this pandemic is going through tough times and people are facing the problems which they have never thought that they will face but violence against the women thinking that they are easy target is not the solution to the problem .Law treats everyone equal and provides its support to everyone and law leans itself favour of those who are weaker and vulnerable and provides its support to them who required it . The problem is that women in Indian society are often reluctant to report such instances of violence because of their family honour and for their children and they continue to be the victim of violence . Despite Stringent laws being there this problem is not resolving and urgent measures are required to address this problem to fix this situation.

INTRODUCTION

Violence against women is not a new crime or in other words it is not something that has evolve all of sudden it is continuing crime which is decades old women continue to bear such violence for the sake of family honour and for the purpose to prevent its marriage from break down . women are the victim of crime from the very beginning of their cruddle to grave .women are being subjected to foeticide and infanticide. in school going age they are compared with boys and provided less facilities in comparison with the boys . girls suffer discrimination at the hands of parents and teachers in their upbringing.¹

¹ WomenLawsIndia.com

In their adolescence are victims of grave crimes such as rape, early marriage, and acid attacks after that in marriage women are subjected to torture which can be physically, economically and emotionally at the hands of her husband and in-laws.

The next stage is their womenhood where women is not provided proper medical care and other facilities and they are often compelled to abort the female foetus. A woman is subjected to crimes even at the workplace where she suffers sexual harassment, lack of promotion, unequal pay etc.

So right from their beginning of life till death women is subjected to crimes in various forms and at all these stages a woman suffers all the injustice against her quietly being done at the ground level is still a question which needed to be addressed.

CRIMES AGAINST WOMEN

1. DOMESTIC VIOLENCE- Man and Women married to each other will start a conjugal relationship with each where wife is supposed to fulfill her obligations and husband is also supposed to fulfill his obligation. But that rarely happens and there are a very few instances of this in reality one adult in the married relationship misuses his power in order to control the other according to his wishes. Male tries to control the woman by establishing the fear in a relationship and this domestic violence can be of any form it can be mental, physical, sexual etc. Domestic violence is a menace which strikes couples of all races and religions and if she dares to raise her voice that is silenced because women lacks the arsenal required to fight against the injustice her family does not support her, society does not support her, she faces financial crises, even the justice at the court level is a lengthy battle which ends up in a compromise or giving up her battle. Law provides equality to both sexes in all matters whether jobs, admission in educational institutions and even made several legislations but whether its implementation is . warning signs of domestic violence for individuals includes partner violence, assault by partner and excessive control by the partner. So this is a menace in the society which is needed to be fixed.

2. RAPE- It is a gender based crime against a gender particularly women and girl child. It is a sexual assault in which sexual assault or sexual penetration is carried out and that shameful and disgraceful act is committed without that person's consent. The act of rape may be carried out by mental torture of the victim, or by physical force,

by coercion, abuse of authority, or even against a person who is incapable of giving consent. Despite having stringent laws present this problem is still not resolved which is needed to be addressed.²

3. ACID ATTACK- This type of crime is the most heinous crime against women which ends up in disfiguring of face, limbs etc. it is a form of attack in which involves the act of throwing acid or a similar corrosive substance onto the body of other with the intent to disfigure, torture, punish or kill. The common types of acid used are nitric and sulfuric acid.

4. PORNOGRAPHY- Pornography basically involves the depiction or portrayal of sexual matter for the purpose or with an aim to arouse sexual desires. It can be presented in a variety of media which includes film, video, magazines etc. Society which is conservative in nature often considers the depiction of such content as against their morals because a feeling and emotions are attached to it.

5. SEXUAL HARASSMENT AT WORKPLACE- Harassment of the women at the workplace is considered as a violation of the fundamental rights of the women which is provided in our constitution. It is considered as a violation of women's right to equality, life and liberty. It often discourages a woman to participate in work and also affects her performance and creates an insecure and hostile environment. The landmark judgement on this is the case of *VISHAKA VS STATE OF RAJASTHAN* in which the supreme court laid down guidelines to prevent the sexual harassment of the women at their workplace.

6. CYBER STALKING- This type of crime is increasing in these days because of the more and more use of internet and other online apps in this type of crime generally involves the use of internet or other electronic means which are available to harass and stalk. This may include defamation, slander, libel, blackmail and identity theft.

7. FEMALE HONOUR KILLING- It is the killing of the women by the male members who may be her in laws or blood relations killing the female due to the belief that the victim has brought the dishonor or shame upon the reputation of the family.

² <https://en.m.wikipedia.org>

INDIAN LAWS FOR CRIME AGAINST WOMEN

Legislature has enacted several legislation for the protection of the women and tried to address each and every crime that may be committed against women some of the legislation and sections dealing against the crime against women are –

1. INDIAN PENAL CODE- section 376,376A,376B,376C,376D which deals with rape , stalking , sexual harrassment .

Section 359, 360,366 – which deals with the offence of kidnapping .

Section 354, 354B – assault to outrage modesty.

Secion 326A, 326B – acid attack.

Section 370,370A, 372,373- women trafficking.

2. THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ,2005.- it is act enacted to protect and providing the redressal machinery to the women who are subjected to domestic violence . it was brought into force by thye indian government and ministry of women and child development on 26 october 2006.

3. DOWRY PROHIBITION ACT ,1961- Dowry prohibition act was enacted by parliament on may 1, 1961 with the aim of to prevent giving and receiving dowry .dowry is menance to our society often the family memebers of husband demands huge amount of dowry which the girl family members are unable to give and provide which leds to the disturbance of relationship of the husband and wife . wife is compelled to put pressure on the family members of the wife to have dowry and if she fails to meet the demand she is punished by the husband and his in law's to have dowry and which can be a menatal as well as physical torture for the wife. Under this Act demanding dowry from the relatives of the wife is made punishable. And it includes property, goods or money or bike , car anything demanded by anyone in connection with the marriage punishable .

4. IMMORAL TRAFFIC (PREVENTION) ACT1956- This act was enacted in pursuance of the international convention signed at new york on the 9th may 1950 for the purpose of restricting the immoral traffic that may be committed against the women and they may be used for the purpose of sex slaves or prostitution etc. This act was enacted with the main purpose of supressing or to stop the immoral trafficking and prostitution in

india. It is divided in 25 sections and one schedule. Immoral trafficking is a act of violent assault on human security and is prevalent across the globe . trafficking involves children , women and men are taken from one place to another for the purpose of engaging them in forced labour or as sex slave or forced them into prostitution. Despite it being illegal in india girl child are often forced and trapped into this by bribing their parents or forcefully abducting them which ultimately results in girl child live being put into hell . at that age where education is the ultimate goal for them there life is comprimised and put into hell either by their own parents or the failure of the system which fails to act and address the situation and fix the problem . In rural areas often girl childs are being sold by their own parents who desperately need money to meet their needs who are sold either to pimps or old aged man for the purpose of marriage.

5. COMMISSION OF SATI (PREVENTION) ACT 1987- Rajasthan enacted the law in 1987 as sati prevention act . later it parliament also enacted sati prevention act in 1988. Sati was first banned under bengal sati regulation in 1829.

INTERNATIONAL AGREEMENT

THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN - it is an international treaty which was adopted by the united nations general assembly in 1979. It is also popularly known as bill of rights for women and was instituted on 3 rd september 1981 and has been ratified by 189 states . it contains 6 parts and 30 articles dealing with women issues such as sex trafficking ,non discrimination, describes the economic and social rights of women , provides for women right to equality in marriage and family life, equality before law and also establishes the committee on the elimination of discrimination against women .

REASONS FOR RISE IN DOMESTIC VIOLENECE

1. The main reason for the increase in the domestic violence is the dowry demand it happens many times that if the girl parents refuse or fail to fulfill the demand of dowry husband and his family starts torturing her for dowry and which may be both physical as well as mental . if the husband or his family members unleash their anger and frustration on his partner and start harassing her.

2. The masculinity or patriarchy is deep rooted in our society where men tries to control his wife according to his whims and wishes and if she dares to go against her she is harrassed and torture and beaten to such an extent that she will not in future dares again to go against her husband.

3. Lockdown during pandemic forced many business to shut down and often people left with no resources to run their household with little or no resources left compelled the husband and wife to vent their anger and frustration against each other . where husband tries to force his wife for support and if she fails that will lead to affect their relations.

4. Surveillance by the male partner of his female partner such as checking e mails , listening to the private conversations, and answering cellphones calls are the signal of male partner trying to control his female partner and if she dares to go against her male partner torture him menatly as well as physically.

5. Intolerance and tempramental difference betwween the partners also led to violence betwween them where one partner doesnot continue with the other partner which may be for any reason and every little if and but often led to violence between them.

6. Due to lockdown during covid 19 people does not have any work staying at home without going out continously may led to a boring schedule and also financial difficulty led to mental distress which ultimately ends in violence to vent out his anger husband often resort to violence against his spouse.

7. women are often dependent on her male partner for his financial needs and other requirement of day to day life and as lockdown is imposed and with lack of financial support available it also ends up in violence by one spouse against other.

8. Husband tries to control his wife he wants that his wife follow his commands and act according to his wishes . In such relationship the motive is to establish and maintain power and control over victim and if wife wishes to object it that may lead to violence committed against other spouse.

SUGGESTION AND CONCLUSIONS

1. Financial independence is required especially for the females so that their dependence on male is reduced so that they can support their family and provide basic facilities to her family and in the time of distress she can support her family and reduce the dependence upon her husband.

2. counselling- state must establish counselling and support centres which the state does and try to reach a amicable settlement between the spouses . counselling centres must counsel both the husband and wife and try to resolve their problem and try to solve their differences .

3. State aid and help- State must provide financial and mental support to those who are victim of domestic violence and also from time to time provide counselling to them to make their life smooth and back on track. State must devise proper planning and scheme and also legislate to make a law providing financial aid which provides a sort of guarantee to those who are victim of domestic violence and to prevent vagrancy and destitution.

4. Legal aid- state must establish legal aid scheme at free of cost to those who are victim of domestic violence so that the victim of domestic violence are not deprived of justice . This is necessary also because access to justice is one's fundamental right and financial problem should not act as road block to get justice and obligation is cast upon state to provide legal aid to the victim of domestic violence. Legal trial should also be made flexible and in support of the victim of domestic violence time bound completion of the trial should be provided for example any maintenance proceeding should be completed in a time fixed and should not be entangled in legal complexity plus the financial problem should not obstruct the path to the justice and justice should not be done but it should seem to be done should be proved . courts must try to set an example in such cases and try to install fear in the society in other words the state should try to set an example in the society and should even openly lend support in favour of victim and make justice accessible to them.

5. Financial support from state and family member- husband family members must provide support to victim of domestic violence who is suffering because of them it is only because of them she is forced to live a life of vagrancy and destitution it is because of them only where she is suffering so much so family members of

the husband in laws must also provide financial support to her in addition to the support already provided by the husband under legal compulsion. Section 125 crpc provides for the maintenance of the wife by the husband and imposes an obligation upon the husband to provide both interim as well as lump sum allowance to the wife in case marriage ends up in a divorce. So the law imposes an absolute obligation upon the husband to provide maintenance to the wife .

6. Educate the girl child and make them independent- education is key to change or make difference in anyone life it transform one's life and open many options to be independent so what is required that the parent, or husband or his in laws must educate the girl to make them independent in their life so that they have many options available in their life and make their life more smooth and support his family.

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