

## VOLUME 1 | ISSUE 1

---

**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

---

**BEHIND THE FOUR WALLS: DOMESTIC VIOLENCE A HORRIFYING  
ASPECT OF LOCKDOWN**- Abhishek Tripathi & Awantika<sup>1</sup>**ABSTRACT**

Amidst the nationwide lockdown, there has been a massive increase in the cases of domestic violence. Specialists have described an "*undetectable pandemic*" of aggressive behavior at home during the COVID-19 emergency as a "*ticking delayed bomb*" or a "*flawless tempest*". "Copious research exists exhibiting a few key variables related with Domestic violence, including during times of catastrophic event and emergency. By analyzing this writing, we can more readily comprehend, *why the present lockdown measures give off an impression of being energizing expanded cases of domestic violence, why despite of having strict laws for domestic violence situation remains catastrophic.* This paper also throws light on various research including the *Hurricane Harvey*<sup>2</sup>, *2008 Reports of USA Recession*<sup>3</sup> and *Plentiful Research*<sup>4</sup> to show that, *How during these catastrophic events the situation of domestic violence is doppelganger with status quo.* We also put forth our arguments on the legal provisions available which include *The Indian*

---

<sup>1</sup> Students of Lloyd law College, Greater Noida

<sup>2</sup> Josephine V. Serrata & M. Gabriela Hurtado Alvarado, *Understanding the Impact of Hurricane Harvey on Family Violence Survivors in Texas and Those Who Serve Them* (2017)

<sup>3</sup> Claire M. Renzetti, *Economic Stress and Domestic Violence* (2009)

<sup>4</sup> John Ashcroft Deborah J. Daniels & Sarah V. Hart, *When Violence Hits Home: How Economics and Neighborhood Play a Role* (2004)

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

*Penal Code Amendment Act of 1983 Section 498A<sup>5</sup>, Protection of Women from Domestic Violence Act, 2005<sup>6</sup>* and International legal framework in Indian Context. Strongly sticking to the lethal condition of domestic violence in the light of status quo, we aim to unquestionably prove why we should all be advocates of ceasing domestic violence.

**KEYWORDS-:** *Undetectable Pandemic, Ticking Delayed Bomb, Flawless Tempests, Hurricane Harvey, 2008 Reports of USA Recession, Plentiful Research, The Indian Penal Code Amendment Act of 1893 Section 498A, Protection of Women from Domestic Violence Act, 2005*

## INTRODUCTION

Domestic Violence refers to a situation when two individuals share either a close or a biological relationship on the premise that one individual gains control or authority over the other by means of abusive behavior or manner that is not limited to just physical violence. This violence is not a onetime occurrence or something that starts automatically it is an ongoing process that is fueled by anger, sadistic pleasure, alcoholism, or some other reason that need not be logical in nature. Domestic violence not only has damaging effects on the victim's body it can also damage the psychological health of an individual. In some cases, children who were victims of domestic violence go on to be perpetrators of the same violence to others in close relationships.

Domestic violence is considered as a major threat to Indian society. Many statistics have proven domestic violence to be the highest crime rate against women in India. Domestic violence can also be recognized as a gender-based violence because of the presence of *patriarchal culture* of India. Chapter II, Section 3 of "*The Protection of Women from Domestic Violence Act, 2005*" *precisely* defines Domestic Violence. According to definition by Indian Law, domestic violence is an act, omission, commission or conduct of respondent which harms, injuries or endangers the mental or physical situation of a person. Domestic Violence Act includes four types of abuse in

---

<sup>5</sup>The Criminal Law (Second Amendment) Act,1983,No.46, Acts Of Parliament, 1983

<sup>6</sup>The Protection Of Women From Domestic Violence Act, 2005, Acts Of Parliament, 2005

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

specific; physical, sexual, verbal or emotional and economic.<sup>7</sup> All the four types of abuse constitute domestic violence under this Section. It was in 2005 with the enactment of the Act which made domestic violence illegal in India. However, India adopted “*Convention on the Elimination of All Forms of Discrimination against Women*” and “*Universal Declaration of Human Rights*” which ensured equality and subjected women from any kind of discrimination.<sup>8</sup>

According to the available statistics one-third of the every woman has experienced domestic abuse in their conjugal relation.<sup>9</sup> There are various reasons for domestic violence but it basically starts when one partner wants to control or dominate over the other.<sup>10</sup> The dominance power originates because of the presence of *patriarchal culture* of India. Therefore we can categories domestic violence to be recognized as a gender-based injustice. After industrialization India has also adopted the culture of “liberalization” and “westernization” still this matter stayed unresolved but the grounded Indian culture holds back females from reporting the cases. “*National Crime Victimization Survey administered by the Bureau of Justice Statistics*” has reported the reality of domestic violence behind the Indian culture. The report prepared in the year 2018 showed that only 47% of the actual domestic violence cases were reported for inquiry. There are various reasons leading to continuous rise in domestic violence with the steep decline in reporting of cases. Domestic Violence is a threat to the society where marriages are promoted over jobs and education of a girl.

## SITUATION DURING LOCKDOWN

During the Covid-19 pandemic, the most efficient way to save oneself is to stay at home i.e. “STAY HOME TO STAY SAFE”. However for several individuals, staying home isn’t

---

<sup>7</sup>Aanchal Singh, *What is Domestic Violence? An introduction to the Protection of Women from Domestic Violence Act, 2005*, THE LEAFLET (Dec. 05, 2018), <http://theleaflet.in/know-your-rights-domestic-violence-an-introduction-women-2005-act-aanchal-singh/>

<sup>8</sup><http://www.helpinelaw.com/family-law/DVLI/domestic-violence-in-india.html>

<sup>9</sup><https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-1-Summary-Report-of-Three-Studies.pdf>

<sup>10</sup>Toby D. Goldsmith, *What Causes Domestic Violence?*, PSYCH CENTRAL (Jan. 14, 2020), <https://psychcentral.com/lib/what-causes-domestic-violence/>

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

equivalent to being safe. The lockdown has locked them down with the abusers with nowhere to go. The home which should be the safer place for an individual specially women and children has become a place where she faces a regime of terror, violence and abuse at the hands of somebody close to them. Domestic violence is considered to be a misdemeanor criminal case.<sup>11</sup> Therefore, domestic violence is a ‘non-bail able’ offence. Domestic violence happens in inter-family relationships such as blood relations, conjugal relation or sharing common shelter. Domestic violence is committed because of various reasons few of them are; intoxication, traditional beliefs of men controlling decision making, lack of education, low sense of self-worth or witnessing family violence as child. Sometimes, an educated person who does not know to manage his anger also commits this uncivilized crime. There may be various reasons behind it but the most common is “dominance”. India being a male dominated country has always supported and favored men and suppressed women. However, no cause of domestic violence is considered to be justified or rationale.<sup>12</sup> Basic cause of action is “gender inequality” which approves sexual, physical or emotional assault. When we talk about gender inequality we consider LGBTQ in accordance. LGBTQ is a community which suffers domestic violence comparatively more. LGBTQ suffer because of their gender. Henceforth, this proves that Domestic Violence needs no logical reason.

When the whole world is fighting with the pandemic there are various crimes which has shown a steep rise in criminal cases, domestic violence being one of them. The report shared by *National Commission of Women* reported 123 Domestic Violence complaints in only eighteen days within the period of lockdown.<sup>13</sup> Sweeping lockdown has imposed a sharp rise in violence. World Health Organization said that domestic violence often increase during crisis. WHO adding on to it said that the sharp rise is recorded during lockdown due to restrictions and containment

---

<sup>11</sup><https://criminallawdc.com/dc-domestic-violence-lawyer/difference-between-assault-and-domestic-violence/>

<sup>12</sup>*Supra* Note 9

<sup>13</sup>*Amid Lockdown, NCW Receives 123 Domestic Violence Complaints in 18 Days* , THE WIRE (Apr. 11,2020),<https://thewire.in/women/amid-lockdown-ncw-receives-123-domestic-violence-complaints-in-18-days>

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

measures put in place to limit the spread of the new corona virus.<sup>14</sup> Deputy Director of United Nations Population Fund (UNFPA) said that if the lockdown continues for six months then case count of domestic violence can increase to thirty millions.<sup>15</sup>

## INDIAN ASPECT

Concept of criminology in male-dominated society is not unique. India being developing nation women is mostly dependent on their husbands for financing. Dependency of women discourages her from filing any police complaint against the abuser. However, women fail to understand the consequences of not filing the complaint and risk of chronic disease, depression, sexual disorders, PTSD (post-traumatic stress disorder) and substance abuse becomes very high.<sup>16</sup> The theory of suppression faced by women can be discussed in two folds; *firstly*, the legal system of India where women are asked to "cohabit" and "take part in sexual intercourse" which results to violation of *Article* 21. Article 21 of Indian Constitution reads, "Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law." When a victim is asked to cohabit with her accused husband of domestic violence, this provision of law treats women as "chattel" and results into violation of Right to Life. The autonomy given to men in a male dominated society suppresses female. Women consider the dominating power of their husband as cultured. Therefore many cases are not even reported. *Secondly*, disapproval of support by society and government has always been a reason of silence of women victims. Women are never respected for a bold decision against their husband. Indian society curses divorced women and curse a widow by considering them the culprit of their husband's death. Indian society curses the women who take a stand against her husband as it accounts to devaluing of traditional values. NCW has also concluded that women

---

<sup>14</sup>Copenhagen, *Coronavirus lockdown / Surge in domestic violence, says WHO*, THE HINDU, May 07, 2020

<sup>15</sup>Haley Ott, *6 Months Of Coronavirus Lockdown Could Mean 31 Million More Cases Of Domestic Violence, UN Says*, CBS NEWS (Apr. 28, 2020, 4:08 PM), <https://www.cbsnews.com/news/domestic-violence-additional-31-million-cases-worldwide/>

<sup>16</sup>Aviva Parvez Damania, *Lockdown and rise in domestic violence: How to tackle situation if locked with an abuser*, INDIAN EXPRESS, May 17, 2020

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

are not ready to lodge the complaint and they only want a refugee.<sup>17</sup> Domestic violence during lockdown is affecting the medical conditions of children who witness the assault. National Legal Services Authority recorded the domestic violence cases since lockdown till May 15 and concluded the highest cases in Uttarakhand with 144 cases on count.<sup>18</sup> Domestic Violence is mostly accompanied by child abuse. Therefore, along with a sharp rise in domestic violence, child abuse is also marked. Children often learn what they see; if they see their father practicing domestic violence then there is high probability that child will learn that. Generation to generation it becomes like a ground rooted culture. Mentality of a child grows in such a way that he considers his right over violence. Childs mentality of abusing not only stays behind the four walls but he tries to control every woman out there.

### INTERNATIONAL SITUATION

Due to the continuous rise in cases every country has proposed their own effective measure to tackle the problems of domestic violence. Domestic Violence is considered as grave as the spread of new virus. United Kingdom categorized the travel of Domestic Violence victim as an essential travel.<sup>19</sup> According to United Nations Population Fund (UNFPA) every three months of lockdown can account to record approximately 15 million cases worldwide.<sup>20</sup> There are countries where domestic violence is leading to murder such is the case of Spain where a women was murdered by her husband in front of her children.<sup>21</sup> There was a campaign started by Malaysia's Ministry for Women, Family and Community Development of not nagging the husband. The

---

<sup>17</sup>*Id.*

<sup>18</sup>*Domestic violence cases in India on the rise during lockdown, says report*, T.O.I (May 18, 2020, 14:00), <https://timesofindia.indiatimes.com/life-style/relationships/love-sex/domestic-violence-cases-in-india-on-the-rise-during-lockdown-says-report/articleshow/75801752.cms>

<sup>19</sup>Emma Williamson, Nancy Lombard & Oona Brooks-Hay '*Coronavirus murders': media narrative about domestic abuse during lockdown is wrong and harmful*, THE CONVERSATION (May 15, 2020, 5.40pm), <https://theconversation.com/coronavirus-murders-media-narrative-about-domestic-abuse-during-lockdown-is-wrong-and-harmful-137011>

<sup>20</sup>Emma Batha & Ellen Wulforth, *UN: 3 months of lockdown could result in 15 million cases of domestic abuse worldwide*, WORLD ECONOMIC FORUM (Apr 30, 2020), <https://www.weforum.org/agenda/2020/04/coronavirus-women-domestic-abuse/>

<sup>21</sup>Emma Graham-Harrison & Liz Fordet *al, Lockdowns around the world bring rise in domestic violence*, TheGuardian, March 28, 2020

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

posters were circulated across through Facebook with the hashtag #WomenPreventCOVID19.<sup>22</sup> Countries like South Africa being exception to the scenario reported a decrease in the cases of Domestic violence. The Police minister Bheki Cele of South Africa has shown a decrease by 69.4%.<sup>23</sup> There are several countries which have banned alcohol to decrease the violence such as Greenland, Colombia, South Africa, India, Thailand, Mexico.<sup>24</sup> These countries acted on the suggestions of World Health Organization to curb the steep rise in cases of domestic violence. However, this suggestion did not work well and not of the change can be noticed.

### **WOMEN BEING THE WORST SUFFERERS**

There are very harsh consequences of domestic violence. The women have to live under constant fear and humiliation. It affects a women's productivity in all spheres of life. The women suffer both physically and psychologically.

The worst problem in India is that the victims do not feel victimized. The women are brought up in such a way that they start acknowledging the patriarchal superiority and dominance instead of raising their voice against it and this explains why only one-fourth of them seek help by filing complaint to the respective authorities

Women now may have less contact with family and friends who may provide support and protection from violence. Women bear the brunt of extended care work throughout this pandemic. School closures in addition exacerbate this burden and vicinity more strain on them. The disruption of livelihoods and capacity to earn a dwelling, consisting of for women (many of whom are informal salary employees), while lower access to fundamental needs and offerings, results in growing stress on households, with the potential to exacerbate conflicts and violence.

---

<sup>22</sup>Michael Sullivan, *Don't Nag Your Husband During Lockdown, Malaysia's Government Advises Women*, NPR(Apr 1, 2020 6:02 AM), <https://www.npr.org/2020/04/01/825051317/dont-nag-your-husband-during-lock-down-malaysias-government-advises-women>

<sup>23</sup>Chandré Gould, *Gender-based violence during lockdown: looking for answers*, Institute for Security Studies(May 11,2020), <https://issafrica.org/iss-today/gender-based-violence-during-lockdown-looking-for-answers>

<sup>24</sup>Roli Srivastava & Kim Harrisberg, *Will lockdown alcohol bans affect domestic violence?*, Thomson Reuters Foundation (May 05, 2020, 19:17),<https://news.trust.org/item/20200505191710-1niva/>

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

As resources grow to be scarcer, women can be at greater risk for experiencing economic abuse. Health employees, most people of whom are women in lots of settings, may be at threat for violence in their houses or inside the place of work. The latter is a severe trouble that may be exacerbated while health structures are below strain. Health managers or facility directors want to have plans to deal with the safety in their fitness workers. Front-line companies handling COVID-19 might revel in stigmatization, isolation, and being socially ostracized. Provisions for psychosocial guide, non-overall performance-based totally incentives, extra transport allowance, and child-care assist must be deliberate.

The number of cases reported in India represents only the tip of the iceberg as majority of the cases never come up because only one-third of the women in India have access to the Internet and the rest of them are left with no options but to be a silent victim. The National Commission of Women's Chairperson believes that the real figure will be higher than the reported cases as bulk of the complaints they receive generally are by post and postal services have also been affected because of the lockdown.

### **REASON FOR INCREASE IN DOMESTIC VIOLENCE CASES DURING LOCKDOWN**

Amidst this lockdown a situation which is penetrated with fear, risk and chaos, a horrifying aspect of this lockdown came forward that is increasing domestic violence cases. This lockdown and social distancing acted as catalyst for domestic violence cases. We previously witnessed similar increase in these domestic violence cases during *Hurricane Harvey*<sup>25</sup> in 2017.

Now, the most important question in front of us is -:

*WHY THERE IS RISE IN NUMBER OF DOMESTIC VIOLENCE CASES DURINF THIS PANDEMIC COVID-19?*

---

<sup>25</sup>Harvey Report, *Supra* Note 1

There are several causes for domestic violence ranging from psychological to social causes which include childhood socialization, growing up seeing abuse among parents, psychological disorder of anger, previous experiences of abuse in past relationships, or simply fanaticizing sadism.

- Male abusers chose to abuse because they want to feel that they are in control. Since the abuser and victim have to live together for longer hours because of the lockdown, their interaction increases and thereby the probability of violence also increases.
- Another reason for the sharp increase in domestic abuse could well be frustration of not being able to go out and lead a normal life.
- Lack of money and financial instability also makes men vent out the anger on their wives.
- Men feel a sense of entitlement as MEN. The need to assert that entitlement on their wives increases as they spend more time together and also to demonstrate male authority.
- Lockdown has led to mass unemployment. A study by Daniel Schneider at UC Berkeley shows that unemployment among men leads to abusive behavior. It also said that as men felt anxious and out of control over their jobs, they became more likely to abuse their partner.
- Sense of insecurity in marital bond could very well be another reason for the increase of domestic violence cases.

### **1.) Isolation**

Due to this lockdown all offices, workplaces are being closed or shutdown for indefinite period, visiting to your loved ones, friends and relatives is discouraged. Due to this pandemic social distancing resulting in social isolation fall under the ambit of government and became government sanctioned. Unfortunately social distancing or social isolation is one of the most usual or ordinary stratagem availed by the perpetrator of domestic violence .Social isolation resulting in normalizing of domestic abuses mentally, physical, emotionally and economically which in turn make [gas lightning techniques](#) common by the perpetrators. This isolation

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

separated victim from their friends and relatives which in turn supported the perpetrator to gain complete control over victim.

## 2.) Stress

Stress is one of the prominent reasons behind the increasing Domestic violence cases. The study in *Hurricane Harvey*<sup>26</sup> revealed that any kind of stress caused due to some catastrophic situation like Natural calamity, pandemic etc. results in increasing cases of domestic violence and Intimate partner violence (IPV). There is a scientific logic behind this as well which says when human are put in ongoing state of tension, worry and danger then it will trip the *Stress Hormone Cortisol*<sup>27</sup> and this elevation of stress hormone upshots in increased aggression.

## 3.) Economic anxiety and Joblessness

Amidst this pandemic, the economy is worst affected, people losing their jobs, frequent salary cuts, No new recruitments these problems have created an atmosphere of economic distress and anxiety. As per the study of *Plentiful Research*<sup>28</sup> reveals that domestic violence and intimate partner violence (IPV) are more severe in those claustrophobic houses those are economically distressed.

Also, studies from *2008 Reports of USA Recession*<sup>29</sup> reveals the increase in rate of unemployment resulting in increase in cases of domestic violence.

## 4.) Alcohol

Domestic violence is considered as one of the most horrifying augur of alcohol, primarily due to its incontinence and disinhibitory effect. For relationships already penetrated with hate, problems, distress, anxiety and violence alcohol act as catalyst for domestic violence especially during social isolation. Alcohol consumption has also played a role in increasing domestic violence as most men would stay at home after getting drunk and then beat up their wives

---

<sup>26</sup>*Id.*

<sup>27</sup><https://www.health.harvard.edu/staying-healthy/understanding-the-stress-response>

<sup>28</sup>John Ashcroft Deborah J. Daniels, *Supra* Note 03

<sup>29</sup>Claire M. Renzetti, *Supra* Note 02

Alcohol is universally considered as key predator of domestic violence.

## **LATENT EFFECT OF DOMESTIC VIOLENCE ON ECONOMY**

Domestic violence is a serious stigma for the society which curbs the strength of a woman. This cannot only be considered as a social issue but its effect can also be counted economically. We all know that contribution of women in GDP of a country is quite significant. Henceforth, we see many factors responsible for “pay disparity” which also includes domestic violence. There are few countries like Philippines who provide women a “domestic-violence pay leave”.<sup>30</sup> This means that a woman will be given a leave for pressing charges for domestic violence and further finding a house or solving the issue. During this course of leave she will be paid by her work place even in her absence. This is the most supportive measure proposed by a government. This step not only provides a woman moral and financial support but also add on to the economy. India being a developing nation gets affected without any financial policy supporting women during domestic violence.

India being a patriarchal promotion society has affected women on a very large scale. The dominating power has always created an apathetic situation to work. Labor participation of women has never been praised in the society. Therefore, the “comparable worth” of women is affected. In India there are very few women who are self dependent. India being a stereotype society has never appreciated a woman to be more powerful than the male member. Most of the women are both unemployed and doing household works or earns comparatively less. Uptick of intimate partner violence has also forced women to quit jobs and look after her family.

## **LEGAL PROVISIONS FOR DOMESTIC VIOLENCE**

In India, domestic violence was recognized as a crime in 1983. Section 498-A of the IPC states that domestic violence is any act of cruelty by husband or his family towards his wife and

---

<sup>30</sup><https://www.economist.com/the-economist-explains/2018/08/02/how-domestic-violence-affects-the-economy>

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

provides for imprisonment which may extend to 3 years and fine. The Protection of Women from Domestic Violence Act, 2005 was brought into force on 26<sup>th</sup> October, 2006. This act provides protection to women against husbands who are emotionally, physically or economically abusive. There is also an international legal outlook in regards to India for domestic violence.

### **Section 498A of IPC**

The Indian Penal Code Amendment Act of 1983 *Section 498A*<sup>31</sup> was officially made domestic violence as a criminal offence in the *Indian Penal Code*. This section defines the offence as the act of cruelty against a woman by her husband or a relative of that husband shall be punished with imprisonment for a term of 3 years and also is liable to a fine. Under this section, the term ‘cruelty has been given a broader definition so that it includes infliction of both mental and physical harm to an individual, this offence under *Section 498A* is a cognizable and non-bailable offence. Also, under this section, any aggrieved woman or any individual related to her by blood marriage and adoption may file a complaint against the offender, or in any case, a public servant may be notified by the State Government on this behalf.<sup>32</sup>

### **Domestic Violence Act 2005:**

The *Protection of Women from Domestic Violence Act, 2005*<sup>33</sup> gives a set of specific definitions of Domestic Violence based on threats of physical, mental, emotional, sexual, or verbal abuse as well as harassment on grounds of dowry or property. Through this act the rights (fundamental rights) that are constitutionally guaranteed to a woman are safeguarded either directly or indirectly Due to the deep-rooted notions of patriarchy in the Indian setup, abusing a woman is considered an acceptable practice as perceived by the stereotypical gender roles of the society. The Act becomes of utmost importance in such a setup in order to protect the rights guaranteed to woman. This act also plays a key feature in protecting the rights of women from the feminist

---

<sup>31</sup>*Supra* Note 04

<sup>32</sup>Aslam, Sahista. 2019. *Domestic Violence in India and the Legal Provisions*. 23 February. Accessed May 16, 2020. <https://www.vidhikarya.com/legal-blog/DOMESTIC-VIOLENCE-IN-INDIA-AND-THE-LEGAL-PROVISIONS>.

<sup>33</sup>*Supra* Note 05

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

perception of the law. However, while doing so the Act is inherently exclusionary of the issues of child abuse among male children.

Important aspects of Act-:

- 1.) This act not only includes the physical violence but also the psychological, mental or emotional violence.
- 2.) This act is primarily meant for women's including wife, sister, widow, mother-in-law and mother which are also one of the critiques of this act as it excludes provisions for male victims.
- 3.) This act also extends to female live in partner.
- 4.) This act also have provision which prevent or prohibit the perpetrator from harassing, torturing and creating violence against women at home if court issues an Protection Order and if this order issued by court is violated then it will under the ambit of domestic violence.
- 5.) The act also deals with remedy clauses which include appointing a Protection officer or NGO for safety.

In the case of *Razia Begum vs. State, NCT of Delhi and Ors*<sup>34</sup> the court, in this case, held that under any order passed under the Domestic Violence Act, the plaintiff and the respondent must have been in a domestic relationship with each other so as to help fix liability on the respondent if the need arises to do so.

In the case of *Lalita Toppo v. State of Jharkhand & Anr*<sup>35</sup>, The Supreme Court of India has categorically held that an estranged wife or live-in partner can claim maintenance under the provisions of the *Protection of Women from Domestic Violence Act, 2005* despite not being legally wedded to the defendant.

---

<sup>34</sup> Razia Begum v State, (2010) DEL 3499

<sup>35</sup> Lalita Toppo v State of Jharkhand , (2018) SC 2301

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

Thus, the victims of domestic violence can claim for redressal under the provisions of these acts and seek justice against any wrong committed by them.

## INTERNATIONAL LEGAL FRAMEWORK

There have been various laws and conventions adopted by United Nations for lobbying a comprehensive legislature for the organizations or countries against domestic violence. Framework for Model Legislation on Domestic Violence was proposed in the year 1996 to promote and encourage Human Rights and Fundamental Freedom.<sup>36</sup> There have been framework adopted in a very wide perspective of women and very less for domestic violence in particular as domestic violence is because of gender norms. Gender norms does not include only male or female but [LGBTQ](#) and children as well. International clause drafted for Domestic violence is mostly for the protection of Human Rights which gets violated. There is legislation which is not that supportive or strict for the protection of women against domestic violence like legal framework by European Union. It was in the year 1979 when Convention on the Elimination of All Forms of Discrimination against Women was adopted and Optional Protocol to the convention adopted in 1999 for only the protection of women. United Nations needs to bring more and better provisions against domestic violence for female, children and LGBTQ.

## CONCLUSION

Despite of having good legal framework problem of domestic violence doesn't seems to be resolving, Moreover catastrophic situations like natural calamity, recession and now this pandemic *COVID-19* act as catalyst for domestic violence.

The Problem of domestic violence cannot be only cured by legal framework but also need changes at ground level. Most of the uneducated section or people living in rural areas aren't

---

<sup>36</sup><https://libraryguides.law.pace.edu/c.php?g=319385&p=2133499>

aware about their rights which not include only victims but also perpetrators. Perpetrators are also not aware of laws which is necessary for creating a factor of fear in their minds, which is necessary to make them realize that Domestic violence doesn't fall under the ambit of their rights, So the awareness factor is must needed to bring change and Reducing the rate of domestic violence.

Also, strict laws can't do anything until and unless there is better implementation.

Strict laws without proper implementation is similar to a pencil without a graphite lead, if laws on domestic violence are properly implemented then situation can become better.

Moreover, if things like Male dominance, Patriarchal society, Economic stress and Anxiety, Isolation, taking out your anger on weaker member of your family may be women, children or old age people and other reasons given in this article are worked upon and improved then sooner or later we can expect a drop in the rate of domestic violence and which will be first step of eradicating it from the society.

If all the reasons and issues mentioned above are worked upon then in future no Natural calamity, Recession or any Pandemic like COVID-19 can act as a catalyst for domestic violence.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>