COVID AND WOMEN & CHILD PROTECTION (SAFEGUARD AGAINST INCREASE IN VIOLENCE)

AMIT PAURUSH,
STUDENT [ III YEAR ]

DEPARTMENT OF LAW, ALIGARH MUSLIM UNIVERSITY, ALIGARH.

2. TABLE OF ABBREVIATIONS

| 1. COVID19 | CoronaVirus Disease of 2019 |
| 2. EVD     | Ebola Virus Disease         |
| 3. S.      | Section                     |
| 4. ACCCE   | Australian Centre to Counter Child Exploitation |
| 5. UN      | United Nations              |
| 6. NALSA   | National Legal Services Authority |
| 7. JASB    | Journal of the Asiatic Society of Bangladesh |

3. METHODOLOGY FOLLOWED

The research method followed by the author in this article is known as the ‘mixed approach’. The article is an outcome of a blend of open ended and closed ended contentions after analyzing and examining the opinions of various eminent scholars, persons, the reports by various organisations, and the prevalent Indian conditions from Vedic times to contemporary India.

4. COVERAGE AND SCOPE

This article analyze the opinions of various eminent persons, scholars, the reports by various organisations, and the prevalent Indian conditions from ages to contemporary India and parts of world and seek a better end for the violence against subjects (here women and children).

5. DATA COLLECTION

All the data collected are secondary data and analyzed as the study is of mixed approach in nature.

6. CONCERN RAISED

COVID19, initially erupted in Wuhan city of China, and eventually it has affected almost 190 countries around the globe. This new pandemic has not come bare-handed, rather it is backed up with several serious amid COVID19 and post COVID19 concerns like economic crisis, business & entrepreneurship problems, global health, public good, social innovation and many others inclusive of the surge of domestic violence. The word domestic violence seems to have a print on Eardrums of almost every living human. Everyday newspaper columns flooded with the incidents of crimes against women and children, having a horrifying
index. The issue has been raised strongly because of a sudden increase in their figures amid COVID19 pandemic. It serves a serious hazard to the mental, physical, and psychological aspect of the subject (Women and children here) and also negates the ways of the progress of the nation. It is of no doubt that domestic violence is one of the major hurdles to public health under global head, and both men & women are subjected to it, yet have been ignored so much and taken with such light hands. This article is comprehensively dealing with the domestic violence against women and children, in particular. It has been neglected as like a wrapper to cotton candy. Therefore it proved to be legit concern and must be given heed accordingly. The sudden and nothing like growth of the domestic violence curves is bad news. The issue is as ever-present and now developed nations and developing nations are facing a similar surge in domestic violence cases and are going hand in hand to curb increased domestic violence.

Therefore it requires attention worldwide and needs to be dealt with COVID19 simultaneously.

7. ABUSE EXPLAINED

Domestic violence is nothing but the abuse against one subject in a relationship. This abuse need not to be a physical assault always, it can be in form of mental, psychological, financial or sexual assault as well. This is a continuing chain of domination and forms a coercive array that one person continuously made other to surrender her will pitilessly.

The Protection of Women from Domestic Violence Act, 2005, defines domestic violence, against women (in particular) as:

S.3. Definition of domestic violence.—“For the purposes of this Act¹, 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

(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 especially 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”.

Domestic Violence is based on old fold patterns of toxic patriarchy, and the Gender-based discrimination is fuel to this fire. The rigid clutches of patriarchy recognize their complete dependence on men and that eventually set the issue in motion. Each segment or class of the society is affected by the intimate partner violence, we heard of several cases of violence by wives of celebrities and influencers; even the most proficient society is also suffering from this problem. COVID-19 has put forward several exceptional challenges in term of such horrifying surge in the cases of violence against women and child as well. Antonio Guterres, Secretary General of the UN, has put forward that this pandemic will end up causing
“broader child rights crisis”. We observe an increase of domestic violence and violence against children in the past few months. They are now more vulnerable in these surroundings. Children who earlier have compromised with their psychosocial, physical and mental health issues and were living in crowded or unhygienic conditions are more exposed to abuse amid pandemic. The problem is getting worse and worse as we observe the lower strata. It severely affects the children of the house; they became more prone to become violent, aggressive. It disturbed the social and emotional pattern of the child.

It should be noted that while observing such happening of violence, the status of victim is to be taken into consideration. The existing congruence between the status of victim and violence inflicted on victim leads us to a better understanding of why such violence inflicted on them.

8. ANCIENT TO CONTEMPORARY INDIA: A MULTIDIMENSIONAL JOURNEY

a) STATUS OF WOMEN, (LINK INSTITUTED)

For a holistic overview, the author is trying to carve out the status of women from Ancient India to Modern India and trying to establish a nexus between the status of women and the cause of domination and violence against them. The research has its journey since Vedic times.

Citing from the sources, seals deciphered of Indus Valley Civilization, it appears, the worship of Mother Goddess was prevalent and women enjoyed a better lifestyle and status as well. India a land of Customs & traditions evidences a great respect & golden period for women at outset of Rig Vedic Period. Women were considered as ‘Shakti’, a source of strength. We often came across the shlokas like:

यत्र नायस्तु पूज्यन्ते रमन्ते तत्र देवताः ।
यत्रैतास्तु न पूज्यन्ते सवायस्तत्राफलााः क्रिया: ॥

That means the divine are extremely pleased where women are valued; where they are not respected, all actions (projects) are fruitless and don’t reach a better end.

Vedic period witnessed a favorable sphere for women but afterwards the society deviated and their status retards to that of a shudras, in those days. During Mauryan period, we observe that women slaves and prostitutes were enjoying privileges they were not allowed to be beaten and were provide maintenance during pregnancy, yet they denied their social status, the condition of households were wretched, they were...

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3 Manu, Manusmriti. Verse. 3.56.
enjoying no part in the decision making process, and it was believed that, women are dependent on men, and believed to have no existence without him. The values and ethics during Vedic ages faint with time.

Medieval India experienced Muslim rule to an extent, new tradition, and cultures language permeated with the Indian soil. Islam came up with several teachings that promote the positive attitude toward women. Holy Qur’an and various Hadiths conferred several rights to women and positive obligations on men about women like as:

“And for Women are rights over men, similar to those of men over women”

“Allah has promised to his believers, men and women, gardens under which river flow, to dwell therein, and beautiful mansion in gardens of everlasting bliss”

“Never will allow the loss of the work of any worker amongst you, male or female; you are of one another”

Author observed several other verses that reflect the same spirit but the status of women remained miserable in medieval Indian society. We witnessed some heroic women figures like, Raziya Sultan, Chand Bibi, Ahilyabai Holkar, Tara Bai etc., yet they all end up as exceptions. The rituals that are meant to protect the purity of women later on became curses to the women themselves. Initially Sati pratha, purdah system was no doubt meant for their protection but it gradually turned into a compulsory ritual that created trouble.

On the eve of 19 century, the social evils firmly set their foot deep in Indian Society. It seems almost impossible to eradicate these negative compulsions. Sati pratha had become a compulsory ritual and authors don’t hesitate to say that at the advent of English rule, the status (social) of women is almost at the last nail of its coffin. Raja Ram Mohan Roy, man of Indian Renaissance took up with Sati, and tried to convince that it is short of the authority of religious scriptures. Ishwar Chand Vidhya Sagar came up with issue of widow remarriage, and debated about its religious sanctions, a petition signed by 987 was send to Govt. of India and in return, they were showered with Hindu-Remarriage Act (XV of 1856) that legalize marriage of widows, and bring a hope for improving the awful conditions of Indian women. Sir Syed Ahmad also came forward for modern education into masses within the purview of Islam. Several movements were initiated to uplift the non-existing status of women in the society. It cannot be denied that during British a keen attention was given to enhance women rights and status; however such cannot be achieved to full spirit but efforts should be appreciated.

5 Qur’an 2:228.
6 Supra, 9:72.
7 Supra, 3:195.
b). STATUS OF CHILDREN AND OF CHILDHOOD

It is observed that Vedic India successfully managed a balanced approach of parenting, while considering the time of attaching and detaching from children at the appropriate ages. In their early age, children were given proper attention, with utmost adherence to high moral conduct being taught to them and then Upnayan Sanskar was performed at, an age when a Brahman child attain 8 year of age, Kshatriya’s child became 11 and Vaishya’s kid turned 12 year of age. And this age is to be calculated from the dates when he/she was conceived in his/her mother’s womb.

अष्टमेव ब्राह्मणपुनयेत्। गर्भिष्ये वा। एकादशे शत्रुष्यम्। द्वादशे वैश्यम्। आ शूद्रशादृ ब्राह्मणस्यानन्तर:। आ धार्मिकश्चासिद्यस्या। आ चतुर्विंशाद्वैश्यस्य।

This is the time of taking the child to his guru or “acharya” that accepts the child for education at his Gurukul (hostel) and does his “yagyopaveet.” The rite of Upnayan was available to all even to girls and shudras that allow adolescents to let them have proper training and trained to become self-reliant. Author observed a keen idea on the parent side to promote the well-being of the child by imparting high moral conduct along with Vedic education.

Thirukkural written by Tamil poet Tiruvalluvar was written more than 5000 years ago, one of the finest pieces of the ancient science on human behavior described that the acquisition of intelligent children as greater benefit of all, that may be acquired. Children were considered as wealth of parents and they (son) should be given precedence in the assembly of learned than him. It mentions that touch of children give pleasure to body and by their words, ears rejoices. It indicates that the children should possess knowledge is more pleasing to all men of this great earth than to themselves. However author also trace prevalent child labour and inhumane practice against children in ancient India. Except Kautilya, the then law giver didn’t give a heed to it and remained silent at this point. Kautilya however observed a humane approach and advocate the prohibition of sale/purchase of children less than 8 years of age, but still they were employed and subjected to harsh treatment.

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8 Sankhayana Srauta Sutra 2.1; See also Bodhayan 2.5.2; Gobhil 2.10; Apastamba Dharma Shastra 1.1.1.19; Paraskar Grihya Sutra 2.2.
9 Āśvalayana Grihya Sutra, 1.19-1.6; Sir Monier Monier-Williams, Religious thought and life in India: as based on the Veda and other sacred books of the Hindus 360 (4th ed. 1891).
12 Pope, supra, 9.
13 Pope, supra, 10.
Medieval India did not reflect satisfactory observations. In medieval times as cultivation enhanced, demand for labour increased and as a result children were subjected to be employed in economic activities of their families like crafting, agriculture at a their early age. Ain-I-Akbari, Bernier’s Travels convey that, children were often mortgaged and sold like movable properties. Author came across a decree of 1594 A.D. by Emperor Akbar that ordains that a father or mother might sell his/her child to avert the extreme necessity and may buy them again, when they got sufficient means. It was observed a custom where people of the province of sylhat (Bengal) used to give some of their sons to the governor in lieu of payment of revenue, later Jahangir strictly ordered for abolition of this abominable custom. Plying on the above observations, the author is of the opinion that children were considered as like a chattel or movable property, and even though some rights have been provided to women in medieval period but still they lag behind for a status in the society. They were looked upon as inferior and that eventually led them to clutches of violence and mental despair.

9. ABUSE IN EARLIER OUTBREAK, (EBOLA OUTBREAK)

In different pandemic or virus outbreaks it had shown a shocking increase. In this section author had tried to analyze the situation during EVD, author observed a drastic hike in the cases of violence cases against the subjects during EVD pandemic 2013-2015. Quarantine made the condition of women and adolescent girls vulnerable. “Guinea observed the increase of 4.5% in sexual and gender-based violence and twice as many rapes. In the aftermath of Ebola, both Sierra Leone and Liberia saw an upswing in teenage pregnancy rates.” The COVID19 & EVD, conditions of women and child abuse seems alike. In 2018, the International Rescue Committee completed an assessment in Beni, DRC having objective as to find out the how the EVD outbreak affect the women and girls in terms of their part in decision making process, households etc. the assessment holistically analyzed the issues like access of women & girls to EVD prevention services and also about the violence, they aggrieved of, and remedies provided to them. The IRC

16 Dr. Panth, Economic History of India under the Moghals, 64 (1990)
found a reflection in studies and research, of reports in context of the 2014 EVD outbreak in West Africa, marking them a part of a larger trend seen for women and girls during the disease outbreak\(^ {23}\).

It is clear that EVD alarmed the rest population about the boost in domestic violence cases, during such pandemics, but it was given no heed and as a result, and once again the COVID19 pandemic came with such an increased number of domestic violence cases.

### 10. CURRENT SITUATION (COVID19 OUTBREAK)

COVID19 has been a problem since the year has started and domestic violence the implicit consequence of this pandemic, has been a hair to eye across the globe. There are many challenges as far as the situation is concerned like the issue of migrant labour, tickling Indian Economy and many more, and domestic violence exists as one of the disturbing aspects. The cases of both COVID19 and abuse against women and children went on increasing across the country and around the globe as well.

Reports consistently seek acknowledgment to these horrible issues. According to the National Commission for Women, it is said that in between 24.03.2020-01.04.2020, the country witnessed a sharp increase in cases of domestic abuse and domestic violence, and it cannot be denied that it is not actual numbers. Existing calamity of COVID19 has worsen the conditions and raised the cases of domestic violence and made authorities to worry for the issues like increase in figures of child abuse, women health, safety and the speedy redressal of the grievances. In France, reports show the case of domestic violence has increased by 30\% since the lockdown on March, 17.\(^ {24}\)

This pandemic witnessed the sharp growth and rise in the cases of domestic violence, the NALSA, in his report state that the number of COVID19 affected cases and the number of cases of domestic violence raising day by day, hand in hand. An interim report of the authority, having Justice N V Ramana, as Executive Chairman, state the Uttarakhand has recorded highest no. of domestic violence cases highest number of cases i.e. 144, were reported from Uttarakhand (144), Haryana with 79 cases reported occupied second position and Delhi, remained at third with 63. However, there were no news of domestic violence in UTs of Dadra and Nagar Haveli, Daman and Puducherry and states of Jharkhand, Karnataka and Nagaland\(^ {25}\).

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In Singapore and Cyprus helplines have registered 33% and 30% of increased cases of domestic violence respectively. In Australia, a Women’s Safety New South Wales survey reveals that 40 percent of frontline workers have reported increased requests for help by survivors, and 70 per cent have reported that the cases received have increased in their level of complexity during the COVID-19 outbreak.

In European Union, before this COVID19 pandemic, one in ten women has experienced cyber bullying or harassment at the age of fifteen. These increase in the violence against; a gender in particular, will worsen economic impacts of COVID19 & slow down economic recovery.

The whole country is at a halt, most of the population is huddled in homes and their agitations reflect in form of abuse against children at home. The unexpected hike in the number of cases of abuse against children in India left the author amazed and at the same time alarming us to take immediate action to address this surge. Children are suffering an implicit epidemic of abuse and neglect, at their home.

It is to be noted that the United States has one of the worst records of experiencing child abuse on an average between four and seven children every day subjected to child abuse and neglect, also more than 3.6 million referrals (can include multiple children) are made to child protection agencies involving more than 6.6 million children in a year. In 2014 alone, agencies in US found over 702,000 victims of child maltreatment, but it only voices a part of the story. The US portrays unsatisfactory statistics as far as abuse against children is concerned and India, in no way falls short of providing distress in this regard. Even in 2018, reports shows that of every10 calls made to helpline number is made to report the child abuse. Child abuse is in no way a new concern as it is a headache for the world from ages.

However such abuse increased amidst COVID19 pandemic, an unexpected and shocking surge in the figure of child abuse and violence has been recorded. In the month of April when whole country was under strict lockdown, the ‘CHILDLINE1098’ has observed more than 92000 calls within 11 days. The report includes

30 CDC, Adverse Childhood Experiences (ACE) Study, https://www.cdc.gov/violenceprevention/acestudy/
cases from the first week of lockdown. 30% of lump sum surge has been observed in cases of child abuse. Almost in every part of the world children and women are facing exploitation amid pandemic. In Australia, authorities have noticed crashing of child abuse reporting websites\textsuperscript{34}. Authorities states the sudden increase in access of websites lead them to crash. A report by ACCCE observed that the child abuse and violence against them is increased by 123% this time. The Child Protection Triage Unit of ACCCE said that the average number of child exploitation reports has experienced a drastic increase from 776 per month to 1,731 per month. Almost every country has witnessed the surge in the abuse against women & children in COVID19 times. It includes France\textsuperscript{35}, Latin America\textsuperscript{36}, Uganda\textsuperscript{37}, United Kingdoms\textsuperscript{38} and other numerous countries.

Plying to the Ebola & Zika outbreak; writer observe that these epidemic will widen the surviving inequalities; based on gender, financial status, age etc. it is of no doubt that COVID19 has affected the entire globe and will continue to affect the same for a while, but a gender in particular, is getting affected badly in many terms, like affected by COVID19, facing domestic violence, about to face the widened walls of economic inequalities after this pandemic. It therefore became an attention-grabbing issue and has to be acknowledged as early as possible and to be redressed with firm hands. It is found to be triggered by causes like, financial shortage, mental stress, illiteracy, existing patriarchal approach and many more.

\textbf{11. CONCLUSION AND RECOMMENDATIONS}

The issue had a long-long journey, seems not to have ended early. But it cannot be ignored and taken for granted; strong initiatives and the steps are the need of the day. Different nations came forward and dealt with it in possible efficacious ways. Taking example of the Canadian Government, it declared 24 hours opening of domestic violence health centers & added a $550 million fund to help them further. In China, \textit{#Antidomesticviolenceduringepidemic}, hashtag has taken as a part at front and helping to raise the voice against domestic violence. In Madrid, Spain, a messaging service has been started that provides instant geographical access to location of the victim & help to support the victims as soon as possible. In Colombia, the government has issued a decree to promise the abrupt services through virtual mediums, including legal advice, psychosocial advice, police and justice services including hearings. Many countries like Kazakhstan,

Argentina etc. are using virtual means to keep the justice system operating, such as having a domestic violence survivor via conferencing into court proceedings to meet with a better end.

The Ministry of Women & Child Development of India came up with different steps to provide a platform to victims, to approach remedy. Several helpline numbers and a number of schemes have been imitated in order to rein in the speedy increase in the number of cases of domestic violence and to secure victims the quick access to remedies. The Ministry of Women and Child development facilitated several schemes to meet this legit concern, several helpline numbers like, Dial 181 Women helpline, Dial 112 mobile app or Dial 112, to access the Emergency Response Support System (ERSS). Email ID like grcmwcd@gmail.com, has been provided to register grievances and meet with speedy acknowledgement. WhatsApp alert for domestic violence in this lockdown can be registered at the helpline number, +91 7217735372. NALSA came forward with attempts like Email ID like dla@nic.in, NALSA legal aid helpline- 15100, 1516 (for Delhi), and for counselling and aid and assisting the victims of domestic violence. The National Institute of Mental Health and Allied Sciences (NIMHANS), Bengaluru came up with Helpline number to have psychological counselling to the aggrieved: 080-46110007.

Various organizations and NGOs are working tirelessly to aid and assist the victims of domestic violence but it can practically fade away with the accelerated efforts of each individual at his level. The services and aid provided for aggrieved is to be amplified, shelters to be increased where they are treated with psychological approach from time to time, with making them feel physically, mentally well.

Awareness about the issue to be spread via online media platforms, it eventually hit at the root, advertisement, newspaper columns, and magazines are good platforms for this cause to spread awareness. Proper parenting manuals should be circulated and practical approaches should be adopted. Parents must be given proper virtual counselling about parenting in this amid pandemic. Both COVID19 & Domestic Violence can be dealt with a common weapon i.e. ‘awareness’. The more we spread awareness between the masses, the more fruitful result we will witness.