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# BEYOND BRUISES: LEGAL CONSIDERATIONS OF MENTAL HEALTH EFFECTS ON DOMESTIC VIOLENCE VICTIMS

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## ABSTRACT

In every corner of the world, within the supposed safety of homes, countless individuals endure a form of suffering that remains largely invisible and painfully unspoken. Behind closed doors, many people live in the shadows of fear, psychological control, and emotional manipulation which is a silent torment that neither cause scars to the skin nor raises alarm, yet erodes the human spirit with relentless precision day by day. Though society has grown increasingly more aware about physical violence, yet the hidden nature of psychological abuse somehow continues to evade the public conscience. This form of harm is coercive, persistent, and deeply personal that leaves emotional wounds that are no less devastating than physical injuries, though far more difficult to recognize, articulate, or measure.

This paper stems from a profound awareness of the silence surrounding emotional suffering. It goes beyond being a mere academic study and serves as a call to acknowledge those whose pain often goes unnoticed because it does not fit into conventional or visible definitions of harm. The goal is to create a space for survivors to share their experiences of living with emotional abuse, where daily suffering becomes normalized and fear is hidden beneath the surface of routine life. Rather than focusing solely on legal jargon or clinical descriptions, this work aims to bring a human perspective to the law and challenge its shortcomings—questioning whether our justice and protection systems are truly capable of addressing the complex nature of psychological and emotional trauma. Rooted in empathy, shaped by legal principles, and inspired by strength, this research encourages a more compassionate and thorough understanding of harm. Through this effort, it seeks to reveal what is often overlooked and turn silence into powerful testimony.

**Keywords:** legal, domestic violence, psychological abuse, emotional manipulation, India

## Introduction

In India, marriage holds a significant place in our lives, often seen as a cornerstone of our cultural and social fabric. Sometimes marriages do not unfold as expected and unfortunately it can lead to situations where domestic violence occurs. Domestic violence in India continues to be a major concern, that affects countless people, particularly women and children. In 2024, the National Commission for Women received 25,743 complaints, with 24% of them concerning domestic violence and during the pandemic, this number rose to over 30,000.<sup>1</sup>

Domestic violence is a pervasive issue that affects millions of individuals worldwide, leading to severe psychological consequences for the victims and has a serious long term effect on the mental health of the victims. It is often perceived as solely physical, but its impact goes far beyond visible scars. The effects on mental violence, which can manifest through constant threats, intimidation, and emotional manipulation, are just as damaging. Victims endure a daily struggle that affects their mental well-being, often leaving deep, invisible wounds. In India, the frequency of domestic violence has us stress over the critical need for addressing this challenge, particularly through the lens of mental health. The psychological impact of such experiences cannot be underestimated, and it is crucial to address these issues with the seriousness they deserve. Cultural norms, societal pressure, and lack of effective legal enforcement contribute to the persistence of this problem. Victims often face barriers in seeking help due to fear of stigma, lack of awareness, limited access to support services. The Protection of Women from Domestic Violence Act serves as a legal framework aimed at safeguarding victims, yet the psychological impact remains profound and often overlooked.

## Definition of Domestic Violence

Domestic violence, as defined under section 3 of the Protection of Women from Domestic Violence Act, 2005,<sup>2</sup> refers to any act, omission, or behavior that harms or threatens the physical, emotional, sexual, verbal, or economic well-being of a woman within a domestic relationship. The Act recognizes abuse beyond physical violence, including emotional and economic abuse, and aims to provide protection and legal recourse for women facing such mistreatment in their homes.

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<sup>1</sup> The Economic Times, [https://economictimes.indiatimes.com/news/india/uttar-pradesh-tops-list-of-domestic-violence-cases-in-2024-ncw/articleshow/116881778.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/india/uttar-pradesh-tops-list-of-domestic-violence-cases-in-2024-ncw/articleshow/116881778.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst) (30<sup>th</sup> May. 2025)

<sup>2</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005, § 3, 2005(India).

## Forms and Psychological Impact of Domestic Violence

Domestic violence encompasses both physical and mental forms of abuse, each with serious and long-lasting impacts on the victim. Physical abuse involves acts such as hitting, slapping, kicking, or using any form of physical force intended to cause harm or instill fear. However, mental or psychological abuse, though often less visible, can be equally destructive. It includes a range of behaviors aimed at exerting control and diminishing the victim's sense of self-worth and autonomy. These may involve the use of intimidation, such as threatening looks or gestures, emotional abuse like constant criticism or humiliation, and isolation, where the victim is deliberately cut off from support systems such as family or friends. Abusers may also minimize or deny their actions, shift blame onto the victim, or use children as tools of manipulation and control. Other tactics include asserting male privilege, engaging in economic abuse by restricting access to financial resources, and using coercion and threats to create an atmosphere of constant fear. These behaviors not only strip the victim of independence but also lead to profound psychological effects, such as chronic anxiety, depression, post-traumatic stress, and a sense of entrapment. Mental abuse, therefore, is not only a violation of emotional well-being but also a significant form of violence that can have lasting consequences on the victim's mental health and overall quality of life.

### Psychological Effects

Reading *Abnormal Psychology* by James N. Butcher, Susan Mineka, and Jill M. Hooley<sup>3</sup> gave me a basic understanding of psychology, which helped me connect the dots and see how psychological factors impact victims of domestic violence. Domestic violence can have a profound impact on a victim's mental health, with effects that often persist even after the abuse has ended. The trauma experienced can lead to long-lasting consequences which are:

#### 1. Post-Traumatic Stress Disorder (PTSD)

Many victims relive traumatic events and struggle to feel safe even in secure environments. The symptoms may include flashbacks, nightmares, hypervigilance, emotional numbness, and avoidance behaviours.

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<sup>3</sup>James N. Butcher, Susan Mineka, Jill M. Hooley, *Abnormal Psychology* 103 (Pearson Education 2013).

## **2. Depression**

Victims often experience feelings of hopelessness, sadness, and worthlessness. There may be a loss of interest in previously enjoyed activities and difficulty concentrating.

## **3. Anxiety Disorders**

Victims may feel constantly on edge or afraid, even in non-threatening situations. Some common symptoms are chronic anxiety, panic attacks, and general nervousness.

## **4. Low Self-Esteem and Shame**

Victims may blame themselves for the abuse. Abusers often undermine the victim's self-worth, leading to lasting self-doubt and shame.

## **5. Substance Abuse**

Victims of domestic violence may turn to substance abuse as a coping mechanism for the emotional pain and trauma they've endured. This can lead to addiction, physical health issues, and mental health complications.

## **6. Suicidal Thoughts or Attempts**

The emotional toll and sense of entrapment may lead some victims to consider or attempt suicide.

## **7. Sleep Disorders**

Insomnia, nightmares, or disturbed sleep patterns are frequent due to fear or anxiety.

## **8. Social Withdrawal and Isolation**

Victims may pull away from friends and family due to shame, fear of not being believed, or as a result of being isolated by the abuser.

## **9. Difficulty Trusting Others**

A history of betrayal and manipulation can make it hard for survivors to build or maintain healthy relationships.

## **Legal Provisions on Domestic Violence and Mental Health in India**

### **1. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)**

This act explains the purpose and key provisions of the Act, particularly how it addresses various forms of abuse, including mental and emotional harm.

### **2. Indian Penal Code (IPC), 1860<sup>4</sup>**

In section 498A it deals with cruelty by husband or relatives of the husband. It includes mental harassment and emotional abuse, particularly related to dowry demands. Mental cruelty under this section can serve as grounds for legal action, including arrest and imprisonment plus fine.

### **3. Mental Healthcare Act, 2017<sup>5</sup>**

This act recognizes mental health as right, and also emphasizes the importance of psychosocial well-being. In section 18 under this act give very person the right to access mental healthcare sevics, including victims of domestic violence.

### **4. Dowry Prohibition Act, 1961<sup>6</sup>**

Although primarily this act is focusd on dowry, thee Act intersects with domestic violence issues, particularly whn harassment or the mental abuse is linked to the dowry dmands.

### **5. Code of Criminal Procedure (CRPC), 1973<sup>7</sup>**

This provides procedural aspects reelated to filing FIRs, protection orders, and restraining orders in cases of domestic violence and also allows a woman to claim maintenance if she is unable to maintain herself due to being abandoned or abused by her husband.

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<sup>4</sup> Indian Penal Code, No. 45 of 1860, § 498A (India).

<sup>5</sup> Mental Healthcare Act, No. 10 of 2017, § 18 (India).

<sup>6</sup> Dowry Prohibition Act, No. 28 of 1961 (India).

<sup>7</sup> Code of Criminal Procedure, No. 2 of 1974 (India).

## **National and International Perspective on Mental Health and Domestic Violence**

Across the world, there has been a judicial shift toward recognizing the mental health impact of domestic violence. Courts in various countries, including the India, U.S., U.K., and Australia, increasingly acknowledge that psychological trauma is as significant as physical injury and should be factored into legal decisions. This includes:

### **A. India**

In India, while the the Protection of Women from Domestic Violence Act, 2005(PWDVA) offers legal protection to victims of physical and emotional abuse, there has been limited recognition of mental health as a ground for seeking relief in legal contexts. However, in recent years, there has been a shift. Indian courts have begun incorporating psychological assessments in their judgments.

**Mental Health Evidence:** Courts often rely on expert testimony regarding the psychological trauma of victims, especially in high profile dowry harassment or female genital mutilation cases, where emotional distress is significant.

**Judicial Approaches:** The Indian judiciary is always evolving in its approach, incorporating psychological trauma as a significant factor for determining the level of protection or compensation that should be awarded to victims. There is also an increasing use of psychological assessments to determine the victim's condition.

### **B. United States of America**

The U.S. legal system has long been at the forefront in recognizing mental health as a key element of domestic violence cases. The landmark case *State v. Kelly* (1984)<sup>8</sup> allowed expert testimony regarding Battered Woman Syndrome (BWS) in a self-defense argument. U.S. courts increasingly focus on psychological trauma and learned helplessness, which affect how victims interact with the abuser and often justify the victim's extreme responses.

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<sup>8</sup> *State v. Kelly*, 97 N.J. 178, 478 A.2d 364, 368(1984).

**Mental Health Evidence:** Mental health professionals testify on the psychological effects of abuse, including PTSD, anxiety, and depression.

**Judicial Approaches:** There is a growing movement in U.S. courts to treat domestic violence victims as survivors of long-term trauma, which influences sentencing, custody decisions, and the granting of protective orders.

### **C. United Kingdom**

In the UK, there has been a marked shift towards recognizing mental health consequences of domestic violence in the context of criminal defenses and civil protections. For example, in *R v. Ahluwalia* (1992)<sup>9</sup>, the court acknowledged the psychological toll of prolonged abuse. It was a key moment in understanding how psychiatric evaluations could influence the legal outcomes of cases involving domestic violence.

**Mental Health Evidence:** Psychological experts routinely testify about the long-term effects of abuse, including the development of cognitive distortions and emotional instability.

**Judicial Approaches:** UK courts increasingly use mental health considerations when awarding compensation and protection orders, especially under the Domestic Violence, Crime and Victims Act 2004.

### **D. Australia**

Australia is another jurisdiction where mental health has gained more recognition in domestic violence cases. The Family Violence Protection Act 2008<sup>10</sup> (Victoria), for example, explicitly recognizes the mental health effects of family violence and includes provisions for psychological assessments in protective order applications.

**Mental Health Evidence:** In Australian courts, mental health and trauma-informed responses are often central in domestic violence cases, particularly in family law matters and criminal defenses. Expert psychologists routinely testify to explain the emotional distress and long-term consequences faced by victims.

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<sup>9</sup> *R v. Ahluwalia*, (1992) 4 All E.R. 889 (C.A.).

<sup>10</sup> Family Violence Protection Act 2008 (Vic).

Judicial Approaches: There is a growing focus on ensuring holistic protection for victims of domestic violence, taking into account their mental health and not just physical injuries.

### Case Studies and Legal Precedents

Case studies play a crucial role in highlighting the practical implications of the Protection of Women from Domestic Violence Act, 2005. By examining real-life cases, we can better understand the challenges faced by survivors and the effectiveness of legal interventions.

In the landmark case of *V.D. Bhanot v. Savita Bhanot*,<sup>11</sup> the Supreme Court of India addressed the issue of mental abuse within the framework of the Protection of Women from Domestic Violence Act, 2005 (PWD Act). The Court affirmed that the PWD Act applies retrospectively, allowing women to seek relief for acts of domestic violence, including mental cruelty, that occurred before the Act's enactment, provided the abusive relationship continued thereafter. The Court recognized that domestic violence encompasses not only physical harm but also emotional and psychological abuse, such as verbal insults and threats, which can severely impact a woman's mental well-being. Consequently, the Court upheld the respondent's right to reside in her matrimonial home and receive maintenance, emphasizing the Act's objective to protect women's rights and dignity within the domestic sphere. This judgment underscores the judiciary's commitment to acknowledging and addressing mental abuse as a serious form of domestic violence, thereby reinforcing legal protections for women's mental health and personal liberty.

In *Shambhoo Dayal v. State of Uttar Pradesh* (2015),<sup>12</sup> the Allahabad High Court addressed the harrowing case of Uma Devi, who suffered fatal burn injuries inflicted by her husband and mother-in-law. The Court found that Uma Devi had endured sustained physical and psychological abuse, culminating in her being tied, doused with kerosene, and set ablaze. Witnesses testified to her dying declarations, wherein she recounted the torment inflicted upon her. The Court noted the husband's failure to provide prompt medical assistance, highlighting a pattern of neglect and cruelty.

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<sup>11</sup> *V.D. Bhanot v. Savita Bhanot*, I (2012) DMC 482 (SC), AIR 2012 (SC) 965 (Supreme Court)(07.02.2012)

<sup>12</sup> *Shambhoo Dayal v. State of Uttar Pradesh*, LEXTECHSUITE (30<sup>th</sup> May. 2025 9:15 PM) <https://lextechsuite.com/Shambhoo-Dayal-Versus-State-of-Uttar-Pradesh-2015-05-27>.



This case underscores the severe impact of domestic violence on mental health, illustrating how continuous abuse can lead to tragic outcomes. It emphasizes the necessity for legal frameworks to recognize and address the psychological dimensions of domestic abuse, ensuring comprehensive protection for victims.

In *Sarla Mudgal v. Union of India* (1995 AIR 1531),<sup>13</sup> the Supreme Court of India addressed the misuse of religious conversion by Hindu men who adopted Islam solely to contract second marriages without dissolving their first, thereby evading the provisions of Hindu personal law. While the primary focus of the case was on the legal and constitutional implications of such conversions, it also brought to light the intense psychological and emotional trauma inflicted on the first wives. One of the petitioners, Geeta Rani, provided a poignant account of the coercive circumstances under which she suffered not only physical violence but also profound mental anguish after her husband unilaterally altered his religious status to remarry. The Court, while declaring such second marriages invalid under Hindu law and punishable under Section 494 IPC (bigamy), acknowledged the emotional exploitation and psychological abuse embedded in such acts. This case underscores how legal loopholes can facilitate mental abuse, and it calls attention to the urgent need for reforms like a Uniform Civil Code that protect the mental well-being and dignity of women subjected to marital betrayal and coercion under the guise of religious freedom.

These real-life case studies serve to underscore the complicated and long-term psychological consequences of domestic violence and coercive behaviour. They go beyond illustrating individual incidents and reflect the systemic nature of emotional abuse that often persists undetected within domestic spaces. The legal responses in each case provide insight into how the judiciary interprets and addresses psychological trauma, yet they also expose critical gaps in the implementation of protective measures. While statutory recognition of mental and emotional harm exists, in practice, victims frequently face difficulties in substantiating such abuse in legal proceedings due to its intangible nature. The analysis of these cases reveals how survivors' experiences of humiliation, isolation, and fear are often overlooked or inadequately addressed. These narratives bring legal texts into conversation with lived realities, demonstrating the importance of incorporating mental health as a core element in

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<sup>13</sup> *Sarla Mudgal v. Union of India*, Lawctopus (30<sup>th</sup> May. 2025 9:21 PM) <https://lawctopus.com/clatalogue/clatug/sarla-mudgal-v-union-of-india/>

the adjudication of domestic violence cases. In doing so, they highlight the pressing need for a trauma-informed legal approach that goes beyond physical harm and acknowledges the full spectrum of abuse.

### **Ways to Support and Address Mental Health Effects of Domestic Violence Victims**

Supporting the victims of domestic violence means more than just legal protection that is it also involves addressing their mental health needs. Courts often order counseling and therapy as part of the healing process, helping survivors cope with trauma and rebuild their lives.

Access to professional mental health services, including individual and group therapy, provides a safe space for victims to express their feelings and gain strength. Alongside legal measures, these psychological supports are crucial to helping survivors recover and regain control over their well-being. There are few ways I feel the legal system and others can help the victims of domestic violence. They are:

#### **1. Court-Ordered Counselling and Therapy**

The court can order or refer domestic violence victims to receive free or subsidized mental health counselling. Court can also mandate that perpetrators attend batterer intervention programs, anger management, or therapy.

#### **2. Protective Orders with Mental Health Provisions**

Victims can obtain restraining orders or protection orders that:

- Require the abuser to stay away from the victim's home, work, or school.
- Sometimes include clauses allowing the victim to access mental health services without interference or cost concerns.

#### **3. Legal Aid and Advocacy Services**

Many legal aid organizations provide trauma-informed legal representation, referrals to mental health professionals, and also help navigating the court system while accounting for the victim's psychological state.

#### **4. Compensation and Restitution**

Some jurisdictions offer victim compensation programs that cover the costs of therapy,

medications, psychiatric treatment and also other related expenses due to the abuse.

#### 5. Child Custody Considerations

Courts may consider the mental health impact of domestic violence when making decisions about custody and visitation. Judges may order mental health evaluations or therapy for both the victim and children affected by the abuse because children also suffers mentally in these situations.

#### 6. Mental Health Support in Shelters and Safe Houses

Many shelters have legal mandates to provide or connect residents with mental health care. These services often provided in partnership with licensed therapists and trauma counselors.

#### 7. Legal Recognition of Psychological Abuse

Some legal systems recognize emotional or psychological abuse as a form of domestic violence. This allows victims to seek protection or relief even when there is no physical violence, validating the mental health impact.

#### 8. Confidentiality and Privacy Protections

Laws protect the privacy of mental health records and counseling sessions. Victims can receive mental health care without fear that it will be used against them in court unless relevant and legally required.

### **Conclusion**

At its core, this article has shed light on something that often goes unnoticed that is the silent suffering of domestic violence victims who endure emotional and psychological abuse. While physical violence leaves visible marks, the mental wounds inflicted can be just as damaging, if not more so, and often remain hidden from public view. These forms of abuse including manipulation, isolation, humiliation, threats slowly chip away at a person's sense of self, safety, and worth. For many survivors, healing from these invisible scars is a long and lonely journey.

Legal frameworks in India have begun to acknowledge this reality. The Protection of Women from Domestic Violence Act, 2005, for instance, was a crucial step in defining abuse more

broadly to include emotional and psychological harm. Similarly, Section 498A of the Indian Penal Code and the Mental Healthcare Act, 2017, support victims' rights by addressing cruelty and ensuring access to mental health care. However, while the laws exist on paper, real-world challenges such as societal stigma, lack of mental health resources, and delays in the justice system often make it difficult for survivors to get the help they need.

Real-life court cases, such as *V.D. Bhanot v. Savita Bhanot* and *Shambhoo Dayal v. State of Uttar Pradesh*, have illustrated just how deeply mental abuse can affect individuals. These judgments reflect a slow but growing shift in our legal system's understanding of what it means to truly protect someone. Lessons from other countries further highlight how integrating mental health professionals and trauma-informed care into legal processes can offer more compassionate and effective support for survivors.

If we want to build a society where survivors are not only heard but also healed, our legal and social systems must work hand in hand. Courts should prioritize mental health evaluations and make therapy accessible. Shelters and legal aid services should provide not just safety and legal advice, but emotional support. Most importantly, we need to change how we, as a society, view domestic violence not just as physical harm, but as a complex, often invisible experience that can really impact a person's mental well-being.

Lastly, addressing domestic violence requires us to look beyond bruises. It demands that we listen more deeply, respond more compassionately, and reform our laws with empathy at the center. Survivors need more than protection that they need understanding, validation, and a path toward healing. Recognizing the mental toll of abuse isn't just good legal practice; it's a necessary step toward a more just and humane society.

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