

## THE IMPACT OF DOMESTIC VIOLENCE ON WOMEN'S MENTAL HEALTH: A LEGAL PERSPECTIVE

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### Abstract:

When we speak of domestic violence the first thing that often pops up in our head is the bruises, broken bones or the injuries on different body parts. But we always forget about the invisible scars which are imprinted in the minds of the victims which are often neglected during the legal proceedings. Women who experience prolonged abuse frequently struggle with anxiety, depression, post-traumatic stress disorder (PTSD), and even suicidal thoughts, but the law remains largely focused on physical harm.

While legal frameworks like the Protection of Women from Domestic Violence Act, 2005 (PWDVA) offer protection, it remains silent on addressing the mental health consequences of abuse. Courts rarely consider the long-term psychological trauma which tends to make justice an incomplete experience. Proving emotional and psychological abuse is difficult, and also many women hesitate to come forward due to societal stigma and lack of support.

This paper explores the intersection of domestic violence, mental health, and law, questioning whether legal systems truly serve the survivors they are meant to protect. It advocates for legal reforms that recognize psychological abuse, mandatory mental health support for survivors, and a trauma-informed approach to justice. True justice isn't just about legal protection—it's about healing, recovery, and reclaiming one's life.

### Keywords:

Domestic Violence, Mental Health, Legal Framework, Psychological Trauma, Women's Rights.

### INTRODUCTION:

"Emotional abuse is like being continuously punched in the soul; the scars may not be visible, but they are just as deep and lasting as physical wounds."

— Beverly Engel

Psychotherapist and Author of *The Emotionally Abusive Relationship*

While addressing domestic violence victims we often tend to focus on physical harm leaving the aspect of invisible wounds out of discussion. While bruises fade, the emotional scars of abuse often remain for years, shaping how survivors see themselves and the world around them. Fear, anxiety, depression, and post-traumatic stress disorder (PTSD) becomes an everyday reality, making it difficult to trust on people, to feel safe in the society, or even to hope for a better future.

Yet, when survivors turn to the law for protection, they often find a system that only recognizes the damage it can see. The Protection of Women from Domestic Violence Act, 2005 (PWDVA), and provisions under the *Bhartiya Nyaya Sanhita* (BNS) focus largely and solely on physical abuse, offering legal remedies like restraining orders and financial relief. But what about the trauma that keeps women awake at night? The self-doubt that keeps on lingering long after even they leave? Shouldn't justice include healing, too?

This paper goes beyond legal definitions to ask a deeper question: How can the law truly support survivors if it ignores their mental health? It explores the role of counselling, psychological evaluations, and trauma-informed legal processes, calling for a justice system that not only

punishes abusers but also helps survivors rebuild their lives. Because true justice isn't just about safety—it's about reclaiming peace, dignity, and the ability to live without fear.

**UNDERSTANDING THE ISSUE:**

Domestic violence is not just related to physical harm, it goes on in inflicting harm in different types. These types of domestic violence include - physical abuse, sexual abuse, emotional abuse, financial abuse, etc.<sup>1</sup> Domestic violence basically leads to erosion of a person's spirit. One of the dangerous types in domestic violence is emotional abuse because for many survivors it is the most painful wounds that no one can see. The constant humiliation, gaslighting, manipulation, and threats chip away at their confidence and self-worth, leaving them trapped in a cycle of fear and helplessness. Even when there are no visible scars, the pain lingers in their minds, shaping how they see themselves and the world around them. The absence of physical evidence often makes it harder for survivors to seek help, as society and even the legal system tend to dismiss emotional abuse as "not serious enough." But how do you measure the impact of being told, day after day, that you are worthless?

The psychological toll of domestic violence is overwhelming. Survivors often struggle with anxiety, depression, PTSD, and suicidal thoughts, long after they have left their abusers.<sup>2</sup> Many spend years living in fear, constantly walking on eggshells, their nervous systems wired for danger even in moments of safety. Sleep becomes a battleground, memories of past trauma resurface without warning, and trusting others feels impossible. Children who witness abuse suffer too, growing up in an environment where love is mixed with violence, shaping their future relationships and emotional well-being.<sup>3</sup> Healing from such trauma is not just about leaving—it is about rebuilding a sense of self, reclaiming peace, and learning to believe in one's own worth again. Survivors don't just need legal protection; they need understanding, therapy, and a system that recognizes their pain and helps them find a way forward.

**LEGAL FRAMEWORK ON DOMESTIC VIOLENCE:**

In India, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) serves as a comprehensive law which deems to protect women from various forms of domestic abuse. Following are some of the key provisions of the act:

1. Protection Orders (Section 18): These orders prohibit the abuser from committing any act of domestic violence, entering the victim's workplace or residence, or communicating with the victim in any form.<sup>4</sup>
2. Residence Orders (Section 19): This section ensures that victims have the right to reside in the shared household, preventing the abuser from dispossessing or disturbing their possession of the residence.<sup>5</sup>
3. Monetary Relief (Section 20): Courts can direct the respondent to provide financial support to meet the expenses incurred by the victim and her children, including medical costs and loss of earnings.<sup>6</sup>
4. Custody Orders (Section 21): Temporary custody of children can be granted to the victim, ensuring their safety and well-being.<sup>7</sup>
5. Compensation Orders (Section 22): Victims may receive compensation for the physical and mental injuries suffered due to domestic violence.<sup>8</sup>

While the Protection of Women from Domestic Violence Act, 2005 (PWDVA) continues to serve as a specialized civil law offering remedies like protection orders, residence rights, and financial

relief, the BNS incorporates specific provisions to criminalize acts of cruelty within domestic settings. Following are the key Provisions under the Bharatiya Nyaya Sanhita:

1. Section 85: This section addresses cruelty by a husband or his relatives towards a woman. It criminalizes any wilful conduct that is likely to drive a woman to suicide or cause grave injury to her physical or mental health, including harassment related to dowry demands. The inclusion of mental health considerations signifies a progressive step towards acknowledging the psychological impact of domestic abuse.<sup>9</sup>
2. Section 86: This provision pertains to the abetment of suicide of a married woman. If a woman's death occurs within seven years of marriage under suspicious circumstances, and it is established that she was subjected to cruelty or harassment by her husband or his relatives, the responsible parties can face legal consequences. This section aims to deter dowry-related harassment and protect women's rights within matrimonial homes.<sup>10</sup>

#### **GAPS IN LEGAL PROTECTION AND CHALLENGES:**

Even though the Protection of Women from Domestic Violence Act (PWDVA), 2005, has been enacted to safeguard women from various forms of abuse, still there are significant gaps that persist.

1. Underreporting of Cases: Many victims do not report domestic violence due to societal stigma, fear of retaliation, financial dependence, and emotional ties with the abuser.<sup>11</sup>
2. Lack of Support Systems: There is a very insufficient number of shelter homes, counselling services, and rehabilitation programs, making it difficult for survivors to rebuild their lives after leaving abusive relationships.<sup>12</sup>
3. Patriarchal Mindset and Social Barriers: In India the patriarchal attitudes and norms are deep-rooted in the culture and society leading to normalize the domestic violence which often makes it difficult for the victims to be taken seriously.<sup>13</sup>
4. Lack of Recognition for Emotional Abuse: Because the physical abuse is well-documented and punishable, emotional and psychological abuse—such as gaslighting, verbal humiliation, isolation, and threats—is often ignored or minimized in legal frameworks. Many survivors endure long-term mental health issues, but legal recourse to this issue remains limited.<sup>14</sup>
5. Absence of Mental Health Support as Legal Relief: While the Protection of Women from Domestic Violence Act (PWDVA), 2005 provides financial and residential relief, access to therapy and counselling services is not explicitly mentioned as a remedy. Survivors often have to seek psychological help at their own expense.<sup>15</sup>
6. Limited Inclusion of Coercive Control in Indian Laws: Some countries, such as the UK (Domestic Abuse Act, 2021), have explicitly recognized coercive control—a pattern of controlling behaviors, including psychological abuse—as a criminal offense. India's legal system lacks such a similar provision, making it difficult to prosecute sustained emotional manipulation.<sup>16</sup>
7. Inadequate Training for Legal and Law Enforcement Authorities: Judges, lawyers, and police officers often lack specialized training to understand the depth of emotional and psychological abuse. Survivors of non-physical violence may struggle to convince authorities that their experiences are legally significant.<sup>17</sup>

#### **CASE STUDIES AND JUDICIAL INTERPRETATION:**

Indian judiciary has addressed emotional abuse in domestic violence cases and has also recognized the profound impact of mental torture and emotional distress on the victims. Following are the three notable case laws:

1. Smt. Santosh Tyagi vs. Government of NCT of Delhi and Others<sup>18</sup>: In this significant case, the court examined the application of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The judgment highlighted the legal protections available to individuals facing domestic violence, including emotional abuse, and underscored the judiciary's commitment to addressing such issues comprehensively.
2. Kaushal Arvind Thakker vs. Jyoti Kaushal Thakker<sup>19</sup>: The Bombay High Court awarded ₹3 crore as compensation under Section 22 of the PWDVA for mental torture and emotional distress caused by the husband's actions. This landmark judgment emphasized that compensation should reflect the severity of the emotional abuse suffered by the victim.
3. Smt. Haimanti Mal vs The State of West Bengal<sup>20</sup>: In a notable judgment, the Calcutta High Court awarded ₹1,00,000 as compensation to a wife for mental agony suffered due to the husband's conduct. The court relied on Section 22 of the PWDVA, which allows for compensation and damages for injuries, including mental torture and emotional distress, caused by acts of domestic violence.

#### **BUILDING A JUSTICE SYSTEM THAT HEALS:**

1. Recognizing Emotional Abuse as Real and Harmful: The law must acknowledge that words can wound just as deeply as physical violence. Emotional abuse—gaslighting, constant belittling, and isolation—should be legally recognized under the *Bhartiya Nyaya Sanhita (BNS), 2023*, and the *Protection of Women from Domestic Violence Act (PWDVA), 2005*.
2. Mental Health Shouldn't Be an Afterthought: Victims carry invisible scars—anxiety, depression, PTSD—that courts often ignore. Mandatory psychological assessments can help recognize this pain and shape fair legal remedies for them.
3. Therapy Should Be a Right, not a Privilege: Healing takes more than legal orders. The law should ensure survivors have access to counselling and therapy as part of their recovery and relief as they have financial and residential relief.
4. Law Enforcement Should Listen, Not Dismiss: Police and judges must truly understand emotional abuse. Training them to handle these cases with empathy can make Victims feel heard and protected.
5. Protection Orders Must Mean Safety, Not Just Paperwork: Fast enforcement of protection orders can prevent further harm and give them a real chance at rebuilding their lives.

A justice system that recognizes emotional wounds, not just physical ones, is one that truly empowers survivors.

#### **CONCLUSION:**

As discussed earlier, Domestic Violence is more than just bruises and broken bones—it's the silent suffering, the emotional scars, and the deep wounds no one sees. Survivors carry the weight of fear, anxiety, and trauma, yet the law often fails to acknowledge their pain. While the *Protection of Women from Domestic Violence Act (PWDVA), 2005*, and the *Bharatiya Nyaya Sanhita (BNS), 2023*, offer some relief, they focus largely on physical abuse, leaving emotional and psychological harm in the darkness.

One also has to understand that healing isn't just about punishment—it's about justice that truly cares. Survivors need more than just legal remedies; they need mental health support, therapy, and understanding. Courts should listen to their voices, recognize their struggles, and ensure faster, more effective protection.

A justice system that sees emotional pain as real, that helps survivors heal, rebuild, and regain control of their lives, is the one that truly empowers. To create a justice system that truly protects, emotional abuse must be explicitly recognized. Courts should mandate psychological assessments, ensure access to therapy, and train law enforcement to handle such cases with sensitivity. Fast-tracking legal proceedings and enforcing protection orders effectively can make a real difference in survivors' lives. It's time we make that a reality.

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