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BODY SHAMING AS DOMESTIC VIOLENCE: A GAME-CHANGING RULING IN *NIMIJA V. STATE OF KERALA*

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ABSTRACT

*"I think the message to women is to be who you are. Don't let anyone tell you what you have to look
like." – Michelle Obama-*

The Kerala High Court's landmark judgment in *Nimija v. State of Kerala* (CRL.M.C.NO.9443 OF 2022) has redefined the understanding of domestic violence under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), by recognizing body shaming as a form of mental torture. This ruling acknowledges that persistent derogatory remarks about physical appearance, even from family members, constitute verbal and emotional abuse, impacting a victim's mental health and self-esteem. This article delves into the case's background, the Court's interpretation of domestic violence, and its implications for safeguarding women from psychological harm within familial relationships. It also examines similar judicial precedents that expand the scope of domestic violence to include non-physical abuse, highlighting the increasing legal recognition of mental health as a critical aspect of justice. By analyzing the broader social and legal implications, this article underscores the importance of addressing deeply ingrained societal norms like body shaming and emphasizes the need for a holistic approach to domestic violence that protects both the physical and mental well-being of women.

Keywords: Body Shaming, Domestic Violence, Mental Torture, Verbal Abuse, Women's Rights, Protection of Women from Domestic Violence Act, 2005

Introduction

Body shaming, often dismissed as a casual comment or harmless criticism, has deep psychological repercussions that can devastate an individual's mental health and well-being. In a landmark decision, the Kerala High Court

recognized body shaming as a form of domestic violence, marking a significant evolution in legal interpretations surrounding abuse. In *Nimija v. State of Kerala* (CRL.M.C.NO.9443 OF 2022), the Court acknowledged that body shaming, particularly

when perpetrated within a domestic setting, constitutes mental cruelty under the Protection of Women from Domestic Violence Act, 2005 (PWDVA). These ruling challenges the conventional understanding of domestic violence, which has traditionally focused on physical abuse, by expanding it to include emotional and psychological harm.

The judgment is not just a legal victory; it is a crucial step toward changing societal attitudes that have long normalized body shaming, particularly within families. The case provides a powerful reminder that the law must adapt to protect individuals from all forms of harm physical, mental, and emotional. This article explores the significance of this ruling, its broader implications for the legal framework around domestic violence, and how it contributes to a growing recognition of the importance of mental health in the fight for women's rights and equality.

Why Body Shaming is considering as a form of abuse

Body shaming, the act of making derogatory comments about someone's appearance, weight, or size, may appear trivial to some, but its effects can be profoundly damaging. While it may be brushed off as casual or harmless banter, the consequences of body shaming can deeply affect a person's mental and emotional well-being, especially when repeated over time. One of the most significant impacts of body shaming is its ability to erode self-confidence. Constant criticism and negative remarks about one's physical appearance can lead an individual to doubt their self-worth. This persistent devaluation can lead to feelings of inadequacy and self-hatred, making it difficult for the individual to embrace their body or feel confident in their own skin.

Body shaming can also trigger severe mental health issues. Anxiety, depression, and low self-esteem are often linked to the emotional distress caused by such remarks. In some cases, these effects can escalate into more serious mental health conditions, including

eating disorders, as individuals struggle to meet unrealistic body standards or cope with the emotional turmoil caused by constant criticism. Body shaming can have a profound effect on family dynamics. Within a household, where individuals should feel safe and supported, such remarks can create tension, conflict, and emotional detachment. The victim of body shaming may withdraw emotionally or socially, feeling isolated and alienated within their own family, this can strain relationships, leading to an environment of hostility and emotional neglect. Body shaming is far from a harmless comment; it is a form of emotional abuse with long-lasting consequences. Its effects go beyond the immediate hurt, infiltrating an individual's mental health and damaging the harmony within families. Recognizing and addressing the impact of body shaming is crucial in fostering healthier, more supportive relationships and promoting mental well-being.

The Story Behind the Judgment

The case in *Nimija v. State of Kerala* was brought by a woman who had endured ongoing body-shaming remarks from her sister-in-law. These comments, which ranged from critiques about her weight and physical appearance to derogatory remarks about her body shape, were far from isolated incidents. Instead, they were frequent, pervasive, and deeply hurtful, leading to significant emotional distress for the woman. Over time, these remarks began to erode her self-esteem, leaving her feeling isolated, humiliated, and mentally tormented. She described the emotional toll as detrimental to her mental health, significantly affecting her daily life and sense of well-being.

The woman sought legal recourse under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), which provides a framework for addressing various forms of abuse physical, emotional, verbal, and psychological within domestic relationships. She argued that the continuous verbal and emotional abuse, particularly regarding her body image, fell squarely within the definitions of domestic

violence under the Act. Her legal team contended that these actions, while not involving physical harm, nonetheless constituted a form of cruelty that violated her dignity and affected her mental health. On the other hand, the respondent, her sister-in-law, vehemently denied the allegations. She claimed that the remarks were trivial and did not amount to domestic violence. She argued that body-shaming was often a part of everyday conversations in families, and such remarks were not intended to cause harm. The defense contended that body shaming, especially within familial relationships, should be dismissed as mere casual banter, not warranting legal attention.

The Kerala High Court rejected this defense, recognizing the harmful impact of verbal abuse on a person's mental and emotional health. The Court emphasized that emotional harm, often downplayed or ignored in discussions of domestic violence, could be just as damaging as physical abuse. The judgment acknowledged that the mental suffering caused by body-shaming remarks could lead to long-term psychological consequences, including depression, anxiety, and low self-worth. The Court affirmed that such abuse was not acceptable under the PWDVA, regardless of whether it involved physical injury. This ruling marked a significant shift in the judicial approach to domestic violence, highlighting the importance of addressing psychological and emotional abuse. The Kerala High Court's decision validated the experiences of those suffering from non-physical forms of violence, sending a clear message that mental harm should be treated with the same seriousness as physical violence within legal frameworks.

Court's observations and significant findings quoted in the judgement

The Kerala High Court's marks a pivotal moment in the legal recognition of psychological and emotional abuse within domestic settings. In this case, the Court made several crucial observations and findings,

emphasizing the need for a broader interpretation of domestic violence laws to include non-physical forms of harm. One of the central points of the Court's judgment was its recognition of mental abuse as a form of cruelty. The petitioner had been subjected to persistent body-shaming remarks by her sister-in-law, which, the Court noted, had a significant emotional and psychological impact. These comments, which focused on her physical appearance, were far from innocent remarks or trivial jokes. The Court emphasized that such repeated verbal attacks could lead to profound mental distress, undermining the victim's self-esteem and overall mental health. In fact, the Court found that body shaming is not merely a harmless or passing comment but a form of mental cruelty that causes long-lasting psychological harm. The Court acknowledged the damaging effects of emotional abuse. It stated that comments about one's physical appearance often seen as harmless banter could have severe consequences on a person's mental well-being. The ruling highlighted how these remarks contributed to the victim's feelings of shame, isolation, and diminished self-worth. By recognizing these effects, the Court reinforced the idea that emotional and psychological harm should be viewed as equally significant as physical abuse.

This ruling also underscored a broader interpretation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The Court found that domestic violence is not limited to physical violence but must encompass verbal and psychological abuse. The judgment thus expanded the scope of the PWDVA to include actions that lead to mental suffering, thereby ensuring that women who face emotional and verbal abuse have access to legal protection. This legal shift demonstrates a growing understanding of the complexities of domestic violence and the necessity of addressing all forms of harm, including non-physical ones. Another important finding of the Court was its emphasis on the accountability of family members within the household. While

domestic violence laws often focus on spousal relationships, the Court made it clear that the Protection of Women from Domestic Violence Act extends to all members of the family, including extended relatives. In this case, the sister-in-law's behavior was deemed to fall under the purview of the Act, thus holding her accountable for her actions. The Court's interpretation ensures that women are protected from all forms of abuse within their homes, regardless of the abuser's relationship to them.

The Court emphasized the critical importance of mental health in the legal discourse on domestic violence. It recognized that mental health issues caused by verbal abuse such as those resulting from body shaming are serious legal concerns that warrant attention. The judgment reflected a growing awareness of the impact that emotional and psychological abuse can have on a person's well-being and called for the law to offer adequate protections for those suffering from such harm. Kerala High Court's judgment in *Nimija v. State of Kerala* serves as a transformative moment in the understanding of domestic violence. By acknowledging body shaming as a form of mental torture and expanding the legal definition of domestic violence, the Court has made an important step toward recognizing the complexity of abuse in domestic relationships. This ruling not only empowers women to seek legal redress for emotional and psychological harm but also challenges societal norms that have long minimized or normalized verbal abuse. It reinforces the message that the law must evolve to address all forms of abuse, ensuring that individuals are protected from both physical and mental harm within their homes.

Emergence of a new chapter in Domestic Violence Law

The Kerala High Court's judgment in *Nimija v. State of Kerala* is a powerful reminder that domestic violence laws are meant to address all forms of harm physical, emotional, and

mental. By recognizing body shaming as a form of domestic violence, the Court has highlighted the importance of mental health and dignity within domestic spaces. This ruling is more than just legal recognition; it's a call to rethink how we treat each other within families and society at large. It paves the way for a future where homes are truly safe spaces, free from both physical harm and the invisible scars of mental torture.

A Recent Incident Involving Body Shaming and the Use of Vulgar Language Towards Women

The issue involving businessman Bobby Chemmanur and actress Honey Rose has garnered significant attention due to the nature of the allegations and the legal proceedings that followed. Honey Rose accused Chemmanur of making derogatory and sexually suggestive remarks about her during public events. The comments reportedly caused emotional distress to the actress, leading her to seek legal recourse. The case raises important questions about the intersection of celebrity culture, legal protections against body shaming, and the broader issue of how society deals with harmful remarks, particularly in public spaces.

The Kerala High Court's ruling, which granted Chemmanur bail, came with important comments from Justice P.V. Kunhikrishnan. While the judge recognized the seriousness of the allegations, emphasizing the unacceptable nature of body shaming and urging people to be cautious with their words, the decision to grant bail can be seen as a reminder of the complexities involved in such cases. On one hand, the judgment highlighted the importance of protecting individuals from emotional abuse, underscoring that remarks like those made by Chemmanur can have far-reaching effects on a person's mental health and well-being, on the other hand, the decision to grant bail raised concerns about the balance between individual freedoms and protecting the rights of victims, especially in high-profile cases where public figures are involved.

While the Kerala High Court's comments in the case reflect an important recognition of the harm caused by body shaming, the broader issue requires a more comprehensive societal and legal response. The normalization of body shaming, particularly by public figures, needs to be actively challenged through stricter laws, awareness campaigns, and social education. The legal system must continue to evolve to offer better protection to those suffering from mental and emotional abuse, ensuring that such victims have accessible and effective remedies. The case of Honey Rose and Bobby Chemmanur serves as a critical reminder that verbal and emotional abuse, including body shaming, is real and can have serious consequences. It is incumbent upon both the legal system and society to acknowledge and address this form of abuse more effectively, empowering victims to seek justice and creating a cultural shift towards greater respect and empathy for all individuals.

Conclusion

The case highlights the need for laws to evolve and adapt to the complexities of modern-day abuse, emphasizing that the impact of mental cruelty can be just as severe as physical harm. Moreover, it challenges societal norms that trivialize body shaming and other forms of psychological torment, encouraging a shift toward a more compassionate and respectful understanding of personal dignity. In light of this ruling, it becomes clear that the fight for women's rights is not limited to physical protection but must also address the invisible wounds inflicted by emotional and mental abuse. The *Nimija* case stands as a reminder that the legal system must evolve continuously to safeguard the mental and emotional well-being of individuals, offering a holistic approach to justice and protection for women facing all forms of abuse in their homes.

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