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CRUELTY IN MARRIAGE UNDER INDIAN LAW

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Abstract

Cruelty constitutes a pivotal ground for matrimonial relief under Section 13(1) (i-a) of the Hindu Marriage Act, 1955, encompassing divorce, judicial separation, and annulment. Notwithstanding its centrality, the Act does not provide a statutory definition of cruelty, thereby vesting the judiciary with the responsibility of delineating its scope. Judicial interpretation has gradually expanded the concept beyond physical violence to include mental, emotional, and economic abuse, as well as sustained conduct that undermines a spouse's mental health, dignity, and sense of security. The inherently intangible nature of mental cruelty presents acute evidentiary challenges, compelling courts to rely on pattern-based analysis, corroborative testimony, expert psychiatric assessments, and the application of the "profound impact" standard to distinguish actionable harm from ordinary marital discord.

This paper undertakes a critical examination of the evolving judicial approach to cruelty under the Hindu Marriage Act, with particular emphasis on evidentiary and procedural gaps in proving mental cruelty. It further analyses the intersection of matrimonial cruelty with allied legal frameworks, including criminal liability under Section 498A of the Indian Penal Code (1860) [now Section 85 of the Bhartiya Nyaya Sanhita, 2023] and civil remedies under the Protection of Women from Domestic Violence Act, 2005. The study highlights persistent challenges such as societal normalization of abuse, underreporting of non-physical cruelty, and concerns regarding potential misuse of penal provisions.

Drawing upon constitutional principles of dignity, equality, and personal liberty under Articles 14, 15, and 21 of the Constitution of India, the paper proposes reforms aimed at statutory clarification of cruelty, standardized evidence-gathering mechanisms, gender-neutral protections, strengthened institutional support through specialized family courts and counselling services, and enhanced public awareness initiatives. It ultimately advocates a consistent, victim-centric, and context-sensitive framework for adjudicating cruelty in matrimonial disputes.

Keywords- Cruelty, Divorce, Hindu Marriage Act, 1955, Sec 85 Bhartiya Nyaya Sanhita, 2023

Introduction

The notion of cruelty within the institution of marriage in India occupies a position of considerable legal and social importance, serving as the principal ground for divorce, judicial separation, and annulment in limited circumstances. Cruelty is explicitly recognized under various personal laws, most prominently through the Hindu Marriage Act, 1955¹ (hereinafter referred as 'HMA'), with Section 13(1)(i-a) specifically identifying it as a valid basis for seeking divorce. The statutory recognition of cruelty reflects legislative acknowledgment of the physical, mental, and emotional harm that may arise within a marital relationship, thereby warranting judicial intervention to protect spouses' well-being and dignity.

Despite its statutory acknowledgment, the HMA does not provide a precise definition of "cruelty," leaving its interpretation largely at the discretion of the judiciary. Historically, cruelty has been narrowly interpreted to include overt acts of physical violence or bodily injury. Over time, judicial pronouncements have progressively expanded this scope to encompass mental cruelty, emotional abuse, and conduct, which inflicts psychological suffering on spouses. Courts have consistently emphasized that the determination of cruelty must be context-specific, taking into account the facts and circumstances of each case. While this flexible approach allows for sensitivity to individual situations, it has also contributed to inconsistencies in judicial outcomes and challenges in standardizing evidentiary requirements.

The inherently subjective nature of mental and emotional cruelty poses significant difficulties in both definition and proof. Unlike physical cruelty, which can often be substantiated through tangible evidence such as medical records or witness testimonies, mental cruelty typically manifests as sustained patterns of conduct that undermine a spouse's dignity, emotional stability, and mental peace. Such conduct may include verbal insults, repeated humiliation, isolation from family or social support, threats, emotional blackmail, and false allegations, all of which can significantly impact the mental and emotional well-being of an aggrieved party². The sociocultural milieu of India further complicates recognition and enforcement of cruelty provisions. Deep-rooted patriarchal norms, traditional family hierarchies, and social stigma

¹ Hindu Marriage Act, No. 25, Acts of Parliament, 1955, India. <https://indiacode.nic.in/>

² Indian Kanoon. (2015). *Swati v. Arvind Mudgal*. Retrieved from <https://indiankanoon.org/doc/159727399/>

often deter victims, particularly women, from reporting abuse or seeking legal recourse. The combination of evidentiary challenges, gender biases, and societal reluctance to acknowledge domestic cruelty as a legitimate grievance often impedes effective access to justice, exacerbates victims' vulnerability and limits the efficacy of legal remedies.

Cruelty as a legal concept extends beyond the HMA, reflecting its multi-dimensional character across multiple statutory frameworks. Section 85 of the Bhartiya Nyaya Sanhita, 2023³ (corresponding to Section 498A of the Indian Penal Code⁴) criminalizes acts of cruelty committed by a husband or his relatives, introducing penal consequences for abusive conduct in the marital setting. Similarly, the Protection of Women from Domestic Violence Act 2005⁵ (hereinafter referred as 'PWDVA') provides civil remedies for women subjected to physical, sexual, verbal, emotional, or economic abuse. The coexistence of civil and criminal remedies underscores the complexity of the legal landscape surrounding cruelty, and highlights the necessity for coordinated judicial and institutional interventions to ensure the effective protection of victims.

Section 13(1)(i-a) of the HMA stipulates that a petition for divorce may be presented if "the other party has, after the solemnization of the marriage, treated the petitioner with cruelty." The judicial interpretation of this provision has recognized cruelty as encompassing both physical and mental harm. Physical cruelty includes acts that inflict bodily injury, endanger health, or cause suffering, such as hitting, slapping, or other forms of assault. Physical abuse is typically easier to prove, owing to the availability of tangible evidence. By contrast, mental cruelty has increasingly assumed a pivotal role in matrimonial disputes, covering sustained patterns of conduct that generate psychological distress, emotional harm, or loss of self-respect and dignity.

Post-2015 judicial developments have significantly shaped modern understanding of cruelty. In *Swati v. Arvind Mudgal* (2015)⁶, the Supreme Court recognized that mental cruelty may arise from sustained conduct that produces deep anguish, frustration, and mental suffering, impairing the spouse's capacity to continue cohabitation. High Courts have further clarified

³ Bhartiya Nyaya Sanhita, Act No. 45 of 2023, §§ 1 et seq. (India). <https://www.indiacode.nic.in/IndiaCode>

⁴ Indian Penal Code, Act No. 45 of 1860, §§ 498A et seq. (India). <https://www.indiacode.nic.in/> (indiacode.nic.in)

⁵ Protection of Women from Domestic Violence Act, Act No. 43 of 2005, §§ 1 et seq. (India). <https://www.indiacode.nic.in/> (indiacode.nic.in)

⁶ *Supra*, 2

that persistent refusal to cohabit without a reasonable cause, demeaning verbal conduct, or mocking a spouse's physical infirmity can constitute mental cruelty sufficient to justify divorce (The Times of India, 2023; The Economic Times, 2023)⁷⁸. These rulings emphasize that cruelty must be assessed contextually, taking into consideration the cumulative impact of behavior rather than isolated incidents.

Modern judicial approaches increasingly integrate human rights principles, acknowledging that cruelty extends to non-physical harm, which infringes upon an individual's right to dignity, equality, and mental well-being. Courts have underscored the importance of context-sensitive adjudication, accounting for sociocultural norms, psychological impact of conduct, and specific vulnerabilities of aggrieved spouses. This broader interpretation aligns with constitutional guarantees of personal liberty and dignity, ensuring that emotional and psychological injuries within a marital relationship are recognized as legitimate grounds for legal intervention⁹.

This study undertakes a critical examination of cruelty under the HMA and allied statutory frameworks, tracing its judicial evolution, analysing evidentiary and procedural challenges, and exploring the influence of sociocultural factors on the adjudication of claims. The objectives of this study are as follows:

- 1) To refine the definition and application of cruelty in matrimonial law, providing doctrinal clarity and guidance for judicial interpretation.
- 2) The legal and institutional support mechanisms available to victims, particularly women, should be strengthened.
- 3) Introduce safeguards against the misuse of cruelty-related provisions, ensuring that legitimate claims are not undermined.
- 4) To contribute to the discourse on family law reform by promoting a more equitable, inclusive, and compassionate legal framework that responds to the reality of cruelty in marriage.

⁷ The Times of India. (2023). Refusal to cohabit amounts to mental cruelty, says HC. Retrieved from <https://timesofindia.indiatimes.com/city/raipur/refusal-to-cohabit-amounts-to-mental-cruelty-says-hc/articleshow/125365953.cms>

⁸ The Times of India. (2023). Refusal to cohabit amounts to mental cruelty, says HC. Retrieved from <https://timesofindia.indiatimes.com/city/raipur/refusal-to-cohabit-amounts-to-mental-cruelty-says-hc/articleshow/125365953.cms?u>

⁹ Supreme Court of India. (2023). *Reportable Civil Original*. Retrieved from https://api.sci.gov.in/supremecourt/2014/26304/26304_2014_2_1501_44203_Judgement_01-May-2023.pdf?utm_source=chatgpt.com

By situating cruelty within its legal, social, and cultural context, this research emphasizes the need for a coordinated, multidimensional approach that balances the protection of victims with the rights of respondents, strengthens institutional mechanisms, and fosters uniformity and predictability in judicial outcomes. The analysis highlights the evolving judicial understanding of both physical and mental cruelty, underscores the importance of context-sensitive evaluation, and identifies gaps in the current statutory frameworks that require reform to ensure that matrimonial law effectively addresses the multifaceted realities of marital cruelty.

Statutory Provisions Governing Cruelty

Cruelty within the institution of marriage in India has substantial legal and social significance, serving as a primary ground for divorce, judicial separation, and annulment in limited cases. Among the statutory provisions, Section 13(1) (i-a) of the Hindu Marriage Act, 1955 (HMA) is particularly important, as it expressly recognizes cruelty as the basis for the dissolution or judicial separation of marriage. This provision reflects the legislative acknowledgment of the harmful physical, mental, or emotional that a spouse may endure, thus allowing judicial intervention to protect the dignity, safety, and mental wellbeing of the aggrieved party.

Section 13(1) (i-a) provides that a petition for divorce may be presented by either spouse if “the other party has, after the solemnization of the marriage, treated the petitioner with cruelty.” Although the statute establishes cruelty as grounds for legal relief, it does not define the term, leaving its interpretation to judicial discretion. Courts have emphasized that the assessment of cruelty must be fact-specific, considering the circumstances of each case and evolving social norms. This interpretive flexibility allows courts to address both overt physical abuse and subtle forms of psychological and emotional harm. However, it also introduces variability in judicial outcomes and evidentiary requirements.

The judicial understanding of cruelty under Section 13(1) (i-a) encompasses both physical and mental forms of abuse, each with distinct legal implications. Physical cruelty generally refers to acts that cause bodily harm, injury, or endanger a spouse’s health. Common examples include hitting, slapping, pushing, and any form of assault threatening a spouse’s physical well-being. Physical cruelty is comparatively easier to substantiate because it often leaves tangible evidence such as medical reports, photographs, or witness testimonies. Courts have consistently held that repeated physical assaults or conduct that jeopardize health constitutes

valid grounds for divorce or judicial separation under the HMA.

By contrast, mental cruelty has emerged as a critical focus in modern matrimonial jurisprudence. Mental cruelty is defined as patterns of behaviour that cause psychological distress or emotional harm, or undermine the mental and emotional stability of a spouse. It may include verbal abuse such as insults, threats, constant humiliation, and derogatory remarks. Emotional blackmail, including threats to a spouse or family, is also recognized as a form of cruelty. Isolation, which restricts contact with the family or social networks, may produce feelings of abandonment, loneliness, and helplessness. Persistent tension, fear, or coercion that disrupts mental peace, as well as unjustified accusations or false allegations damaging the spouse's dignity, further exemplify mental cruelty. Unlike physical abuse, mental cruelty is often more challenging to prove, because it lacks tangible evidence and relies on assessing cumulative conduct over time. Courts, therefore, frequently evaluate patterns of behaviour, contextual circumstances, and corroborative testimony to determine whether conduct meets the threshold of cruelty.

Recent judicial developments have clarified the scope and application of mental cruelty. In *Swati v. Arvind Mudgal* (2015)¹⁰, the Supreme Court held that mental cruelty may arise from sustained patterns of conduct that inflict deep anguish, frustration, and mental suffering, impairing the aggrieved spouse's ability to continue cohabiting. High Courts have further established that persistent refusal to cohabit without a reasonable cause, mockery of a spouse's physical disability, continuous derogatory remarks, or sustained humiliation may constitute sufficient mental cruelty to justify divorce. These rulings underscore the contextual nature of judicial assessment, emphasizing the cumulative effect of repeated conduct rather than isolated incidents.

The multidimensional understanding of cruelty in Indian law is further reflected in allied statutory frameworks. Section 85 of the *Bhartiya Nyaya Sanhita, 2023* (corresponding to Section 498A of the Indian Penal Code)¹¹ criminalizes cruelty by a husband or his relatives, introducing penal liability for acts that cause or are likely to cause grave injury, danger to life, or mental distress to a wife. Complementing this, the *Protection of Women from Domestic*

¹⁰ Supra 2

¹¹ Supra 3

Violence Act 2005 (PWDVA)¹² offers civil remedies for women facing physical, emotional, verbal, sexual, or economic abuse. Under Section 18, the Act empowers courts to issue protection orders to prevent further harm, residence orders to secure a woman's right to live safely in a shared household, and compensation orders that require the abuser to provide financial redress for the harm caused. These civil remedies complement the grounds for divorce and relief under the Hindu Marriage Act, reflecting the legal system's recognition of cruelty as a multifaceted issue and emphasizing the need for coordinated judicial and institutional mechanisms to safeguard victims. The landmark case of *Velusamy et al.* (2010) expanded the scope of protection available under PWDVA, establishing recognition of emotional cruelty and mental harassment in domestic partnerships, including the recognition of women in live-in relationships.

Sociocultural factors further complicate the enforcement of cruelty provisions. Patriarchal family structures, social stigma, and traditional norms often deter victims, particularly women, from reporting abuse or asserting their legal right. Coupled with the inherent difficulty of proving mental cruelty, these factors can impede access to justice, highlighting the need for sensitive and context-aware adjudication. Courts are thus tasked with interpreting statutory provisions and navigating societal dynamics to ensure effective protection of vulnerable spouses.

In conclusion, Section 13(1)(i-a) of the HMA, along with Section 85 of *Bhartiya Nyaya Sanhita, 2023* and PWDVA, 2005, collectively form a comprehensive legal framework addressing cruelty in India. The HMA provides civil remedies through divorce or judicial separation, criminal liability under section 85 ensures accountability for abusive conduct, and PWDVA facilitates civil relief and immediate protection. Together, these provisions recognize both the physical and mental dimensions of cruelty, allowing courts to assess conduct contextually and holistically. Judicial interpretations, particularly post-2015, have refined the understanding of mental cruelty, emphasizing cumulative harm, psychological impact, and sociocultural context. Nonetheless, effective enforcement demands continued judicial sensitivity, legislative clarity, and social awareness to ensure that victims receive protection and justice, while maintaining fairness and consistency in judicial outcomes.

¹² *Supra*,5

The concept of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, lacks a statutory definition, leaving the judiciary with a decisive role in interpreting its scope. Over the decades, Indian courts have clarified the distinction between physical and mental cruelty and developed guiding principles for their determination, reflecting a shift from narrow, physical-centric views to a broader recognition of emotional, psychological, and economic harm.

Judicial Interpretation and Evidence in Mental Cruelty under the Hindu Marriage Act: Evolution and the ‘Profound Impact’ Standard

Early Judicial Interpretation

One of the earliest significant cases is *Dastane v. Dastane* (1975)¹³, wherein the Supreme Court held that cruelty need not endanger life, limb, or health. Rather, it must be assessed based on reasonable apprehension in the mind of the aggrieved spouse that cohabitation is harmful or injurious. The Court emphasized that the standard of proof in matrimonial cases is the preponderance of probabilities, not proof beyond reasonable doubt.

The scope of mental cruelty was further elaborated in *V. Bhagat v. D. Bhagat* (1994)¹⁴, recognizing that mental cruelty includes conduct that causes deep mental pain, agony, or suffering that renders continued cohabitation impossible. False allegations, indecent accusations, and sustained abusive behaviour can constitute mental cruelty, even without physical violence.

In *Ghosh* (2007)¹⁵, the Supreme Court provided an illustrative list of circumstances that may constitute mental cruelty, including sustained abusive conduct, humiliation, denial of marital obligations, indifference, and other behaviours causing prolonged mental suffering. The Court stressed that cruelty must be assessed in the context of social background, education, and overall circumstances, highlighting the fact-specific nature of judicial evaluation.

Kohli and Kohli (2006)¹⁶ further recognized that repeated false complaints and malicious litigation against a spouse amount to mental cruelty, causing irreparable damage to the mental

¹³ *Dastane v. Dastane*, (1975) 2 SCC 326 (Supreme Court of India)

¹⁴ *V. Bhagat v. D. Bhagat*, (1994) 1 SCC 337 (Supreme Court of India).

¹⁵ *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511 (Supreme Court of India).

¹⁶ *Naveen Kohli v. Neelu Kohli*, (2006) 4 SCC 558 (Supreme Court of India).

peace and reputation of the aggrieved spouse. Similarly, in *Srinivas Rao and Deepa* (2013)¹⁷, the Supreme Court held that false criminal complaints against a spouse or their family constitute mental cruelty, underscoring the misuse of criminal law provisions (Section 498A IPC, now Section 85 BNS, 2023) as a potential source of marital harm.

Rani v. Reddi (1988)¹⁸ clarified that cruelty needs not be intentional; unintentional conduct causing grave mental or physical suffering may also amount to cruelty. Collectively, these pronouncements illustrate that cruelty under Indian matrimonial law is dynamic and predominantly shaped by judicial interpretation, which balances sensitivity to diverse forms of abuse with the need for evidentiary rigour.

Post-2015 Judicial Developments

Post-2015 judgments reflect a nuanced judicial approach that balances the protection of victims of domestic abuse with safeguards against arbitrary or malicious prosecution. Courts have emphasized the intersection of matrimonial cruelty under the HMA, civil remedies under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), and criminal liability under Section 85 of the *Bhartiya Nyaya Sanhita, 2023* (formerly Section 498A IPC).

In *Raj Talreja v. Kavita Talreja* (2017)¹⁹, the Supreme Court held that filing false criminal complaints and making unfounded allegations constitute mental cruelty under Section 13(1)(i-a) of the HMA, reinforcing that misuse of penal provisions can itself amount to cruelty. *Srinivas and Sunita* (2014) similarly recognized that false accusations of immoral conduct or criminal wrongdoing constitute mental cruelty, a principle consistently applied in later High Court decisions.

Narendra and Meena (2016)²⁰ emphasized that persistent, unreasonable conduct causing mental agony, such as coercing a spouse to sever family ties, amounts to mental cruelty, assessed in light of the social and emotional realities of marital life. *Bhattacharjee et al.* (2016)²¹ recognized economic abuse, deprivation of stridhan, and other forms of financial control as continuing forms of cruelty, extending protection beyond the traditional scope of matrimonial

¹⁷ *K. Srinivas Rao v. D. A. Deepa*, (2013) 5 SCC 226 (Supreme Court of India).

¹⁸ *Shobha Rani v. Madhukar Reddi*, (1988) 1 SCC 105 (Supreme Court of India).

¹⁹ *Raj Talreja v. Kavita Talreja*, (2017) 14 SCC 194 (Supreme Court of India).

²⁰ *Narendra v. K. Meena*, (2016) 9 SCC 455 (Supreme Court of India)

²¹ *Krishna Bhattacharjee v. Sarathi Choudhury*, (2016) 2 SCC 705 (Supreme Court of India).

law.

Rajesh Sharma v. State of Uttar Pradesh (2017)²² addressed procedural safeguards, cautioning against arbitrary arrests under Section 498A IPC, and influencing the interpretation of Section 85 BNS, 2023, to balance victim protection with due process. The Social Action Forum for Manav Adhikar v. Union of India (2018) reinforced the need to avoid judicial and executive overreach while ensuring that genuine cases of domestic cruelty are not trivialized.

High Courts have consistently held that conducting constituting cruelty under the HMA may also give rise to civil relief under the PWDVA and criminal liability under the Section 85 BNS, provided that allegations are substantiated. At the same time, courts caution against equating ordinary matrimonial discord with criminal cruelty, emphasizing careful judicial scrutiny.

Recent Developments (Post-2020)

1. Rajesh Kumar vs. Sharda Devi (2020)²³: Recognized verbal abuse and disrespectful treatment as mental cruelty, even in the absence of physical violence, demonstrating courts' sensitivity to emotional distress as a form of cruelty.
2. Vikas Chaudhary vs. Sunita Chaudhary (2020): Addressed economic cruelty, recognizing that financial control and deprivation affecting a person's independence and dignity constitute cruelty. Courts have acknowledged that economic and emotional abuse may be as damaging as physical violence.

Recent Judicial Developments in Defining the 'Profound Impact' Standard

Although Indian courts have made significant strides in interpreting the 'profound impact' standard in cases of mental cruelty, the judgments to date have not established fully objective or quantifiable criteria. Instead, the judiciary has adopted a structured evaluative approach, emphasizing patterns of behaviour and cumulative evidence over isolated incidents. In Samar Ghosh v. Jaya Ghosh (2007)²⁴, the Supreme Court highlighted that a single act may be insufficient to establish cruelty; rather, a consistent pattern of conduct that undermines the spouse's mental stability and peace is essential. Similarly, in Naveen Kohli v. Neelu Kohli

²² Rajesh Sharma v. State of Uttar Pradesh, (2017) 8 SCC 821 (Supreme Court of India).

²³ Rajesh Kumar v. Sharda Devi, (2020) 3 SCC 123 (Supreme Court of India).

²⁴ Supra, 15

(2006)²⁵, the Court identified specific forms of behaviour, such as repeated humiliation, verbal abuse, or sustained degrading treatment, as indicative of actionable mental cruelty.

Recent studies have expanded the scope of cruelty to include economic and multifaceted forms of abuse. The Delhi High Court, in *Vikas Chaudhary v. Sunita Chaudhary* (2020), recognized that economic abuse, which limits a person's independence and dignity, constitutes cruelty. *Kumar v. Sharda Devi* (2020) further underscored the judiciary's growing sensitivity to emotional distress, holding that verbal abuse and disrespect, even in the absence of physical violence, may amount to mental cruelty.

Despite these advancements, Indian courts have not yet established standards that are fully measurable or comparable to the objective metrics. The inherent subjectivity of cruelty implies that judicial interpretations often vary depending on the context of each case, which can result in inconsistent rules. Consequently, what may constitute cruelty in one instance might not be in another, leaving ambiguity regarding evidentiary requirements and thresholds for proof. Scholars and judicial commentators have suggested that clearer statutory definitions, particularly those addressing emotional and economic abuse, are needed to reduce judicial uncertainty and provide guidance to both victims and courts.

Practical Evaluation of the 'Profound Impact' Standard

In practice, Indian courts evaluate mental cruelty under the 'profound impact' standard, which distinguishes genuine psychological harm from ordinary marital discord. Courts generally adopt a pattern-based approach, assessing cumulative conduct over time rather than isolated incidents, thereby enabling a more structured determination of the mental and emotional toll of an aggrieved spouse. Behaviours recognized as demonstrating profound impacts include repeated insults, humiliation, undue interference in personal life, emotional withdrawal, and sustained degrading treatment. Mental harassment that generates fear, anxiety, or feelings of inferiority also falls within the ambit of mental cruelty regardless of whether it reaches the threshold of physical violence.

The judiciary requires that the conduct in question produces identifiable psychological consequences that disrupt the victim's mental peace and overall well-being. This includes

²⁵ Supra, 16

demonstrable emotional effects, such as persistent anxiety, fear, or feelings of inferiority, and cumulative disruption of the spouse's mental health rather than transient emotional discomfort. Evidence typically relied upon includes contemporaneous records, credible witness testimony, and, where available, medical or psychological assessments documenting the impact of abusive behaviour.

However, practical challenges persist. Emotional distress is highly subjective, making it difficult to establish uniform criteria for mental cruelty. Documentation of verbal or psychological abuse is often limited, and cultural norms may normalize certain forms of emotional manipulation, further complicating evidentiary efforts. Consequently, while courts have articulated the 'profound impact' standard as an objective threshold, its application in practice requires careful consideration of context, continuity, and cumulative harm, highlighting the ongoing need for more precise statutory guidance and consistent judicial interpretation.

Evidence and Challenges in Establishing 'Profound Impact' in Mental Cruelty Claims

Indian courts have recognized multiple forms of evidence as instrumental in establishing the profound impact of mental cruelty. Central to this is demonstrating a pattern of repeated conduct over time, with documentation such as records, communications, and witness testimonies illustrating continuity and cumulative harm, as emphasized by the court²⁶. Courts also consider specific acts that cause emotional distress, including repeated insults, verbal abuse, humiliation, treatment degradation, undue interference in personal life, and systematic emotional withdrawal or neglect of basic affection. Furthermore, evidence of mental health impacts, such as psychological assessments, documented behavioural changes, and contemporaneous records of fear, anxiety, or inferiority, substantiate claims of profound harm. Despite the establishment of these categories, evidentiary challenges still persist. Emotional abuse, including verbal taunts and psychological harassment, is inherently difficult to document, and victims often struggle to prove its profound impact without professional evaluation or corroborative evidence. The legal framework emphasizes continuity and cumulative effects over isolated incidents, underscoring the necessity of sustained patterns rather than singular occurrences. Courts have also addressed the subjectivity inherent in emotional distress by adopting pattern-based analysis and establishing an objective threshold of 'profound impact,' requiring demonstrable consequences on the victim's well-being.

²⁶ Supra, 15

Concrete examples of mental cruelty, such as humiliation, persistent verbal abuse, and degrading treatment, provide tangible benchmarks for evaluation²⁷²⁸, whereas contextual analysis enables courts to assess the totality of conduct and social circumstances.

Challenges remain due to the cultural and social normalization of emotional abuse, and gaps in documentation further complicate this proof. Judicial interpretation under the Hindu Marriage Act has progressively recognized the multidimensional nature of cruelty, encompassing physical, mental, emotional, and economic harm. Courts now contextually evaluate cruelty by considering sustained patterns, cumulative psychological impact, and broader social realities. The interplay between civil remedies under the PWDVA, 2005, and criminal liability under Section 85 of BNS requires attention to proportionality, evidentiary rigor, and procedural safeguards.

While judicial expansion has enhanced the protection of victims, the absence of statutory clarity and the inherent subjectivity of emotional abuse continue to challenge consistent application. Legislative guidance explicitly addressing emotional and economic abuse, as well as contemporary forms of psychological cruelty, such as coercive control and gaslighting, would provide clearer and predictable standards, enhancing judicial consistency and victim protection.

In matrimonial disputes under the Hindu Marriage Act, proving cruelty is critical under section 13(1) (i a). Physical cruelty is established through objective evidence, including medical records, photographs, and witness testimony. Mental cruelty, however, is assessed via the “profound impact” standard, requiring substantial effects on the aggrieved spouse’s well-being. Courts examine cumulative conduct, focusing on patterns of behaviour that disrupt mental peace and induce anxiety, fear, or inferiority, supported by testimony, expert psychiatric evaluations, and corroborative documentation.

Landmark judgments, including *Samar Ghosh v. Jaya Ghosh* (2007), *Naveen Kohli v. Neelu Kohli* (2006), and *Swati v. Arvind Mudgal* (2015), illustrate the integration of the profound impact threshold with pattern-based evaluation, emphasizing sustained harmful conduct,

²⁷ Supra, 16

²⁸ Supra, 23

concrete manifestations of emotional harm, and expert corroboration. The judicial approach balances sensitivity to verbal abuse, humiliation, emotional withdrawal, and economic control with evidentiary rigour. The integration of civil remedies under PWDVA and criminal provisions under Section 85 of BNS underscores the need for proportionality, procedural safeguards, and careful judicial scrutiny.

The contemporary Indian legal framework thus reflects an evolving, nuanced approach to mental cruelty, emphasizing cumulative evidence, expert assessment, and contextual evaluation to substantiate the “profound impact while highlighting the need for a clearer.

Intersection of Mental Cruelty, ‘Profound Impact’ Standard, constitutional principles and Human Rights

Indian courts have progressively recognized that cruelty under Section 13(1) (i-a) of the Hindu Marriage Act, 1955, extends beyond physical violence to encompass emotional, psychological, and economic harm. Central to this recognition is the ‘profound impact’ standard, which distinguishes ordinary marital discord from actionable mental cruelty. Courts, including *Samar Ghosh v. Jaya Ghosh* (2007) and *Naveen Kohli v. Neelu Kohli* (2006), have emphasized that mental cruelty must substantially disrupt the spouse’s mental peace and overall well-being. Evidence demonstrating such a profound impact may include repeated insults, humiliation, emotional withdrawal, undue interference in personal life, and economic control supported by expert psychiatric assessments, witness testimony, and contemporaneous records.

This judicial framework closely aligns with the constitutional principles and human rights norms. Article 21 guarantees the right to life and personal liberty, and is interpreted expansively to include the right to live with dignity and freedom from psychological harm. Emotional and mental abuse, when proven to have a profound impact, infringes on the dignity and autonomy of an aggrieved spouse engaging in constitutional protection. Articles 14 and 15 reinforce equality, particularly in protecting women and vulnerable spouses from systemic marital abuse. Courts have increasingly drawn on international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²⁹

²⁹ United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

and the Universal Declaration of Human Rights (UDHR)³⁰, to recognize that psychological and emotional harm constitutes a violation of fundamental rights.

Judicial interpretations emphasize contextual and cumulative assessments. In *Rajesh Kumar v. Sharda Devi* (2020), verbal abuse and disrespectful treatment were sufficient to establish mental cruelty, highlighting the sensitivity to non-physical forms of harm. Courts adopt a pattern-based analysis that requires sustained conduct over time, rather than isolated incidents, to ensure that the threshold of profound impact is met. This approach integrates human rights considerations with evidentiary rigor, balancing the protection of vulnerable spouses with procedural safeguards to prevent misuse, as underscored by Swati and Arvind Mudgal (2015). By linking the ‘profound impact’ standard with constitutional and human rights frameworks, Indian jurisprudence recognizes the multidimensional nature of cruelty psychological, emotional, and economic, while providing a principled basis for relief under the Hindu Marriage Act and complementary civil and criminal statutes. This synthesis reinforces victim protection and judicial consistency in matrimonial disputes.

Challenges and Lacunae in the Current Legal Framework

Despite judicial recognition of mental cruelty under section 13(1) (i-a) of the Hindu Marriage Act of 1955, several challenges persist. The primary issue is inconsistent judicial interpretation. Emotional and psychological abuse remain subjective, and courts differ in assessing acts such as verbal abuse, humiliation, economic control, or emotional neglect, resulting in unpredictable outcomes.

Evidentiary and procedural gaps further complicate the adjudication. Mental cruelty is intangible, making documentation difficult. Courts rely on the “profound impact” standard, requiring psychiatric evaluations, contemporaneous records, or witness testimonies that are often inaccessible. Concurrently, legal provisions such as Section 498A IPC (now Section 85 BNS, 2023) present a dual challenge: underreporting genuine abuse due to stigma versus risks of misuse or false allegations, highlighting the need for clarity, procedural safeguards, and judicial uniformity.

³⁰ United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Cultural and societal factors exacerbate these issues, as emotional and economic abuse is often normalized, especially in traditional or rural settings, leading to underreporting. Institutional constraints, such as limited specialized family courts and trained personnel, delay timely relief. Additionally, overlapping frameworks, such as HMA, IPC, PWDVA, and Bhartiya Nyaya Sanhita, can create duplication, confusion, and delays. Emerging forms of cruelty, including cyber abuse and coercive control, present new challenges that require legal definitions, enforcement mechanisms, and trained personnel. Gender-neutral implementation also poses difficulties, as reforms must protect men, LGBTQ+, and marginalized populations without enabling misuse. Finally, low awareness among rural and marginalized [communities](#) limits access to legal remedies, and balancing mediation with victim protection remains a sensitive concern.

Recommendations for Legal Reform and Institutional Support

Addressing these lacunae requires a multi-pronged approach. Statutory definitions of mental cruelty should be clarified by incorporating psychological abuse, coercive control, gaslighting, and economic deprivation, to reduce judicial subjectivity. Strengthening institutional support through counselling centres, fast-track courts, and accessible legal aid will assist victims in documenting abuse and obtaining timely relief. Standardized evidence-gathering protocols, including psychological assessments and behavioural documentation, must be implemented, along with training for law enforcement and judicial personnel.

Mechanisms to prevent misuse, such as preliminary verification or mediation frameworks, should balance victim protection with procedural safeguards. Policy and social awareness initiatives, including public campaigns, community programs, and education for judicial and law enforcement officers, can enhance reporting and promote societal recognition of the “profound impact” of mental cruelty.

Key Findings and Results Supporting the Study on Cruelty in Indian Matrimonial Law

Major Research Findings

1. Evolution of Cruelty Concept: From Physical to Mental and Emotional Abuse

A significant finding of this study is that the concept of cruelty under Indian law has evolved substantially over time. The law initially recognized only physical cruelty but has progressively

expanded to include mental cruelty, emotional abuse, and psychological harm as recognized forms of cruelty. Mental cruelty has gained prominence in recent years, with courts acknowledging that emotional and psychological abuse can be just as damaging, if not more so, as physical abuse.

2. Landmark Judicial Precedents Establishing Mental Cruelty Standards

The study identifies critical judicial decisions that support the expanded understanding of cruelty:

- Ghosh (2007): This landmark case recognized that cruelty could be continuous and caused by repeated insults, undue interference in a spouse's personal life, or the inability of one spouse to show basic affection. The Court emphasized that a single incident might not be enough to constitute cruelty; rather, a pattern of conduct that disrupts the mental peace and stability of the spouse is crucial in proving mental cruelty.
- Naveen Kohli v. Neelu Kohli (2006): This Supreme Court decision became a landmark judgment, as it acknowledged that cruelty could not only be measured in terms of physical violence, but also by the emotional strain that a spouse has to endure in a marriage. The judgment found that prolonged emotional distress could lead to an irreparable breakdown of marriage and thus justify granting a divorce on the grounds of cruelty.
- Rajesh Kumar v. Sharda Devi (2020): The Madhya Pradesh High Court held that the continuity of cruel behaviour is an important factor in determining whether a claim of cruelty can be sustained under Section 13(1)(i-a).

3. Identification of Critical Challenges in Current Legal Framework

The key findings of this study reveal significant gaps in the definition and application of cruelty.

- Ambiguity in Legal Definition-One of the most pressing concerns in Indian law is the vagueness and ambiguity of the cruelty definition. Cruelty is often understood through a broad, generalized lens, making it difficult to ascertain the specific conduct that constitutes cruelty. This lack of clarity often leads to inconsistent court application. Courts may apply different standards when assessing cruelty, creating uncertainty in their legal application. For example, in the case of mental cruelty, courts often struggle to find a balance between everyday marital discord and actions that genuinely constitute abusive conduct.
- Difficulty in Proving Mental and Emotional Cruelty-A significant criticism lies in the difficulty of proving mental or emotional cruelty in the Court of Law. Unlike physical

cruelty, which is often substantiated by medical evidence or visible injuries, mental cruelty is intangible and challenging.

4. Multi-Dimensional Nature of Cruelty Across Legal Frameworks

This study confirms that cruelty is not confined to the Hindu Marriage Act. Section 85 of BNS criminalizes cruelty inflicted by a husband or his relatives, whereas PWDVA provides civil remedies for women facing physical, sexual, and emotional abuse in domestic settings. The overlapping legal frameworks highlight the multifaceted nature of cruelty.

5. Gender Bias and Patriarchal Norms as Impediments to Justice

A major finding of this study is that deeply ingrained patriarchal norms often influence how cruelty is perceived and addressed within the legal system. This study identifies that, despite legal provisions that allow victims to seek divorce or judicial separation on the grounds of cruelty, practical challenges such as evidentiary hurdles, gender biases, and cultural reluctance to address sensitive issues in marital relationships often hinder the pursuit of justice.

6. Need for Comprehensive Legal Reforms

This study concludes that current legal provisions often fail to fully encompass the evolving nature of cruelty, especially as it manifests in modern relationships, including psychological, economic, and digital abuse. While physical cruelty is more easily recognized and proven, forms of non-physical cruelty, such as mental harassment, emotional manipulation, and economic control, remain underdefined and under protected in Indian legal discourse.

Recommendations Addressing Study Aims and Objectives

1. Clearer Definitions

Provide a clear and standardized definition of cruelty that captures both physical and non-physical abuse, including emotional, economic, psychological, and sexual cruelty. A specific and detailed definition would help eliminate judicial ambiguity in determining what constitutes cruelty, thus offering greater clarity for victims and judges.

2. Recognition of Emerging Forms of Cruelty

This study recommends including provisions for cyber abuse and digital harassment as forms of cruelty under the Indian law. In today's digital age, a growing number of abuse cases occur through electronic means including social media and communication platforms.

3. Expert Testimony and Standardized Protocols

By establishing expert evaluation protocols, mental cruelty cases can be more effectively assessed and proven, ensuring that victims of psychological abuse receive fair treatment under

law. Expert testimony from psychologists and counsellors can also be used to measure long-term psychological harm caused by abusive behaviour.

4. Gender-Neutral Legal Protections

Gender-neutral laws ensure that men, women, and members of the LGBTQ+ community facing cruelty in domestic relationships seek legal protection and remedies. Equal treatment will help eradicate gender bias in legal protection.

5. Strengthened Enforcement and Judicial Training

Strengthening enforcement mechanisms and creating specialized family courts will help address the backlog of cases and ensure that victims receive prompt legal relief. Judges and law enforcement officers must be adequately trained to understand the complexities of cruelty, particularly in cases of nonphysical abuse.

6. Societal Awareness and Cultural Sensitization

This study recommends launching awareness campaigns and community outreach programs to help society recognize and report cruelty, especially in terms of emotional and economic abuse. Cultural norms often ignore or minimize non-physical cruelty, particularly emotional and financial abuse.

7. Mediation and Counselling Integration

Mediation and counselling services should be incorporated into family law proceedings, especially in cases of divorce and domestic violence. Pre-divorce counselling can help address the underlying issues of cruelty in relationships and reduce conflicts between parties.

Summary of Achievement of Study Objectives

The study successfully achieves its stated objectives by:

- Reviewing how judicial precedents have shaped the legal understanding of cruelty, focusing on how courts interpret physical and mental cruelty in divorce and separation proceedings
- Analysing the intersection of cruelty with criminal law, human rights law, and domestic violence laws
- Evaluating the sociocultural and gendered aspects of cruelty
- Reforms are proposed to better define and apply the concept of cruelty in matrimonial law to ensure that individuals, particularly women facing cruelty in their marriages, have effective legal recourse and protection.
- Creating a foundation for a more just and equitable society where victims are able to seek prompt redress and protection, and abusers are held accountable.

Together, these reforms aim to ensure effective protection for victims; consistent judicial application; and systemic, cultural, and social support while maintaining procedural fairness and addressing evolving forms of cruelty.

Conclusion

Cruelty under the Hindu Marriage Act, 1955 continues to be a central ground for matrimonial relief, yet the absence of a statutory definition under Section 13(1)(i-a) has left its contours largely dependent on judicial interpretation. Indian courts have progressively expanded the concept of cruelty beyond physical violence to include mental, emotional, psychological, and economic harm, thus reflecting the evolving social realities and complexities of marital relationships. While judicial evolution has enhanced victim protection, it has also resulted in interpretative inconsistencies, particularly in cases of mental cruelty.

The intangible nature of mental cruelty poses significant evidentiary challenges, compelling courts to rely on pattern-based analysis, cumulative conduct, and the “profound impact” standard to distinguish actionable harm from ordinary matrimonial discord. Although these judicial tools introduce objectivity, their applications remain uneven. The intersection of matrimonial cruelty with parallel remedies under the Protection of Women from Domestic Violence Act, 2005, and criminal liability under the Indian Penal Code (1860, § 498A) and the Bhartiya Nyaya Sanhita, 2023 (§ 85) further underscores the need to balance victim protection with procedural fairness and safeguards against misuse.

From a constitutional standpoint, cruelty jurisprudence increasingly engages in the rights to dignity, equality, and personal liberty under Articles 14, 15, and 21 of the Constitution of India. This study concludes that, while judicial interpretation has substantially developed the law on cruelty, clearer statutory guidance, standardized evidentiary frameworks, and stronger institutional support are essential to ensure consistency, fairness, and effective protection within Indian matrimonial law.

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