

Mental Cruelty Against Husbands in India: A Critical Analysis of Matrimonial Law and the Need for Gender-Neutral Protection

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Abstract

The concept of cruelty in matrimonial relationships has undergone significant transformation with changing social, psychological and legal realities. Traditionally, Indian matrimonial and criminal laws have predominantly addressed women as victims of domestic and marital cruelty, while the experiences of men facing psychological and emotional abuse have received comparatively limited legal and social recognition. This article critically examines the phenomenon of mental cruelty against husbands in India, with particular emphasis on its judicial interpretation and the limitations of the existing legal framework. Mental cruelty is inherently subjective and may arise from persistent humiliation, unfounded allegations, emotional abuse, deliberate neglect, coercive behaviour, public degradation, and other conduct that causes severe psychological distress and makes continued matrimonial cohabitation unreasonable. The article analyses the approach of Indian courts in determining mental cruelty, emphasizing that there is no fixed or universal test and that each matrimonial relationship must be assessed in its social, psychological and factual context. It further examines the difficulties faced by husbands in proving psychological abuse, particularly because such cruelty often lacks tangible physical evidence and is compounded by prevailing gender stereotypes. The study highlights the gap created by women-centric criminal and protective legislation, while acknowledging the continuing importance of safeguards against violence and abuse against women. From a human-rights perspective, the article argues that dignity, equality and protection from cruel or degrading treatment should extend to every individual irrespective of gender. It concludes by advocating a balanced, gender-sensitive and rights-based approach, supported by clearer judicial standards and gender-neutral legal mechanisms, while ensuring that existing protections for genuine victims of abuse are not weakened.

Introduction

India, being a country of diverse faith and religions, there has been a paradigm shift in the way religious customs were practiced. Not so long ago, Hindu families and their customs were mostly based on the ancient traditions where marriage was considered as a compulsory affair between two individuals. For Hindus, it was a pious association of two families, more than just contractual relationships. Scriptures also suggests that they believe it to be a union of seven births planned by the Almighty.¹ Hindu families and

¹ Aditi Raj & Himanshu, 'Cruelty as a Ground for Divorce: Analysing the Sphere of Mental Cruelty', Aug 29th, 2022. (Manupatra Articles)

marriages were steeped in age-old customs and cultures. For a Hindu, marriage is considered as an obligation and also it is sacramental. It was reflected as a bond of seven births, predestined by Gods. Ancient law makers have over emphasised the duties of a wife and reproached her to be fully devoted to her husband, even though, marriage was thought to be equally binding men and women.² Earlier, it was believed that only woman can be subjected to cruelty by their husband and relatives but now the whole conception and presumption has undergone a drastic change.³ Despite the gender-neutral wording of certain matrimonial laws, criminal legal remedies are predominantly pro-women and often leaves aggrieved husbands with limited options. This article explores the judicial interpretation of cruelty against husbands, with specific focus on Supreme Court jurisprudences, and evaluates the scope of Indian laws in offering relief to such victims. This research paper aims to dissect the nuances of mental cruelty in Indian matrimonial law, exploring how evolving legal interpretations impact divorce proceedings and, more broadly, the individuals involved. Furthermore, it will analyse the gap in the current legal standing on the concept of mental cruelty against husband and discuss the implications of the legal developments for the parties involved, highlighting the need for legal and societal reforms to better address and mitigate the effects of psychological abuse in marital relationships.

Stereotypical Biases

Gone are the days, where there was only presumption that women were subjected to cruelty. With social transformation, the concept of cruelty has undergone a phenomenal change. In the era of women empowerment, legislations are being made and effective steps are being taken for protection of women who are considered as the weaker sections of the society. But this shield has become a sword, which is used by women against their husband and relatives of husbands. It is high time to prevent misuses of legal provisions by wives and to bring balance in gender justice.⁴ In the traditional Indian matrimonial framework, the notion of cruelty has largely been viewed through the lens of women's protection, especially through Section 498A of the Indian Penal Code, 1960 (now Section 85 of Bharatiya Nyaya Sanhita, 2023)⁵, and the Protection of Women from Domestic Violence Act, 2005⁶. However, Indian society has seen a paradigm shift over the past few decades. As gender roles evolve and awareness increases, so too has the recognition of male victims of domestic cruelty, especially cruelty inflicted by wives on husbands.⁷ As it is observed that the prevailing narrative of the society and the legal sphere predominantly focuses on women as victims, it is crucial to recognise that men can also suffer from various forms of abuse in their marriage. The purpose of this research is to shed light on the phenomenon of cruelty against husbands and advocates for gender-neutral protection under law by finding the solution to the research gap.

² S, Pothen (1989), Divorce in Hindu Society, Journal of Comparative Family Studies, 20(3), pg 377-390.

³ Anand Pawar, 'Mental Cruelty' A Mechanism for Divorce: An Analysis of Judicial interpretation, Rostrum's Law Review (2014), Vol II, Issue I.

⁴ Reetesh Kumar Jena, Cruelty against husband: Indian Scenario, International Journal of Applied Research, (2018) 4(2): 17-19

⁵ Indian Penal Code, 1860, S. 498A; Bharatiya Nyaya Sanhita, 2023, Ss. 85-86.

⁶ Protection of Women from Domestic Violence Act, 2005, S. 3.

⁷ Rajiv Raheja, 'Cruelty on Husband: An Indian Legal Perspective', retrieved from contact @ legal eagle. Co. in on 26th April 2026.

Understanding the Concept of Cruelty

The term 'cruelty' is very wide in its application. Cruelty can be physical as well as mental cruelty.⁸ Mental cruelty is defined as the acute mental pain, agony and suffering as would not make possible for either party to live with each other.⁹ There cannot be a strict jacket formula or fixed parameters for determining mental cruelty.¹⁰ In general, cruelty is an inhuman attitude or treatment of one spouse or relative of one spouse against another spouse or relative of another spouse. When there is danger to life, limb, health and property of a person and cohabitation between spouses, it is said to be physical. And when it causes mental pain, agony and sufferings in any manner and is of such a magnitude that it severs the bond between the husband and wife, it amounts to mental cruelty.¹¹ Cruelty is such an act as a result of which it becomes impossible on part of the victim to live with the offender ordinarily. It may be either an act or omission. Hence, marital cruelty can be physical, mental, emotional or sexual. Mental cruelty involves causing agony and suffering to a partner in some way that makes it difficult for either person to live with.

The Black's Law Dictionary (8th ed, 2004) describes the term 'mental cruelty' as (without actual violence) the behaviour of a spouse that endangers life, physical health, or mental health of the other spouse. Mental cruelty does not fit strict definition since the constituents of mental cruelty are neither limited nor constant.¹² Mental cruelty, is the behaviour that causes the other party such mental pain and misery that it is impossible for that party to live with the other. To put it another way, mental cruelty must be such that the parties cannot fairly hope to work together. As stated previously, cruelty need not be physical. If from the conduct of the spouse it is established or conclusion can be drawn that the treatment of the spouse is such that it causes apprehension in the mind of the other spouse, about his or her mental wellbeing then this conduct amounts to cruelty, the same was held in the case of *Maya Devi v Jagdish Prasad*.¹³ So, mental cruelty has to be deliberated in the light of the customs of marital ties of the precise society, to which both the spouses belong, their social values, status, environment in which they live.

Repercussion of Mental Cruelty

For spouses who are victims of mental cruelty, the effects can be debilitating. Psychological abuse can lead to depression, anxiety, low self-esteem, and a feeling of helplessness. These mental health issues can severely affect a person's ability to function normally in both personal and professional spheres. The prolonged exposure to a toxic marital environment can also lead to chronic stress, which is known to cause a multiple of physical health problems, including heart disease, high blood pressure, and a weakened immune system. Children are particularly vulnerable to the negative impacts of witnessing psychological torturing between parents. They may experience emotional distress, fear, and confusion, which can manifest in behavioural problems, academic struggles and difficulties in social interactions. Long-term exposure to such an environment can predispose children to mental health problems like anxiety disorder and depression, and can also affect their own adult relationships, perpetuating a cycle of abuse. The

⁸ Supra note 3

⁹ *V. Bhagat v Mrs. D. Bhagat* AIR 1994 S.C. 710

¹⁰ *Chetan Dass v Kamala Devi* (2001) 3 S.C.R. 20, *Donalson v Donalson* (1917) 31 Idaho 180, *Luther v Luther* (1978) S.R. F. L. 285.

¹¹ *Hanumantha Rao v Ramani S.* AIR 1999 SC 1318

¹² Supra note 1

¹³ AIR 2007 SC 1426.

familial bonds that are supposed to provide support and security become sources of stress and trauma, leading to dysfunctional family dynamics.¹⁴

The general rule in all cases of cruelty is that the entire matrimonial relationship must be considered, and that rule is of special value when the cruelty consists not of violent acts but of injurious reproaches, complaints, accusations or taunts. In cases where no violence is averred, it is undesirable to consider judicial pronouncements with a view to creating certain categories of acts or conduct as having or lacking the nature or quality which renders them capable or incapable in all circumstances of amounting to cruelty, for it is the nature which is of paramount importance in assessing a complaint of cruelty. Whether one spouse has been guilty of cruelty to the other is essentially a question of fact and previously decided cases have little, if any, value. The court should bear in mind the physical and mental condition of the parties as well as their social status, and should consider the impact of the personality and conduct of one spouse on the mind of the other weighing all incidents and quarrels between the spouses from that point of view, further, the conduct alleged must be examined in the light of the complainant's capacity for endurance and the extent to which that capacity is known to the other spouse. Malevolent intention is not essential to cruelty, but it is an important element where it exists.¹⁵ In physical cruelty, there can be tangible and direct evidence, but in the case of mental cruelty, there can be or cannot be tangible and direct evidence cases where there is no direct evidence courts are required to probe into the mental process and mental effect of incidents that are brought out in evidence. It is in this view that one must consider the evidence in matrimonial disputes.¹⁶

Different Facets of Mental Cruelty

Comparing husband's low salary with someone's high salary is also mental cruelty. As comparison regarding finances leads to deep-seated feelings of inadequacy, worthlessness and anxiety. Thus, constant financial comparison can lead to emotional destruction. Another situation is a wife's persistent refusal to accept or respect her husband's family. Psychologists all over the world widely recognised 'silent treatment' as a form of emotional abuse. So, when a wife used or practice 'silent treatment' deliberately to punish, control or withdraw affection can inflict severe psychological distress and hence is qualified as mental cruelty. Also, repeatedly taunting, criticizing or demeaning a husband's religious beliefs or faith by the wife is legally recognised as mental cruelty. Constantly, mocking, bullying or publicly humiliating the husband in front of friends and family targeting emotional abuse damaging his dignity, self-respect and mental peace is cruelty. Again, consistently doubting or questioning husband's fidelity or character without evidence constitute mental cruelty. Wilful neglect or abandonment of a child by the wife is widely recognised as a severe form of cruelty against the husband (and can also be prosecuted as child abuse under Section 75 of Juvenile Justice Act, 2015)

However, for a conduct to be considered as legal mental cruelty, it must be so grave and persistent that it makes cohabitation virtually impossible, rather than just a disagreement over traditional gender roles. The burden of proof in mental cruelty cases lies with the petitioning spouse. They must prove by a preponderance of the evidence that it is more likely than not that the other's conduct caused reasonable apprehension of danger to their mental emotional or physical well-being. As there is no rigid legal

¹⁴ Yash Dogra, 'Psychological Torturing: A Critical Legal Analysis of Mental Cruelty as a Ground of Divorce', Vol 32, May 2024, retrieved from www.PenAcclaims.com , 1st May 2026

¹⁵ Halsbury's Law of England, Vol 13, 14th Edition, para 1269.

¹⁶ A. Jayachandra v Aneel Kaur, AIR 2005 SC 534

definition or yardstick to define mental cruelty, courts evaluate claims on a case-by-case basis. The petition must present substantive evidence showing a persistent pattern of behaviour rather than just isolated quarrels or general unhappiness.

Human Rights Perspective of Mental Cruelty

From a human rights perspective, mental cruelty is defined as the severe, intentional infliction of emotional or psychological distress. It violates the core human rights principle that every individual possesses an inherent right to dignity, personal security, and freedom from cruel, inhuman, or degrading treatment. Article 5 of the Universal Declaration of Human Rights (UDHR)- states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment. The United Nation and international bodies increasingly recognise that prolonged, severe psychological abuse meets this threshold.¹⁷

Every person has the right to security of person and freedom from arbitrary psychological interference or coercive control in the domestic sphere. Human rights law guarantees equal protection under the law, meaning domestic and psychological abuse mechanisms must recognise male victims without gender bias. The UDHR also establishes that all humans are born free and equal in dignity and rights, which is violated by persistent humiliation and psychological degradation.

Critical Analysis

In India, specific criminal laws targeting domestic or mental cruelty (such as Section 498 A of the Indian Penal Code/ Section 85 of the Bharatiya Nyaya Sanhita)¹⁸ are gender-specific and protect female partners, meaning a male partner does not have access to these exact criminal provisions if he faces mental cruelty in a live-in-relation. (though a male partner can file a civil suit for defamation, damages or mental harassment under tort law if false accusations cause severe reputational or psychological harm or can also be a valid ground for divorce in case, they are married under major personal laws like Section 13(1) (ia) of the Hindu Marriage Act 1955 and Section 27 (1) (d) of the Special Marriage Act 1954¹⁹. Section 19 of the Code of Civil Procedure, 1908 allows a plaintiff to file a lawsuit for compensation- due to a civil wrong in either the court where the defendant lives or works²⁰ (here, it may be for false accusation which is also considered as emotional abuse made by a wife in public or at a workplace). There are also laws like the Domestic Violence Act of 2005 which are designed solely for protecting women victims of a marital home. Not only these, in India, consenting adults in a long term live-in-relationship which are in the nature of marriage are legally recognised. Women in these relationships are fully protected under the DVA 2005. However, the law does not properly define the rights of the male partners of such live-in-relation. Again, where a husband taking up residence in his in-laws' property, any question of harassment and mental abuse from his wife and in-laws, the law is not clear about providing protection to the husband.

Proving mental cruelty becomes difficult as it involves unseen emotional pain rather than clear physical marks or evidence. Courts require a clear, sustained pattern of harmful behaviour or distressing conduct that makes living together unbearable. Most of the laws are women centric in nature. And the society have

¹⁷ Equality and Human Rights Commission, Art 3: Freedom from torture and inhuman or degrading treatment, 4th May 2016- <http://www.equalityhumanrights.com/human-rights/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment>. Accessed on 18th June 2026.

¹⁸ Supra Note 5

¹⁹ The Hindu Marriage Act, 1955, S. 13 (1)(ia); The Special Marriage Act, 1954, S. 27 (1)(d)

²⁰ The Code of Civil Procedure, 1908, S.19

a false notion that it is always the women who are the victims in a relationship. Therefore, rigid social expectations regarding masculinity often prevent men from reporting psychological abuse or being perceived as legitimate victims.

Conclusion

The concept of cruelty in matrimonial relationships has evolved with changing social, psychological and legal realities. While the law has rightly focused on protecting women, men may also become victims of sustained physical, emotional and psychological abuse. Recognising mental cruelty against husbands is therefore essential to uphold equality, dignity and access to justice for every individual. The existing legal framework nevertheless contains a significant gap, as criminal and protective laws relating to domestic violence remain substantially women-centric. This may leave husbands facing serious psychological abuse without comparable protection. The need is therefore for a balanced, gender-sensitive and rights-based framework that protects genuine victims irrespective of gender, without weakening existing safeguards for women.

Ultimately, matrimonial justice should move beyond stereotypes that regard men only as perpetrators and women only as victims. A truly just legal system must protect women from genuine abuse while ensuring that genuine suffering of men is neither ignored nor trivialised. Indian matrimonial jurisprudence should consequently move towards a more inclusive and gender-neutral understanding of cruelty, ensuring dignity, equality and effective access to justice for every spouse. Mental cruelty is often invisible, cumulative and difficult to prove. Courts must therefore examine the matrimonial relationship as a whole and distinguish genuine, persistent cruelty from ordinary marital disagreements, considering the nature, gravity and cumulative impact of the conduct. And the law must bridge the gap in defining mental cruelty to ensure gender-neutral protection for both men and women. Hence, a holistic approach requires gender-neutral statutes and clear judicial standards for emotional abuse.