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REVISITING THE CONCEPT OF ‘CRUELTY’ IN DIVORCE CASES: A STUDY OF MENTAL HEALTH LANGUAGE IN INDIAN JUDGMENTS

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INTRODUCTION

Cruelty in matrimonial law occupies a critical intersection of legal doctrine, psychological science, cultural norms, and constitutional rights in India. The judicial journey from physical abuse to the recognition of psychological and emotional harm marks one of family law’s most profound evolutions. As social expectations, medical understanding, and technology change marital dynamics, the language of mental health in Indian divorce judgments has grown sophisticated refining the boundaries of cruelty, setting evidentiary standards, and shaping conceptions of marital justice.

This study seeks to thoroughly examine: (1) the doctrinal and statutory evolution of cruelty; (2) the synergy of judicial discourse and mental health; (3) the difficulties in proving mental cruelty; (4) the gender, socio-technological stigma, and social stigma intersection; (5) the comparative and the constitutional perspectives; and (6) the imperatives of reform.

LEGISLATIVE AND DOCTRINAL LANDSCAPE

STATUTORY FOUNDATIONS AND HISTORY

Almost all the Indian personal laws include cruelty as a ground for divorce:

- Section 13(1)(ia), Hindu Marriage Act, 1955¹ (HMA), states, ‘the marriage may be dissolved, if one party has treated the other with cruelty.’

¹ The Hindu Marriage Act, 1955 § 13(1)(ia) No. 25, Act of Parliament, 1955 (India).

- Section 10(1), Indian Divorce Act² (Christians).
- Section 2(viii), Dissolution of Muslim Marriage Act.³
- Section 27(1)(d), Special Marriage Act.⁴ Significantly, all fail to offer a complete definition of ‘cruelty,’ which reveals judicial unease with marital intricacies and the avoidance of fixed categories.

JUDICIAL INTENT AND EVOLUTION

Initially, the courts limited the definition of cruelty to the actual bodily harm and threats of bodily harm. Because of the changes brought about by the Feminist Movement and case law, especially in the UK, Australia, and the US, the definition started to expand. The 1976 amendment to the Hindu Marriage Act was a milestone as it shifted the judicial perspective from ‘blows and bruises’ to ‘broken souls and minds’ and even recognized the ‘sufferings’ as cruelties ‘denial of humiliation’ and ‘denial of personal autonomy’ as cruelties.

JURISPRUDENTIAL MILESTONES

- **V.Bhagat v. D. Bhagat**⁵: Since the wife made false claims about her husband's adultery and mental illness, the court also treated these claims as mental cruelty.
- **Samar Ghosh v. Jaya Ghosh (2007)**⁶: Situations when one spouse threatens to hurt themselves and thereby seeks to control the other, such conduct is treated as emotional abuse and mental cruelty by the court. (Suicidal Threats and Emotional Manipulation)
- **Raj Talreja v. Kavita Talreja**⁷: Mental cruelty can be constituted when there is infidelity or dowry harassment and the injured spouse feels a loss of dignity or reputation (these claims are baseless and unsubstantiated). (False Allegations) The court, for this reason, also granted divorce where the wife's claims were unsubstantiated.

² The Divorce Act, 1869 § 10(1) No. 4, Act of Parliament, 1869 (India).

³ The Dissolution of Muslim Marriages Act, 1939 § 2 (viii) No. 8, Act of Parliament, 1939 (India).

⁴ The Special Marriage Act, 1954 § 27 (1)(d) No. 43, Act of Parliament, 1954 (India).

⁵ V.Bhagat v. D. Bhagat, (1994) 1 S.C.C. 337 (India).

⁶ Samar Ghosh v. Jaya Ghosh (2007) 4 S.C.C. 511 (India).

⁷ Raj Talreja v. Kavita Talreja, (2017) 14 S.C.C. 194 (India).

- **Suman Kapur v. Sudhir Kapur**⁸: Mental cruelty is also constituted when one spouse abuses the other, such as by insulting, humiliating or demeaning them in front of others, including family members. This is a clear instance where such persistent conduct led to the dissolution of the marriage. (Continuous Insults and Humiliation)
- As seen in **Vinita Saxena v. Pankaj Pandit**⁹, a spouse's unjustified refusal to engage in marital relations is also a form of cruelty. (Refusal to Cohabit)
- **Narendra v. K. Meena**¹⁰: Forcing a spouse to sever ties with their family, or making unreasonable demands to isolate them from family members, can constitute mental cruelty. This was a key factor in the above mentioned case (Unreasonable Denial of Family Ties)
- **K. Srinivas Rao v. D.A. Deepa**¹¹: The threat of filing false criminal or civil cases, especially those related to dowry harassment under Section 498A, has been considered an act of mental cruelty in several cases, as well (Threats of False Legal Cases).

FURTHER EXPANSION (2010–2025)

Child alienation, economic abuse, cyber-harassment, and coercive control are now recognized as forms of cruelty. Courts increasingly reference “mental agony,” “chronic depression,” and “psychological collapse,” underpinned by clinical evidence.

MENTAL HEALTH LANGUAGE IN JUDICIAL REASONING

SHIFT IN LEGAL VOCABULARY

From 2007 onwards, Indian judgments have increasingly used vocabulary derived from psychiatry, psychology, and trauma studies:

- “Severe emotional distress”
- “Sustained psychological manipulation”
- “Intolerable mental agony”

⁸ Suman Kapur v. Sudhir Kapur, (2009) 1 S.C.C. 422 (India).

⁹ Vinita Saxena v. Pankaj Pandit, (2006) 3 S.C.C. 778 (India).

¹⁰ Narendra v. K. Meena, (2016) 9 S.C.C. 455 (India).

¹¹ K. Srinivas Rao v. D.A. Deepa, (2013) 5 S.C.C. 226 (India).

- “Depression, social withdrawal, loss of self-worth” This shift arises from two causes: greater medical literacy among judges, and the regular appearance of expert psychiatric testimony in matrimonial litigation.

ROLE OF PSYCHOLOGICAL EXPERTS

High Courts and Supreme Court routinely admit clinical records, psychologist opinions, and therapy notes as corroborative evidence. The standards for accepting such evidence have evolved: courts demand evidence not only of diagnosis (e.g., depression, anxiety) but also causality that mental health deterioration resulted from the spouse’s conduct.

JUDICIAL ENGAGEMENT WITH TRAUMA

Courts are becoming more comfortable with the “trauma-informed” principles because of the following:

- Practice restraint with the understanding and belief that mental cruelty can take and build a slow, cumulative, and invisible form.
- Emotional anguish can lead to and communicable thoughts of suicide, extreme withdrawal, and breakdown to which a victim can attest.
- Silence and suffering should never be dismissed.

CHALLENGES OF PROOF AND ADJUDICATION

SUBJECTIVITY AND TOLERANCE THRESHOLDS

Per each context, educational and social background, individual and previous marital dynamics, cultural expectations, and individual sensitivity will define the borders of the understanding and the scope of mental cruelty. ‘average societal standards’ is to be understood as courts have asserted not the peculiar, personal, and hypersensitive.

EVIDENTIARY COMPLEXITY

- Testimony, in the social sphere family and friends and in the professional sphere colleagues better placed to observe, appreciate and describe shifts in behaviour, changes to mental and physical condition, and social withdrawal.

- Systematic Proof: logs of the police, communications, and digital texts and emails, notes and reports of a therapist, history of medicines, and medications prescribed.
- Legal systems have set built in safe guards against exaggerations, fabrications, and inauthentic assertions.

PROCEDURAL BARRIERS

Discovery, cross-examination, and judicial delays impede the access to relief and the proof. Women, marginalized, and with the stigma including economic vulnerability, legal illiteracy, and lack of access to psychological and medical systems confront severe barriers.

GENDER, INTERSECTIONALITY, AND SOCIAL CRITIQUE

FEMINIST PERSPECTIVES

Women most frequently suffer from long-term psychological abuse rooted in patriarchal traditions economic dependence, marital rape, reproductive coercion, and social stigmatization. Courts are urged to be more sensitive to:

- The gendered nature of cruelty (financial deprivation, reputational injury, forced isolation)
- Societal barriers to reporting or proving psychological harm.

MALE VICTIMIZATION AND FALSE CLAIMS

Recent cases document men's experiences of cruelty: public humiliation over disabilities, false criminal allegations, or coercive control over intimate and family decisions. While this helps balance gender bias, courts must guard against strategic weaponization of mental health language, used to gain litigation advantage or custody.

STIGMA AND MENTAL HEALTH ADVOCACY

Social stigmas around mental illness suppress disclosure, therapy, and legal action. Divorce itself is stigmatized, especially among women, Dalits, and rural populations, leading to under-reporting and exacerbating suffering.

TECHNOLOGY, ECONOMY, AND NEW FORMS OF CRUELTY

ECONOMIC MANIPULATION

Deprivation of financial independence, coercing the signing of documents, and abuse of joint assets have, and will continue to be, a legally recognized form of cruelty as evidenced by integration of financial records and collated witness statements.

DIGITAL AND CYBER HARASSMENT

- Use of messaging apps, social media, GPS tracking, and online shaming now features in allegations of cruelty.
 - Courts ask for digital evidence screenshots, chat records, location logs to corroborate claims.
- Judgments increasingly recognize cyber-harassment as inflicting “distinct and severe psychological harm independent of traditional verbal abuse.”

ALIENATION AND CONTROL

Parental alienation, forced adoption of religious or spiritual practices, restriction from friends/family, or arbitrary control over movement are recognized as psychological abuse, especially in urban contexts.

EMPIRICAL AND COMPARATIVE INSIGHTS

DATA AND EMPIRICAL STUDIES

Recent studies report:

- The majority of cruelty-related divorces are sought on grounds of mental rather than physical harm, especially in urban courts.
- Economic empowerment, legal literacy, and access to counseling increase likelihood of reporting and successful litigation.
- Long-term divorce outcomes: Victims (especially women) initially suffer acute psychological distress from stigma and economic pressure, but mental health improves over time as autonomy is regained.

COMPARATIVE LAW

The UK and Australia frameworks also accept psychological factors in the “irretrievable breakdown” of marriage. Other systems are adopting the Indian non-adversarial model in mediation and therapeutic jurisprudence counseling.

CONSTITUTIONAL AND POLICY DIMENSIONS

RIGHT TO MENTAL HEALTH AND DIGNITY

The Supreme Court and High Courts. Marital justice in the Constitution and the Article 21¹² - Right to life and personal liberty. The dignity of individual autonomy and mental well-being should be upheld in all family disputes.

STATUTORY REFORM NEEDS

- Legislative: Parliament should be further defined and codified with specific exclusions in the definition of mental cruelty.
- Judicial: Empower and protect the courts with the guidelines to admit medical and psychiatric evidence. Safeguard the unrepresented and ex-communicated to cut delay.
- State sponsored counseling and community awareness to counter injustice and silenced stigma should include outreach relevant to victim and survivor support.
- Judges should have community trauma and mental distress taught to them in the social context of family law to assimilate the disciplines of social and health science in marriage dissolution disputes.
- To optimize the evidence and rigorous scrutiny for preventing misuse

¹² INDIA CONST. art. 21.

LANDMARK JUDGMENTS (2022–2025): EXPANDED DISCUSSION

- **Delhi High Court (2025):** Denial of marital intimacy and alienating child amounts to mental cruelty, says Delhi High Court and grants divorce to husband.¹³
- **Kerala High Court (2025):** Held that sustained abuse or alienation of stepchildren constitutes actionable mental cruelty to husband.¹⁴
- **Odisha High Court (2025):** Wife's repeated public mockery of husband's disability considered mental cruelty.¹⁵

RECOMMENDATIONS FOR REFORM

1. **Codification of Mental Cruelty:** Legislate a clear, evolving legal standard, integrating clinical insights.
2. **Integrated Family Courts:** Appointment of psychologists, trauma experts, and social workers in family courts.
3. **Public Awareness:** National campaigns to combat stigma, promote mental health, and embolden victims.
4. **Victim Assistance:** Legal aid and mental health services funded and coordinated at the state and local levels.
5. **Judicial Training:** Regular, interdisciplinary programs for judges in trauma, psychology, gender, and digital evidence.
6. **Balanced Proof:** Holistic assessment over rigid documentation, prioritizing lived experience with medical corroboration.

CONCLUSION

Indian law's conception of cruelty has undergone enormous transformation, reflecting evolving family structures, technological realities, and medical understanding of mental health. Judicial discourse increasingly weaves the language of psychological trauma, dignity, and constitutional justice into the resolution of marriage and divorce disputes.

¹³ <https://economictimes.indiatimes.com/wealth/legal/will/denial-of-marital-intimacy-and-alienating-child-amounts-to-mental-cruelty-says-delhi-high-court-and-grants-divorce-to-husband/articleshow/124351295.cms>

¹⁴ <https://lawtrend.in/cruelty-towards-stepchildren-constitutes-cruelty-against-husband-entitling-him-to-divorce-kerala-high-court/>

¹⁵ <https://economictimes.indiatimes.com/wealth/legal/will/mental-cruelty-know-how-a-husband-won-a-divorce-battle-in-high-court-as-wife-mocked-his-physical-infirmary-permanent-alimony-amount-to-be-decided/articleshow/122110296.cms>

Persistent legal and social barriers must be reformed to ensure justice is accessible, compassionate, and rigorous. Only a continued multidisciplinary approach, active law reform, expanded victim support, and rigorous judicial training will ensure the law's promise is realized: protecting the dignity, autonomy, and mental health of all individuals in Indian marriages.

This paper integrates statutory sources, Indian and comparative judgments, empirical data, theoretical critique, and reformist insights, offering a comprehensive resource that addresses doctrinal, evidentiary, social, psychological, and constitutional aspects of cruelty and mental health in Indian divorce law.

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