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CRUELTY IN MARRIAGE: UNDERSTANDING THE LAW AND ITS IMPACT

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INTRODUCTION

The ideal marriage is a union of respect, trust, and love. However, the law intervenes to protect the weak from abuse when this holy bond becomes a source of pain. Physical, emotional, or mental abuse in a marriage is not only a social problem in India; it is also a recognized crime that can lead to divorce and provide protection under a number of laws. To empower people stuck in toxic relationships, it is essential to comprehend the legal definition of cruelty, the difficulties victims encounter, and the effects of legal remedies. This article explores the developing body of law regarding marital cruelty, emphasizing its importance and the hope that the law provides for innumerable victims who are seeking redress.

WHAT IS CRUELTY IN MARRIAGE?

According to the law, cruelty is defined as behavior that prevents the marriage from continuing by causing the other spouse pain or suffering. It encompasses more than just physical violence; it also includes emotional and mental abuse, such as humiliation, neglect, threats, and insults.

Cruelty is a ground for divorce under **Section 13(1)(ia) of the Hindu Marriage Act, 1955**. Similarly, victims of cruelty have recourse under the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** and other personal laws.

TYPES OF CRUELTY IN MARRIAGE

1. **Physical Cruelty:** Any form of physical violence, such as striking, slapping, pushing, or causing bodily harm, is considered physical cruelty. It's the most blatant and visible kind of cruelty.

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2. **Emotional abuse:** Constant insults, threats, humiliation, domineering behavior, or creating a sense of mental stress or insecurity in the other person are examples of mental or emotional cruelty. Emotional abuse can occasionally even come from neglect or silence.
3. **Verbal Cruelty:** Consistently using harsh, abusive, or demeaning language can harm someone's peace of mind and sense of self.
4. **Economic Cruelty:** This includes misusing someone else's earnings, denying them money for necessities, and imposing financial dependence.
5. **Sexual Cruelty:** This includes forcing sex, performing unnatural acts, or using sex as a tool to harm or control a spouse.
6. **Social Cruelty:** Preventing a spouse from meeting family or friends, or publicly shaming them, can amount to social isolation and humiliation.

DEFINITION OF CRUELTY

ANALYSIS OF SECTION 86 OF THE BHARATIYA NYAYA SANHITA, 2023: DEFINITION OF CRUELTY

Section 86 of the *Bharatiya Nyaya Sanhita, 2023* articulates the legal definition of "cruelty" in the context of offences committed against women. It states:

“Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

The provision may be broadly categorised into two distinct components:

1. **Wilful Conduct Resulting in Harm:** This section focuses on any intentional actions taken by the accused that could lead a woman to take her own life, suffer serious injuries, or put her life, physical well-being, or mental health at risk. The key point here is the intentionality behind the actions and the serious repercussions that follow.
2. **Harassment in Relation to Unlawful Demands:** The next part deals with the harassment of a woman aimed at pressuring her—or someone close to her, like a parent or relative—to meet illegal demands for property or valuable assets. This includes cases where the harassment stems from not fulfilling such demands. When we talk about “valuable security” in this context, it’s

important to understand that it covers a wide range of items. This can include both physical and non-physical assets, such as cash, real estate, or anything else that has legal value and importance according to current laws. Section 86 is designed to tackle both the physical and emotional aspects of cruelty, acknowledging that coercion related to dowry or illegal financial demands is a serious crime. Its two-fold approach highlights the lawmakers' commitment to offering thorough protection for women against domestic violence and financial exploitation.

In the significant ruling of *Wasim v. State of NCT of Delhi, (2019) Supreme Court*, the Hon'ble Court shed light on what constitutes cruelty under the Explanation to Section 498A of the Indian Penal Code. The Court made it clear that cruelty isn't just about dowry demands. Instead, it can include any intentional behavior or harassment that leads to serious mental or physical suffering, extending well beyond just dowry-related issues. This interpretation reinforces the idea that cruelty, as outlined in the law, goes beyond the limited scope of dowry and can involve any unlawful demands—whether they pertain to property, money, or any other valuable assets.

JUDICIAL INTERPRETATION AND EVIDENTIARY CHALLENGES

Over the years, the Indian judiciary has built a robust body of case law regarding cruelty under Section 498A IPC, which is still relevant when interpreting Section 86 BNS. Courts have pointed out that cruelty should be differentiated from the usual ups and downs of married life. For example, in *G.V. Siddaramesh v. State of Karnataka*, the Supreme Court highlighted that mental cruelty must be severe enough to push a woman to consider drastic actions like suicide.

However, the prosecution of cruelty cases still faces significant evidentiary hurdles. Many of these offenses take place in the private setting of the home, making it tough to find independent evidence. There are also concerns about false accusations and the misuse of this provision, leading to calls for more thorough investigations and careful judicial review.

THE SOCIO-LEGAL CONTEXT AND SIGNIFICANCE

Cruelty against women, particularly within the confines of marriage, is a critical socio-legal challenge in India. Section 86 serves as a strong reminder of the State's responsibility to safeguard women from such mistreatment and to establish a solid legal framework for seeking justice.

However, it's equally important to ensure that this provision isn't misused and is enforced in line with the principles of natural justice and fair trial.

THE IMPACT OF CRUELTY ON WOMEN AND SOCIETY

Cruelty in domestic and matrimonial environments has deep and lasting effects on both women and society as a whole. For women, it leads to significant psychological and physical harm, often showing up as anxiety, depression, post-traumatic stress disorder, and in severe cases, suicidal thoughts. The infringement on their personal dignity and autonomy undermines their constitutional rights under Articles 14, 15, and 21, which include the right to equality, freedom from discrimination, and the right to live with dignity.

Beyond the individual pain, such cruelty disrupts family dynamics and leaves enduring scars on children who may witness or experience this abuse, perpetuating cycles of violence and emotional turmoil. On a societal level, it contributes to the marginalization of women, hindering their involvement in economic, educational, and public spheres. The normalization or silence around this abuse strengthens patriarchal norms and stalls progress toward gender justice. Therefore, cruelty is not just a private issue; it's a public matter that undermines the moral and legal foundations of a fair and just society.

JUDICIAL INTERVENTION IN CRUELTY MATTERS

The Indian judiciary has been pivotal in shaping the conversation around cruelty, especially when it comes to matrimonial and domestic relationships. Through a series of landmark rulings, the courts have interpreted laws like Section 498A of the Indian Penal Code (now part of Section 86 of the Bharatiya Nyaya Sanhita, 2023) in a way that broadens their application beyond just dowry-related issues. In the case of *Wasim v. State of NCT of Delhi (2019)*, the Supreme Court clarified that cruelty encompasses any intentional behavior or harassment, not just demands for dowry.

The judiciary has also acknowledged the psychological aspects of cruelty, recognizing that mental harassment, emotional abuse, and ongoing humiliation can be just as harmful as physical violence. Furthermore, the courts have stressed the need for a thoughtful and balanced approach, warning against the misuse of legal provisions while still protecting the rights of genuine victims. This careful judicial intervention has been key in ensuring that the law adapts to uphold justice, gender equality, and human dignity.

CONCLUSION

Section 86 of the Bharatiya Nyaya Sanhita, 2023 represents both continuity and change. While it keeps the essential goals of its predecessor (Section 498A IPC), it does so with clearer language and a refreshed statutory intent. Moving forward, how courts interpret this section and how law enforcement agencies apply it will be crucial in determining its success in protecting the rights and dignity of women in domestic situations.

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