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Mental Cruelty under the Hindu Marriage Act, 1955: Judicial Trends and Contemporary Challenges

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ABSTRACT

Mental cruelty is one of the most significant and frequently litigated grounds of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Unlike physical cruelty, mental cruelty may occur through words, conduct, persistent neglect, humiliation, false accusations, denial of companionship, character assassination, or other behaviour that causes serious psychological suffering. The statute does not provide an exhaustive definition, and the Supreme Court of India has therefore developed the concept incrementally through judicial interpretation. This research examines that development with particular attention to the movement from an early emphasis on matrimonial conduct to a more contextual and cumulative assessment of psychological harm. The study adopts a doctrinal research design and analyses the Hindu Marriage Act, 1955, selected Supreme Court decisions, and secondary legal materials. Particular attention is given to N.G. Dastane v. S. Dastane, Shobha Rani v. Madhukar Reddi, V. Bhagat v. D. Bhagat, Samar Ghosh v. Jaya Ghosh, K. Srinivas Rao v. D.A. Deepa, and Raj Talreja v. Kavita Talreja. The research finds that Indian courts have deliberately avoided a rigid definition because matrimonial relationships differ substantially in their circumstances. At the same time, this flexibility creates uncertainty in predicting outcomes and raises evidentiary difficulties. Contemporary disputes involving social media, digital communications, allegations of character misconduct, and multiple legal proceedings have further complicated the inquiry. The study concludes that a fact-sensitive judicial approach remains preferable to an exhaustive statutory list, but that greater consistency in evaluating the gravity, duration, context, and cumulative effect of conduct is necessary. It proposes clearer judicial guidance, careful assessment of digital evidence, timely matrimonial adjudication, and a balanced approach that protects genuine victims while discouraging reckless or demonstrably false allegations.

Keywords: *mental cruelty, Hindu Marriage Act 1955, divorce, matrimonial law, judicial trends, Supreme Court of India, false allegations, social media, digital evidence, psychological suffering*

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I. INTRODUCTION

The Hindu Marriage Act, 1955 transformed the legal regulation of Hindu matrimonial relationships by introducing statutory grounds for matrimonial relief, including divorce. Section 13(1)(ia) recognises cruelty as a ground on which either spouse may seek dissolution of the marriage.¹ The statutory expression is deliberately broad. It neither classifies the forms that cruelty may take nor supplies a closed list of prohibited matrimonial conduct. That silence has enabled the courts to respond to changing patterns of family life, but it has also made judicial interpretation central to the operation of the provision.

Mental cruelty presents a particular legal difficulty because psychological injury is not necessarily visible. Physical violence may sometimes be proved through medical records, photographs, witnesses, or other direct evidence. Mental cruelty, by contrast, may arise from repeated words, silence, humiliation, accusations, withdrawal of companionship, deliberate indifference, or a pattern of conduct whose significance becomes apparent only when the relationship is viewed as a whole. The legal question is therefore not whether a spouse has experienced ordinary marital unhappiness, but whether the conduct complained of has reached the level at which continuation of the matrimonial relationship can no longer reasonably be expected.

The Supreme Court has repeatedly emphasised that cruelty cannot be reduced to a rigid formula. In *N.G. Dastane v. S. Dastane*, the Court addressed both the nature of cruelty and the standard of proof applicable in matrimonial proceedings.² Later decisions, including *Shobha Rani v. Madhukar Reddi* and *V. Bhagat v. D. Bhagat*, developed the understanding of mental suffering.^{3,4} In *Samar Ghosh v. Jaya Ghosh*, the Court collected illustrative categories of conduct that could amount to mental cruelty while making clear that the list was not exhaustive.⁵ More

¹ The Hindu Marriage Act, No. 25 of 1955, INDIA CODE (1955), § 13(1)(ia) (providing that a marriage may be dissolved by a decree of divorce on the ground that the other party has, after the solemnisation of the marriage, treated the petitioner with cruelty). Cruelty was converted from a ground for judicial separation into a ground for divorce by the Marriage Laws (Amendment) Act, No. 68 of 1976.

² *N.G. Dastane v. S. Dastane*, (1975) 2 SCC 326 (holding that matrimonial proceedings are civil proceedings, that the normal rule governing civil proceedings applies, and that the petitioner must therefore establish the alleged cruelty on a preponderance of probabilities rather than beyond reasonable doubt).

³ *Shobha Rani v. Madhukar Reddi*, (1988) 1 SCC 105 (holding that cruelty under § 13(1)(ia) is not confined to physical violence, that a persistent demand for dowry is itself sufficient to amount to cruelty, and that the conduct complained of must be judged in the context of the particular matrimonial relationship).

⁴ *V. Bhagat v. D. Bhagat*, (1994) 1 SCC 337, ¶ 16 (defining mental cruelty under § 13(1)(i-a) as conduct that inflicts upon the other party such mental pain and suffering as would make it not possible for that party to live with the other).

⁵ *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511, ¶ 101 (enumerating instances of human behaviour that may be relevant in dealing with cases of mental cruelty, while stating that “no uniform standard can ever be laid down for guidance” and that the enumeration is illustrative only).

recent decisions have addressed false allegations, repeated litigation, and the effect of conduct that attacks the dignity or reputation of a spouse.

The contemporary relevance of mental cruelty has increased because matrimonial conflict is no longer confined to private conversations or face-to-face conduct. Electronic messages, social-media posts, online accusations, recorded communications, and repeated litigation can all become part of the evidentiary record. At the same time, courts must ensure that a genuine complaint, or the lawful invocation of a legal remedy, is not automatically characterised as cruelty merely because the allegation is ultimately not proved. The legal inquiry must therefore remain contextual, evidence-based, and sensitive to the competing interests of both spouses.

This research studies the judicial development of mental cruelty under the Hindu Marriage Act, 1955, and critically examines the contemporary challenges that arise in applying the doctrine. It argues that the flexibility of the present approach is necessary, but that consistency can be improved by focusing systematically on the nature, seriousness, frequency, duration, intent where relevant, impact, and cumulative effect of the conduct.

II. CONCEPTUAL AND THEORETICAL BACKGROUND

A. Meaning of cruelty in matrimonial law

“Cruelty” is not a concept confined to physical violence. In matrimonial law it encompasses conduct that causes such physical or mental suffering that the aggrieved spouse cannot reasonably be expected to continue the marital relationship. The legal standard is therefore relational and contextual. Conduct must be assessed against the nature of the marriage, the parties’ circumstances, the frequency and seriousness of the behaviour, and its overall effect.⁶

The absence of a statutory definition has allowed the courts to adapt the concept as social expectations change. Conduct that would once have been viewed as a private marital disagreement may, in an appropriate factual context, be recognised today as serious emotional abuse or humiliation. Courts have nevertheless consistently warned against treating every quarrel, minor disagreement, incompatibility, or ordinary wear and tear of married life as cruelty.

B. Mental cruelty as a judicially developed concept

Mental cruelty refers broadly to conduct that causes deep mental pain, anguish, humiliation, or sustained emotional distress. It is not necessary that the conduct be accompanied by physical

⁶ *Shobha Rani* (n 3).

injury. The assessment turns on whether the behaviour, viewed objectively in its matrimonial context, makes it unreasonable to expect the affected spouse to continue the relationship.

The concept is deliberately flexible. A single grave incident may in some cases be sufficient, while in others cruelty emerges only from a continuous course of conduct. Courts therefore examine the totality of circumstances rather than applying a mechanical checklist. The same act can carry different legal significance depending on its frequency, context, and consequences.⁷

C. Physical cruelty and mental cruelty

Physical and mental cruelty are analytically distinct but may overlap. Physical violence may produce psychological harm, while mental cruelty may be entirely non-physical. The important point is that Section 13(1)(ia) does not require the petitioner to prove physical injury before relief can be considered. Mental cruelty is independently capable of satisfying the statutory ground where the evidence establishes conduct of sufficient gravity.

D. Theoretical approach: dignity, reasonableness and marital breakdown

The jurisprudence may be understood through three related ideas: dignity, reasonableness, and the viability of the marital relationship. Marriage does not extinguish the individual dignity of either spouse, and persistent conduct that humiliates or degrades a spouse may therefore have legal significance. At the same time, matrimonial adjudication requires a reasonableness standard, because courts cannot convert every instance of unhappiness into a ground for divorce.

The doctrine also reflects an institutional concern with the viability of marriage. Where the relationship has become so hostile that the parties cannot reasonably live together, continued legal recognition may serve little constructive purpose. Yet a court must not infer irretrievable breakdown from the mere existence of conflict, because relief under Section 13(1)(ia) still requires a legally sufficient factual foundation. It should also be stressed that irretrievable breakdown of marriage is not itself a ground for divorce under the Act. Parliament has never enacted it, notwithstanding judicial recommendations to that effect, and it operates only as a basis on which the Supreme Court may dissolve a marriage in exercise of its power under Article 142(1) of the Constitution, a course not open to the High Courts or to the matrimonial courts below.⁸

⁷ *Samar Ghosh* (n 5), ¶ 101.

⁸ *Naveen Kohli v. Neelu Kohli*, (2006) 4 SCC 558 (granting divorce on the ground of cruelty and recommending that Parliament consider adding irretrievable breakdown of marriage as a ground for divorce under the Hindu Marriage Act, 1955); *Shilpa Sailesh v. Varun Sreenivasan*, (2023) 4 SCC 692 (Constitution Bench holding that the Supreme Court may, in exercise of the power conferred by Article 142(1) of the Constitution, dissolve a marriage on the ground of irretrievable breakdown notwithstanding that the Hindu Marriage Act, 1955 provides for no such ground). On the unavailability of the doctrine to courts other than the Supreme Court, see also *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226.

III. STATEMENT OF THE PROBLEM

The central problem is the absence of a precise statutory definition of mental cruelty. While this omission permits courts to respond to new forms of matrimonial misconduct, it also produces uncertainty for litigants, lawyers, and trial courts.⁹ A second problem concerns proof: psychological suffering is often private and cumulative, and the evidence may consist of communications whose meaning depends heavily on context. A third problem is the need to distinguish genuine cruelty from ordinary marital discord, exaggerated allegations, or litigation strategies designed to obtain a divorce. The research therefore asks whether the present judicial approach strikes an adequate balance between flexibility and predictability.

IV. OBJECTIVES OF THE STUDY

The study pursues five objectives.

To examine the statutory framework governing cruelty under the Hindu Marriage Act, 1955.

To explain the concept and essential features of mental cruelty.

To analyse the development of the doctrine through leading Supreme Court decisions.

To identify the recurring judicial factors used to determine whether conduct amounts to mental cruelty.

To examine contemporary challenges arising from false allegations, repeated litigation, digital communication, and social media.

V. RESEARCH METHODOLOGY

A. Research design

This study adopts a doctrinal and analytical research design. It examines statutory provisions and judicial decisions in order to identify the legal principles governing mental cruelty. The method is primarily qualitative, because the research focuses on interpretation, reasoning, judicial trends, and doctrinal development rather than on statistical measurement.

B. Sources of data

Primary sources include the Hindu Marriage Act, 1955 and reported judgments of the Supreme Court of India. Secondary sources include standard textbooks on Hindu law, legal commentaries, scholarly articles, and established legal databases. The study does not rely on a field survey or questionnaire.

⁹ Samar Ghosh (n 5), ¶ 101.

C. Tools and techniques

Case-law analysis is the principal technique. Leading judgments are examined for their factual setting, legal issue, reasoning, and contribution to the doctrine. Comparative reading of the cases is used to identify continuity and change in the judicial treatment of mental cruelty. The analysis also considers how established principles apply to emerging forms of conduct involving digital communication.

D. Scope and limitations

The study is confined principally to mental cruelty as a ground for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. It does not attempt a complete study of every ground for divorce or of every personal law. The research is also limited by the nature of doctrinal materials: it cannot measure the prevalence of mental cruelty in society or determine how often particular forms of conduct occur outside reported litigation. Unreported trial-court decisions and individual experiences may therefore not be fully reflected.

VI. DATA ANALYSIS AND FINDINGS

A. Statutory position

Section 13(1)(ia) makes cruelty a ground for divorce.¹⁰ The statutory language does not distinguish between physical and mental cruelty. The absence of an exhaustive definition has effectively transferred much of the task of classification to the courts. That judicial role has been essential, because matrimonial conduct is diverse and cannot realistically be captured by a closed enumeration.

B. *N.G. Dastane v. S. Dastane*

In *N.G. Dastane v. S. Dastane*, the Supreme Court considered the statutory concept of cruelty and clarified an important procedural principle: matrimonial proceedings are civil proceedings, and the applicable standard is the preponderance of probabilities.¹¹ The case remains significant because it demonstrates that cruelty must be evaluated judicially from the evidence and the surrounding circumstances rather than by the criminal-law standard of proof beyond reasonable doubt. It also laid an early foundation for the contextual assessment of matrimonial conduct.

¹⁰ The Hindu Marriage Act (n 1), § 13(1)(ia).

¹¹ *N.G. Dastane* (n 2).

C. *Shobha Rani v. Madhukar Reddi*

Shobha Rani v. Madhukar Reddi strengthened the recognition that cruelty is not limited to physical violence.¹² The Court treated the matrimonial relationship as the context in which the conduct must be judged, and it held that a persistent demand for dowry is itself sufficient to constitute cruelty. The case is often cited in support of the proposition that cruelty may arise from conduct that seriously affects the mental well-being of the other spouse.

D. *V. Bhagat v. D. Bhagat*

In *V. Bhagat v. D. Bhagat*, the Supreme Court offered an influential formulation of mental cruelty as conduct that inflicts such mental pain and suffering that the parties cannot reasonably be expected to live together.¹³ The decision is important because it links mental cruelty with the practical question of whether continued cohabitation remains reasonable. It also demonstrates why the assessment cannot be separated from the parties' circumstances and the gravity of the conduct.

E. *Samar Ghosh v. Jaya Ghosh*

Samar Ghosh v. Jaya Ghosh is a leading authority because the Supreme Court there collected a number of illustrative situations that may constitute mental cruelty.¹⁴ The Court stressed that the illustrations are not exhaustive and that no uniform standard can be laid down. The judgment recognises that sustained unjustified conduct, prolonged deprivation of normal companionship in appropriate circumstances, humiliation, indifference, and other serious patterns of behaviour may contribute to a finding of cruelty. Its lasting contribution is methodological: courts should consider the cumulative effect of the relationship rather than isolate events artificially.

F. *K. Srinivas Rao v. D.A. Deepa*

K. Srinivas Rao v. D.A. Deepa addressed the consequences of false and defamatory allegations in matrimonial conflict.¹⁵ The Court recognised that reckless allegations, and conduct associated with repeated proceedings, can in an appropriate factual setting cause substantial mental suffering. The case is particularly relevant to the modern problem of litigation becoming part of

¹² *Shobha Rani* (n 3).

¹³ *V. Bhagat* (n 4), ¶ 16.

¹⁴ *Samar Ghosh* (n 5), ¶ 101.

¹⁵ *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226, ¶ 14 (holding that making unfounded indecent defamatory allegations against the spouse or his or her relatives in the pleadings, filing complaints or issuing notices or news items that may adversely affect the business prospects or the employment of the spouse, and filing repeated false complaints and cases in court against the spouse, would in the facts of a case amount to causing mental cruelty to the other spouse).

the matrimonial conflict. It also illustrates the importance of distinguishing legitimate access to legal remedies from conduct that is demonstrably abusive or malicious.

G. *Raj Talreja v. Kavita Talreja*

Raj Talreja v. Kavita Talreja further considered allegations and proceedings in matrimonial disputes. The decision confirms that an allegation is not automatically cruelty merely because it is made, or because it fails.¹⁶ What matters is the character of the allegation, whether it is false or reckless, its seriousness, the circumstances in which it was made, and its effect on the matrimonial relationship. This approach is important for balancing protection against abuse with the right to seek legal redress.

H. Major judicial factors

Gravity of the conduct. Courts distinguish serious conduct from trivial irritation.

Frequency and duration. Repeated behaviour may acquire significance even where the individual incidents appear minor.

Context. Conduct must be viewed in the circumstances of the particular marriage.

Cumulative effect. A series of incidents may collectively amount to cruelty.

Humiliation and dignity. Persistent degradation or attacks on character may be relevant.

I. Contemporary challenges

i. False allegations and character attacks

False allegations, defamatory statements, and attacks upon the character of a spouse present one of the most difficult contemporary questions under Section 13(1)(ia). Matrimonial litigation frequently contains allegations relating to adultery, immoral conduct, dowry harassment, domestic violence, addiction, mental illness, or improper relationships. Such allegations may be legitimate attempts to seek legal protection or relief. They cannot, however, be treated as mental cruelty merely because the court ultimately does not accept them. The legally significant distinction is between a bona fide allegation made on a reasonable factual basis and an allegation that is demonstrably false, reckless, scandalous, or persistently defamatory.

The Supreme Court in *Raj Talreja v. Kavita Talreja* held that the mere fact that no action is taken on a complaint, or that the accused is acquitted after trial, may not be a ground for treating the

¹⁶ *Raj Talreja v. Kavita Talreja*, (2017) 14 SCC 194, ¶ 10 (holding that the mere fact that no action is taken on a complaint, or that the accused is acquitted after trial, may not be a ground for treating the accusations as cruelty, but that where the allegations are found to be patently false the conduct of the spouse levelling them is an act of cruelty).

accusations as cruelty; where the allegations are found to be patently false, however, the conduct of the spouse who levelled them is an act of cruelty.¹⁷ The decision therefore requires courts to examine whether the allegation was knowingly false or reckless, and whether its character and consequences were such as to cause serious mental suffering. This approach protects the legitimate right of a spouse to complain about matrimonial misconduct while preventing the matrimonial process from being converted into an instrument of humiliation.

The principle is consistent with *K. Srinivas Rao v. D.A. Deepa*, where the Supreme Court found mental cruelty in the particular circumstances of scurrilous, vulgar and defamatory accusations made against the husband and his family, together with repeated proceedings.¹⁸ The Court observed that unfounded indecent defamatory allegations in the pleadings, complaints or notices that may damage the employment or business prospects of a spouse, and repeated false complaints and cases, may in the facts of a case amount to mental cruelty. Importantly, the decision does not establish that every complaint or criminal proceeding constitutes cruelty. The surrounding facts, the falsity of the allegations, their seriousness, their repetition, and their impact on the matrimonial relationship all remain material.

From a research perspective, the proper test should therefore contain four related inquiries: whether the allegation was made in good faith; whether there was a reasonable factual basis for making it; whether the allegation was proved to be false or was recklessly advanced; and whether its nature, persistence, publication, or consequences were sufficiently grave to cause mental cruelty. A court should also distinguish between an allegation made privately in a legal proceeding and an allegation deliberately circulated to relatives, employers, neighbours, the media, or online audiences. Public dissemination can aggravate the injury to dignity and reputation, but the inference must still be supported by evidence.

The doctrine consequently requires a careful balance between two competing values. Matrimonial law must provide an effective remedy for genuine abuse and must not silence a spouse who approaches the police, the courts, protection officers, or other lawful institutions in good faith. At the same time, the deliberate misuse of such processes through demonstrably false and defamatory allegations can destroy trust, dignity, and the possibility of a normal matrimonial relationship. The better judicial approach is therefore fact-sensitive rather than categorical: the mere failure of an allegation is insufficient, whereas a sustained pattern of knowingly false or reckless character attacks may, in an appropriate case, constitute mental cruelty.

¹⁷ *Raj Talreja* (n 16), ¶ 10.

¹⁸ *K. Srinivas Rao* (n 15), ¶ 14.

ii. Multiple proceedings and litigation stress

Matrimonial conflict may extend across several legal forums. A single marital dispute may generate a petition for divorce, proceedings for maintenance, a domestic-violence application, criminal complaints, applications concerning custody, property disputes, appeals, and ancillary proceedings. The existence of multiple proceedings creates an important contemporary challenge, because prolonged litigation can increase the emotional, financial, and social pressure on both spouses. Nevertheless, the number of proceedings cannot be treated as an automatic measure of mental cruelty. Courts must examine the quality and purpose of the litigation rather than merely count the cases.

In *K. Srinivas Rao v. D.A. Deepa*, the Supreme Court recognised that repeated false complaints and proceedings may, on the facts of a particular case, amount to mental cruelty. The Court specifically observed that living under the same roof is not a pre-condition for mental cruelty, and that a spouse living apart may still cause mental cruelty through vulgar and defamatory letters or notices, complaints containing indecent allegations, or a series of judicial proceedings that make the other spouse's life miserable.¹⁹ The significance of the judgment lies in its insistence upon a factual connection between the litigation conduct and the mental suffering alleged.

At the same time, the judicial process cannot become a source of cruelty merely because one spouse invokes several legal remedies. A person who genuinely believes that domestic violence, dowry harassment, deprivation of maintenance, or another legal wrong has occurred must be able to approach the competent authority. Treating every unsuccessful complaint as cruelty would discourage legitimate access to justice. The appropriate inquiry is whether the proceedings were bona fide, whether the allegations had some reasonable basis, whether there was an abuse of process, whether the same allegations were repeatedly and recklessly reproduced after they had been conclusively disproved, and whether the overall conduct was calculated or demonstrably likely to cause serious matrimonial distress.

Litigation stress also has a cumulative dimension. Even where the individual procedural steps are lawful, an exceptionally prolonged and hostile course of litigation may become relevant when considered together with other conduct. The doctrine of mental cruelty should not, however, be used simply to punish a spouse for exercising a statutory or constitutional remedy.

¹⁹ *K. Srinivas Rao* (n 15), ¶ 24 (observing that staying together under the same roof is not a pre-condition for mental cruelty, and that a spouse living apart may cause mental cruelty by sending vulgar and defamatory letters or notices, by filing complaints containing indecent allegations, or by initiating a number of judicial proceedings making the other spouse's life miserable).

The court should identify the specific conduct that crosses the threshold from legitimate legal redress into harassment, vindictiveness, or abuse of process.

A balanced approach therefore requires courts to distinguish between litigation as a necessary consequence of marital breakdown and litigation as an instrument of oppression. The former is not necessarily cruelty; the latter may be, where it is established by reliable evidence. This distinction is especially important in family disputes, because the same factual conflict can generate several proceedings under different statutes, and the legal system must avoid treating a legitimate multiplicity of remedies as proof of matrimonial wrongdoing without examining the circumstances of each proceeding.

iii. Social media and digital communication

Digital communication has significantly altered the evidentiary and factual landscape of matrimonial disputes. Instant messages, text messages, emails, social-media posts, photographs, videos, voice recordings, call records, and other electronic communications may reveal patterns of humiliation, threats, harassment, neglect, or defamatory accusation. At the same time, digital material can be edited, selectively captured, taken out of context, or wrongly attributed. The challenge is therefore not merely whether a digital communication exists, but whether it is authentic, attributable to the person alleged to have created it, complete enough to reveal its context, and legally admissible.

The Supreme Court's jurisprudence on electronic evidence, principally *Anvar P.V. v. P.K. Basheer* and *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, stresses the importance of authenticity and of compliance with the statutory conditions governing electronic records.^{20,21} Under the Bharatiya Sakshya Adhiniyam, 2023, electronic and digital records are expressly recognised, and Sections 61 to 63 govern such records and their admissibility.²² Matrimonial courts dealing with screenshots, recordings, or extracted chats must accordingly apply that evidentiary framework rather than assume that every screenshot is self-proving.

²⁰ *Anvar P.V. v. P.K. Basheer*, (2014) 10 SCC 473 (holding that a certificate under § 65B(4) of the Indian Evidence Act, 1872 is a condition precedent to the admissibility of an electronic record adduced as secondary evidence).

²¹ *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1 (affirming *Anvar P.V.*, overruling *Shafhi Mohammad v. State of Himachal Pradesh*, and clarifying that the certificate is not required where the original document or the device on which the record is stored is itself produced).

²² The Bharatiya Sakshya Adhiniyam, No. 47 of 2023, INDIA CODE (2023), §§ 61-63 (§ 61 providing that the admissibility of an electronic or digital record shall not be denied on the ground that it is an electronic or digital record; § 62 providing that the contents of electronic records may be proved in accordance with § 63; and § 63 governing the admissibility of electronic records and prescribing the accompanying certificate). Section 63 replaces § 65B of the Indian Evidence Act, 1872, which was construed in *Anvar P.V.* (n 20) and *Arjun Panditrao Khotkar* (n 21).

The context of a digital communication is particularly important in mental-cruelty cases. A single sentence extracted from a long conversation may appear insulting when the preceding and subsequent messages show a different meaning. Similarly, a social-media post may be public, private, restricted to selected contacts, or reposted by third parties. Courts should therefore consider the complete conversation where it is available, the identity of the sender or account holder, the date and sequence of the messages, whether the material was altered, and the circumstances in which it was published or transmitted.

Privacy adds a further dimension. Matrimonial litigation frequently involves intimate communications and personal photographs. The constitutional recognition of privacy in *Justice K.S. Puttaswamy (Retd.) v. Union of India* demonstrates why courts must handle such material with procedural care.²³ The fact that material is digitally accessible does not make its publication legally or morally neutral. A spouse who deliberately publishes intimate or humiliating material to a broad audience may inflict an injury quite different from that caused by a spouse who places relevant material confidentially before a court.

The research implication is that digital evidence should be evaluated for both evidentiary reliability and matrimonial context. Courts should avoid assuming either that digital evidence is inherently unreliable or that a screenshot is conclusive proof. Proper attention to source, authorship, completeness, metadata where relevant, surrounding communications, and admissibility can reduce the risk of findings based upon manipulated or selectively presented material. Equally, excessive technical formalism should not defeat genuine evidence where the applicable statutory requirements have been satisfied.

iv. Proof of psychological harm

Mental cruelty differs from physical cruelty because its principal injury may be psychological and may leave no visible medical trace. A spouse may experience humiliation, anxiety, fear, anguish, loss of dignity, frustration, or sustained emotional distress without receiving psychiatric treatment or obtaining a formal diagnosis. It would therefore be legally inappropriate to impose a universal rule that mental cruelty can be established only through medical evidence. The central question under Section 13(1)(ia) remains the character and effect of the matrimonial conduct, assessed from the evidence and the circumstances of the case.

In *Samar Ghosh v. Jaya Ghosh*, the Supreme Court recognised that mental cruelty is a state of mind and must ordinarily be inferred from the facts and circumstances, because direct evidence

²³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (nine-Judge Bench holding that the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as part of the freedoms guaranteed by Part III of the Constitution).

of the internal mental state of a spouse will rarely be available.²⁴ The Court emphasised that the matrimonial relationship should be assessed in its social and factual context, and that the cumulative effect of conduct may be more significant than an isolated incident. This approach matters most where the alleged cruelty consists of repeated humiliation, prolonged neglect, denial of companionship, or other behaviour whose harmful effect develops gradually.

The evidentiary inquiry should nevertheless remain objective and disciplined. A petitioner's personal sensitivity is relevant to understanding the experience but cannot by itself determine whether the statutory threshold is satisfied. The court should consider the nature and seriousness of the conduct, its frequency and duration, the circumstances in which it occurred, whether it was repeated, the parties' social and family context, and the cumulative impact on the matrimonial relationship. The standard is not whether the petitioner was unhappy, but whether the conduct was sufficiently grave that the continuation of matrimonial life could not reasonably be expected.

Medical or psychological evidence, where it is available, may corroborate the consequences of the conduct, but it is not a substitute for proof of the underlying matrimonial behaviour. Conversely, the absence of a medical record should not automatically defeat a genuine claim. Documentary communications, the testimony of persons who observed the parties' circumstances, contemporaneous complaints, the conduct of the parties, and the chronology of events may collectively support an inference. The civil standard of proof applicable to matrimonial proceedings remains the preponderance of probabilities.²⁵

This approach also guards against two opposite errors. The first is to trivialise psychological suffering simply because it is not physically visible. The second is to treat every emotional reaction as legally sufficient cruelty. The judicial task is to identify a serious and objectively supportable pattern of conduct, while allowing the cumulative circumstances to demonstrate the psychological injury where direct medical proof is unavailable.

v. Changing expectations within marriage

The meaning and the expectations attached to marriage are not static. Contemporary matrimonial relationships increasingly involve expectations concerning companionship, privacy, employment, financial independence, communication, reproductive choices, the division of domestic responsibilities, and personal autonomy. These changes affect the factual context in which courts evaluate conduct under Section 13(1)(ia). What was once treated as an

²⁴ *Samar Ghosh* (n 5), ¶ 101 ("Mental cruelty is a state of mind.").

²⁵ *N.G. Dastane* (n 2).

ordinary private disagreement may, in a different social setting, have implications for dignity or for the reasonable functioning of the marital relationship. Yet social change does not mean that every disagreement about modern expectations amounts to mental cruelty.

Samar Ghosh v. Jaya Ghosh is particularly important here, because the Supreme Court recognised that the concept of cruelty differs from person to person according to upbringing, sensitivity, educational, family and cultural background, social status, custom, tradition and value systems, and that the concept cannot remain static but is bound to change with the passage of time.²⁶ The judgment nevertheless preserved a threshold of seriousness. Mere coldness, trivial irritation, ordinary quarrels, or the normal wear and tear of married life do not become cruelty simply because social expectations have changed.

Changing expectations are especially relevant to autonomy and companionship. A spouse's decision concerning employment, residence, social relationships, privacy, or personal choices may cause disagreement, but disagreement is not synonymous with cruelty. The legal inquiry must determine whether the conduct becomes persistent, humiliating, coercive, or seriously destructive of the matrimonial relationship. Similarly, a difference in expectations about household responsibilities should not automatically be converted into a legal finding of cruelty unless the conduct reaches the required degree of seriousness.

The jurisprudence therefore requires both adaptability and restraint. Adaptability is necessary because matrimonial life is influenced by social transformation, technology, economic independence, and changing understandings of dignity. Restraint is equally necessary because divorce law should not transform every incompatibility or unmet expectation into a matrimonial wrong. The contextual approach adopted in *Shobha Rani* and *Samar Ghosh* supports an assessment that considers the parties' circumstances, their social setting, and the actual impact of the conduct, rather than the application of an inflexible historical standard.²⁷

From a policy perspective, courts should distinguish between the legitimate evolution of marital expectations and conduct that causes legally cognisable mental suffering. The appropriate test is not whether one spouse has failed to satisfy every expectation of the other, but whether the behaviour, viewed objectively and cumulatively, has crossed the threshold at which the affected spouse cannot reasonably be expected to continue the marital relationship. That preserves the dignity-oriented development of mental-cruelty law without turning ordinary incompatibility into a statutory ground for divorce.

²⁶ *Samar Ghosh* (n 5).

²⁷ *Shobha Rani* (n 3); *Samar Ghosh* (n 5).

VII. CONCLUSION

Mental cruelty under the Hindu Marriage Act, 1955 is a judicially developed doctrine that has become central to contemporary matrimonial law. Section 13(1)(ia) supplies the statutory basis, while the Supreme Court has supplied the interpretive framework through a series of decisions spanning several decades. The jurisprudence establishes that mental cruelty is not confined to physical violence and may arise from conduct that causes serious mental pain, humiliation or anguish, or that makes continued matrimonial life unreasonable.

The leading decisions demonstrate a consistent refusal to adopt a rigid definition. *N.G. Dastane* clarified the civil standard of proof; *Shobha Rani* expanded the recognition of non-physical cruelty; *V. Bhagat* articulated the connection between mental suffering and the reasonable continuation of marriage; *Samar Ghosh* provided detailed but non-exhaustive illustrations; and later cases such as *K. Srinivas Rao* and *Raj Talreja* addressed false allegations and litigation-related harm.

The contemporary challenge is to preserve this flexibility while improving consistency. Courts should focus on the totality of circumstances, the seriousness and duration of the conduct, its cumulative effect, the credibility of the evidence, and the practical impact on matrimonial life. Digital evidence should be evaluated carefully and in context. Genuine complaints and bona fide legal proceedings must remain protected, while demonstrably false and reckless conduct should receive appropriate legal recognition.

Ultimately, mental-cruelty jurisprudence should protect the dignity and psychological well-being of spouses without transforming ordinary marital conflict into a legal ground for divorce. A principled, evidence-based and context-sensitive approach remains the most appropriate way to balance these competing objectives.

VIII. POLICY SUGGESTIONS AND FUTURE RESEARCH AGENDA

Structured judicial guidelines should be developed, identifying the recurring factors of seriousness, duration, frequency, cumulative effect, context, and impact, while expressly preserving judicial flexibility.

Cases suitable for mediation or counselling should be identified early, particularly where the dispute has not reached the level of serious abuse and both parties voluntarily seek reconciliation.

Procedural safeguards for digital evidence should be improved, covering authenticity, authorship, context and compliance with the law governing electronic records, without imposing unnecessary technical barriers on genuine litigants.

Timely disposal of matrimonial proceedings should be promoted, because prolonged litigation can itself intensify emotional and financial harm.

Courts should distinguish clearly between bona fide legal complaints and demonstrably false or reckless allegations before drawing an inference of mental cruelty.

Interdisciplinary research involving law, psychology, sociology and gender studies should be encouraged, in order to improve understanding of psychological harm within marriage.
