

**UNSEEN SUFFERINGS: THE MISAPPLICATION AND BIASES OF INDIAN LAWS
ON CRUELTY AGAINST HUSBANDS**

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Abstract

Cruelty against husbands in India is a pressing yet under recognized issue that underscores significant gaps in the legal and social framework. While existing laws, such as Section 498-A of the Indian Penal Code, aim to address domestic violence, their gender-specific nature and frequent misuse have led to unintended consequences, subjecting innocent husbands and their families to undue hardship. This paper explores the complexities of cruelty faced by husbands, judicial observations on such cases, and the societal stigma that often silences male victims. It advocates for gender-neutral legal reforms, such as revising biased provisions and ensuring safeguards against misuse, alongside societal shifts to challenge stereotypes around masculinity. By highlighting judicial precedents and missed opportunities for inclusivity in recent legal reforms, the study calls for an equitable approach to marital cruelty, promoting fairness and dignity for all individuals in the marital institution. The paper emphasizes the urgent need for systemic change to ensure justice for all.

Keywords

Cruelty against husbands, gender-neutral laws, misuse of legal provisions, marital cruelty, judicial observations, gender bias, legal reform, equitable justice.

Introduction

“There is no doubt that there can be regular fights between the couple which are normal wear and tear of the married life, but certainly there is fine thin line which has to be taken care of so that parties not only respect each other socially but also do not misbehave with the near and dear ones of the spouses”

-Justice Suresh Kumar Kait and Justice Neena Bansal Krishna³

The traditional understanding of cruelty in marital relationships has often been one-sided, predominantly portraying women as victims. This narrow viewpoint, however, does not account for the evolving social dynamics where men too may find themselves at the receiving end of cruelty within a marriage. Unfortunately, this aspect remains largely unexplored and underestimated, creating a pressing need to shift the focus and address the legal, social, and emotional challenges faced by husbands in such situations. This paper investigates the underrepresented issue of cruelty against husbands, emphasizing the critical gaps in the legal framework and societal perceptions that fail to acknowledge men as potential victims.

A growing number of judicial decisions have shed light on this issue, indicating the urgency to revisit traditional perspectives. For example, the Delhi High Court recently ruled that a wife

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³ Justice Suresh Kumar Kait and Justice Neena Bansal Krishna, X v. Y, 2024 LiveLaw (Del) 196

filing unfounded allegations against her husband and his family, coupled with persistent legal battles, constitutes severe cruelty.⁴ Similarly, the Chhattisgarh High Court⁵ granted divorce to a station master whose wife not only falsely accused him of misconduct but also neglected her responsibilities, inadvertently endangering his professional duties by allowing a goods train into a Maoist-affected region. These cases underscore the devastating impact such actions can have on a husband's personal and professional life.

In another pivotal ruling, the Allahabad High Court acknowledged the mental distress and fear a husband experiences when subjected to false criminal cases initiated by his wife.⁶ The court noted that such actions could create genuine apprehension for the husband's safety and that of his family, making it a valid ground for divorce under the Hindu Marriage Act. Similarly, the Telangana High Court extended the definition of cruelty to include damage to a spouse's social reputation and work prospects.⁷ It went so far as to note that acts as seemingly trivial as restricting a spouse's access to social media platforms could also amount to cruelty in today's digital age.

The Punjab and Haryana High Court dealt with a case involving false allegations of sexual assault against a husband's family members⁸. It concluded that such baseless claims, proven unfounded during investigations, amounted to cruelty and justified the husband's plea for divorce.⁹ A similar sentiment was echoed in the case of cricketer Shikhar Dhawan, where a family court in Delhi granted him divorce based on mental cruelty after his wife failed to contest his allegations.¹⁰

Further emphasizing the issue, the Madhya Pradesh High Court ruled that a wife's lack of respect towards her husband or his family could also be considered an act of cruelty.¹¹ In another significant case, the Bombay High Court declared that filing false criminal charges against a husband and his family, especially when these charges result in acquittal, amounts to cruelty and entitles the husband to seek divorce.¹²

These examples highlight the various ways in which husbands can become victims of cruelty—be it through false accusations, reputational harm, or relentless legal harassment. Yet, the Indian legal system has remained predominantly gendered, particularly in laws like Section 498-A of the Indian Penal Code, which exclusively protects women. While such provisions are essential to safeguard women from genuine abuse, their misuse has led to instances of unwarranted suffering for innocent men and their families. Moreover, cultural stereotypes about masculinity often prevent men from speaking out about their experiences, compounding their difficulties. Societal expectations discourage men from showing vulnerability, making it harder for them to seek justice or support. Consequently, the absence of gender-neutral provisions in the law perpetuates an incomplete narrative of marital cruelty, leaving many men without a voice.

This paper seeks to bridge this gap by exploring the complexities of gender roles, the constitutional and legal aspects of cruelty, and the misuse of existing provisions. It critiques the missed opportunities for inclusivity in frameworks like the *Bhartiya Nyaya Sanhita* and discusses the broader challenges of achieving gender equality in India's legal landscape. Real-life cases and

⁴ *X v. Y*, 2023 LiveLaw (Del) 1068, CM APPLs. 134/2021, 42985/2021, 42986/2021

⁵ Justice Rajani Dubey and Justice Sanjay Kumar Jaiswal in case of *X v. Y*, FA (MAT) No. 01 of 2020, Date of Order: November 05, 2024

⁶ *Smt. Tripti Singh v. Ajat Shatru* [FIRST APPEAL No. - 251 of 2013], Neutral Citation No. - 2024:AHC:151200-DB

⁷ *D. Narsimha, Narsimlu vs, Smt D Anita Vaishnavi*, 2024 LiveLaw (TS) 110

⁸ Justice Sudhir Singh and Justice Harsh Bunker in case of *XXXX v. XXXX*, 2024 LiveLaw (PH) 159

⁹ *ibid*

¹⁰ *Shikhar Dhawan v. Aesha Dhawan*, 2023 SCC OnLine Dis Crt (Del) 24

¹¹ *Santosh Meena vs. Siddharth B.S. Meena*, 2023 LiveLaw (MP) 40

¹² *Rohit Bhimsen Khurana v Advocate Neha Rohit Khurana*, (2016) 1 ABR 431 : (2015) 4 RCR(Civil) 248

judicial observations form the foundation of this discourse, bringing to light the silent suffering endured by many husbands and the critical need for systemic reform.

Studying this issue is vital for creating a balanced understanding of cruelty in marriages. It is not about undermining the struggles of women but about recognizing that fairness and justice must apply equally to all. By addressing the misuse of legal provisions, understanding judicial responses, and analyzing societal biases, this research aims to contribute to a more inclusive and equitable discourse on marital cruelty.

Cruelty against husbands is an issue that demands attention not just as a legal anomaly but as a societal concern. This paper argues for a nuanced and fair approach to marital cruelty, one that acknowledges and addresses the challenges faced by husbands. As the subsequent chapters reveal, achieving this balance requires legislative reforms, societal awareness, and a commitment to gender inclusivity in every aspect of justice.

Concept of Cruelty

The Legal Information Institute¹³ defines the term cruelty in relation to the divorce as “*the willful, persistent infliction of unnecessary suffering, whether in realization or apprehension, whether of mind or body, to such an extent as to render cohabitation dangerous and unendurable*”¹⁴. The law.com¹⁵ defines the word cruelty as “*the intentional and malicious infliction of physical or psychological pain on another*”, according to the Law school application advice and resources¹⁶ the term cruelty means “*One spouse physically harms the other, or creates a reasonable fear of bodily harm, which endangers life, limb, or health and makes marital cohabitation unsafe or improper*”

The concept of cruelty is fluid and varies depending on individual circumstances, social status, cultural norms, and economic conditions. It is not confined to a fixed definition or criteria, as what one person perceives as cruelty may not necessarily be viewed the same by another. For instance, in *Sheldon v. Sheldon*¹⁷, it was observed that an act perceived as cruel by one individual might not evoke the same response from another.

Cruelty is not limited to one gender or specific group—it can affect men, women, children, and even animals. In the context of marital relationships, it can manifest in numerous ways, including physical violence, verbal abuse, or even silence and neglect. Cruelty may be subtle or explicit, and its impact depends on the personalities, tolerance levels, and adaptability of the individuals involved. The Supreme Court in *Shobha Rani v. Madhukar Reddi*¹⁸ highlighted that the perception of cruelty varies significantly with changes in social and economic conditions. Acts considered cruel in one cultural or economic setting might not hold the same meaning in another. In *G.V.N. Kameswara Rao v. G. Jalili*¹⁹, the Court held that cruelty involves actions that create a reasonable fear of harm, making cohabitation unbearable. Intent to cause distress to the other party often defines such behavior, with social and economic contexts playing a crucial role.

¹³ Legal Information Institute, available at: <https://www.law.cornell.edu/> (last visited on November 25, 2024)

¹⁴ *ibid*

¹⁵ available at: <https://dictionary.law.com/> (last visited on November 25, 2024)

¹⁶ Law school application advice and resources, available at: <https://www.lsd.law/> (last visited on November 25, 2024)

¹⁷ *Sheldon v. Sheldon*, 1966(2) All . ER 257

¹⁸ 1988 AIR 121

¹⁹ *G.V.N Kameswara Rao v. G.Jalili* A.I.R. 2002 S.C. 576

In *Jayachandra v. Anil Kaur*²⁰, the Court noted that the term cruelty, as used in the Hindu Marriage Act, 1955, lacks a precise definition. It includes conduct by one spouse that negatively impacts the other, whether mentally or physically. The evaluation of mental cruelty requires consideration of the couple's community-specific customs, beliefs, and social standing.

Similarly, in *Mohd. Hoshan v. State of A.P.*²¹, the Court recognized that cruelty's existence depends on individual sensitivities, social environment, education, and the victim's unique circumstances. Thus, assessing cruelty requires a nuanced understanding of the broader context and the specific dynamics between the parties involved.

In essence, cruelty is a multifaceted concept that cannot be universally defined. Its interpretation depends on the unique interplay of personal, social, and cultural factors in each case.

Understanding Cruelty against a Husband

Cruelty against a husband can take many forms, and courts must carefully consider all relevant facts and circumstances, including the physical and mental well-being of both parties. According to Section 13(1)(ia) of the Hindu Marriage Act, for an act to qualify as cruelty, it must create a genuine fear of physical or psychological harm, making it unbearable for the spouse to continue cohabitation. Any intentional, unjustifiable behavior that causes significant distress or harm to the other spouse may be considered cruelty. While physical injuries provide direct evidence, mental cruelty often requires expert evaluation to substantiate claims. Additionally, courts take into account the socioeconomic background, traditions, education, and living conditions of the parties involved, as highlighted in *G.V.N. Kameswara Rao v. G. Jabilli*.²²

Laws are designed to maintain social order and protect vulnerable sections of society, but unfortunately, they are sometimes misused. Women have been known to exploit these protections, such as those under Section 498-A of the IPC and the Domestic Violence Act, to target their husbands and in-laws. Often, this misuse stems from personal grudges, leading to false accusations and fabricated reports. Such actions have been seen in cases like *Savitri Pandey v. Prem Chandra Pandey*²³, where desertion was defined as a complete withdrawal from matrimonial responsibilities.

Instances of cruelty toward husbands include the wife threatening suicide, filing false complaints, accusing the husband of extramarital affairs (*Deepalakshmi Saehia Zingade v. Sachi Ramesh Rao Zingade*)²⁴, or engaging in adultery. Other examples include disrespecting the husband publicly, refusing cohabitation, demanding separation from in-laws, or subjecting the husband to mental harassment. In cases of desertion, wives may choose to live apart with the intent to dissolve the marital bond, often using the law to demand financial support.

Adultery by a wife, which involves maintaining marital ties while engaging in a sexual relationship with another, is another form of cruelty. Despite laws protecting women, there is no equivalent protection for husbands, leaving them vulnerable to accusations and stigma. Refusing sexual relations without valid reasons, filing malicious complaints, or undermining the husband's reputation within the family are additional forms of mistreatment. While laws aim to protect women, their misuse often leaves husbands defenseless. A balanced approach that prevents

²⁰ (2005) 2 SCC 22

²¹ AIR 2002 SUPREME COURT 3270, 2002 (7) SCC 414

²² *G.V.N Kameswara Rao v. G.Jalili* A.I.R. 2002 S.C. 576

²³ *Savitri Pandey v. Prem Chandra Pandey*, AIR 2002 SC 591.

²⁴ *Deepalakshmi Saehia Zingade v Sachi Ramesh Rao Zingade* AIR 2010 Bom 16.

exploitation and ensures fairness for both parties is essential to address the growing misuse of legal provisions.

Constitutional Aspect of Cruelty against Husbands in India

The Indian Constitution upholds the principle of equality for all citizens, as enshrined in Article 14, which guarantees equality before the law and equal protection under it. However, a closer look at certain legislations reveals a gender bias that often sidelines men, particularly husbands, in marital disputes. This perceived imbalance raises significant constitutional concerns and questions about the true realization of gender neutrality within the legal system. One key issue stems from the Hindu Marriage Act's Section 9, which allows a spouse to file for restitution of conjugal rights if their partner withdraws from their company without valid reason. Critics argue that this provision infringes upon the Article 21 guarantees of liberty, dignity, and privacy, as it forces individuals to cohabit against their will. The lack of uniformity in laws governing marital disputes across religions further exacerbates these disparities. For instance, under the Indian Divorce Act, grounds for divorce differ for husbands and wives, resulting in unequal treatment. While wives can cite grounds like bigamy, sodomy, or cruelty, husbands are limited to proving adultery, highlighting a clear bias in the legal framework.

The Kerala High Court has also drawn attention to issues of cruelty within marriages. In one ruling, the court emphasized that alienating a child from a parent constitutes mental cruelty, further underscoring the emotional toll that such situations can have on husbands.²⁵ Similarly, Section 10 of the Indian Divorce Act has faced criticism for its discriminatory provisions, which deny Christian spouses access to divorce on grounds like cruelty or abandonment, offering them judicial separation instead.

Judicial interpretations have frequently highlighted the need for reforms. In *Jorden Diengdeh v. S.S. Chopra*²⁶, the Supreme Court advocated for uniform grounds for divorce, such as irretrievable breakdown of marriage and mutual consent, applicable to all citizens irrespective of religion. Similarly, in *Reynold Rajamoni v. Union of India*²⁷, the court emphasized the importance of making mutual consent a universal ground for divorce. Despite the constitutional promise of equality, laws often disproportionately favor women in marital disputes. A wife can seek divorce on grounds like incestuous adultery, bigamy, or desertion, while a husband is restricted to proving adultery alone. This disparity contravenes the equality enshrined in Articles 14 and 15 and perpetuates gender discrimination.

In *Pragati Varghese v. Cyril George Varghese*²⁸, the court invalidated provisions of the Divorce Act that contravened fundamental rights, highlighting the need for equality in divorce laws. The reasoning was simple: laws should not be inherently biased or discriminatory but should provide equal opportunities and remedies for both genders. The court's ruling in *S. Pratap Singh v. State of Punjab*²⁹, which admitted taped conversations as evidence, also underscores the evolving judicial approach to ensuring fairness and accountability in marital disputes.

²⁵ Lydia Suzanne Thomas, Calculated Acts Of One Parent To Alienate Child From Other Parent Amount To "Mental Cruelty" : Kerala High Court, Live law (published on 22 May 2021), available at: <https://www.livelaw.in/> (last visited on November 25, 2024)

²⁶ *Jorden Diengdeh v. S.S. Chopra*, 1985 AIR 935

²⁷ *Reynold Rajamoni v. Union of India*, AIR 989 Cal 1

²⁸ *Pragati Varghese v. Cyril George Varghese*, AIR 1997 Bom 349

²⁹ *S. Pratap Singh v. State of Punjab*, 1964 for SCR 733.

The issue of gender bias in laws also extends to how evidence is handled in family courts. Section 14 of the Family Courts Act empowers courts to admit evidence beyond the strict confines of the Indian Evidence Act. While this provision aims to expedite justice, it also raises concerns about potential misuse, particularly in cases where accusations against husbands are made without substantial proof.

Instances of cruelty against husbands, including false accusations and emotional or psychological abuse, have risen in recent years. Addressing this issue is critical not only to uphold constitutional principles but also to ensure a balanced and fair legal framework. Laws should provide relief to victims, irrespective of gender, without becoming instruments of oppression.

The path forward requires a comprehensive overhaul of existing personal laws to align them with constitutional principles of equality and non-discrimination. Introducing uniform grounds for divorce, as suggested by the judiciary, can eliminate disparities across religious and gender lines. Furthermore, special laws designed to protect women should be re-examined to ensure they do not unintentionally disadvantage men or perpetuate bias. Ultimately, a gender-neutral approach to marital laws, grounded in constitutional values, can foster a more just and equitable society. By addressing these imbalances, India can ensure that its legal system remains true to the promise of equality and justice for all.

Constitutional Philosophy on Cruelty

The framers of the Indian Constitution, mindful of societal inequalities, designed a framework to ensure equality between genders. Dr. B.R. Ambedkar emphasized safeguards for women, highlighting their importance during the introduction of the Constitution. While equality is a foundational principle, certain legislative provisions and judicial interpretations have brought attention to the disparity in addressing cruelty, especially toward men in marital relationships.

Article 14: Equality Before Law

Article 14 of the Constitution guarantees every individual equality before the law and equal protection under it, prohibiting any form of unjust discrimination. In theory, this ensures that all citizens are treated equally. However, gender-specific laws such as Section 498A, 304-B, and 306 of the Indian Penal Code (IPC), along with domestic violence laws, primarily focus on protecting women. This focus inadvertently creates a gap where husbands experiencing cruelty have limited legal remedies, often restricted to judicial separation or divorce. While these laws aim to address historical inequalities, they have been critiqued for potentially contravening the principle of gender neutrality envisaged in Article 14.

Article 21: Right to Life and Personal Liberty

Article 21 protects an individual's right to life and liberty, ensuring a dignified existence. Within the marital context, if a spouse endures mental anguish or ill-treatment, it breaches this fundamental right. The absence of marital rape as an offense in India starkly contradicts the spirit of Article 21. Courts have recognized marital rape as a form of matrimonial cruelty, but legislative acknowledgment remains absent. Interestingly, Article 21 has also been invoked in family planning cases, recognizing the fundamental rights tied to reproduction. A woman's right to terminate a pregnancy is protected under this article, while the husband's desire to have children

may also be considered a liberty right.³⁰ This dichotomy raises questions about balancing the rights of both spouses. While legal remedies exist for women to challenge violations, husbands typically rely on judicial separation or divorce in response to such situations, revealing a structural imbalance.³¹

Article 51-A: Fundamental Duties

Article 51-A(a) calls upon citizens to foster harmony and renounce practices that degrade women's dignity. This provision reflects the Constitution's commitment to protecting women, particularly in the context of marriage, where societal dynamics often place them in vulnerable positions. Women transitioning to their matrimonial homes often face challenges adapting to new environments, and the attitudes of in-laws and other relatives can lead to subjugation and strained relationships. While these provisions aim to safeguard women from cruelty, their implementation often remains symbolic without effective enforcement. Although these constitutional safeguards empower women to avoid torture and lead lives free of mental and physical suffering, their focus on women's protection sometimes leaves men's experiences of cruelty unaddressed.

Bhartiya Nyaya Sanhita and Gender Inclusivity: A Missed Chance for Reform

The Bhartiya Nyaya Sanhita (BNS), intended to modernize India's legal framework, falls short in addressing gender inclusivity, particularly in cases of marital disputes and family law. Despite the progress made globally in promoting gender equality, the BNS neglects issues affecting men, especially concerning the misuse of certain legal provisions by women. This oversight perpetuates societal imbalances and undermines the principles of fairness and equality.

Gender Bias in Legal Provisions

Several existing laws, such as the Protection of Women from Domestic Violence Act and Dowry Prohibition Act, provide crucial safeguards for women but fail to account for situations where men are victims of abuse or false accusations. Men often face limited legal recourse when falsely accused of domestic violence or dowry harassment. This creates a disparity that contradicts the principle of equality before the law and reinforces harmful gender stereotypes.

Misuse of Legal Provisions

Cases of misuse of legal provisions, particularly in marital disputes, highlight a critical flaw in the judicial system. Women may exploit laws such as Section 498A of the IPC to secure advantages in divorce or extract financial settlements, leaving men with few avenues for justice. The absence of countermeasures to prevent such abuse erodes public confidence in the judiciary and raises questions about the fairness of the system.

³⁰ Diwan Paras , Modern Hindu Law, Pp. 842-843

³¹ *Sushil Kumar v. Usha* , AIR 1987. P&H 252

Retention of Gendered Provisions

The BNS reproduces outdated, gender-specific provisions from the Indian Penal Code (IPC), such as dowry death (Section 80) and cruelty by the husband or his relatives (Section 85), without introducing complementary protections for men. Provisions like enticing a married woman (Section 84) and fraudulent marriage ceremonies (Section 83) continue to treat women as passive victims, perpetuating patriarchal norms that diminish their agency. The use of gender-specific language, such as referring to rape perpetrators as “he” and victims as “woman,” further entrenches biases.

Challenges in Advancing Gender Equality

The retention of such provisions reflects a colonial-era mindset, where women were viewed as property needing protection by the state. This perspective is increasingly out of step with contemporary views on equality. Reforming these laws to reflect a balanced approach to gender inclusivity remains a pressing challenge.

Addressing the imbalance requires comprehensive reforms that safeguard the rights of both men and women in marital conflicts. This could include revising existing laws to provide equal protection for all genders, introducing safeguards to prevent misuse of legal provisions, and fostering greater awareness about gender equality. Training for legal professionals on gender sensitivity and public campaigns to challenge stereotypes are critical steps toward a more inclusive legal system.

The Bhartiya Nyaya Sanhita misses a vital opportunity to ensure gender inclusivity by neglecting the challenges faced by men and retaining provisions that reinforce outdated gender norms. Comprehensive reforms, coupled with societal efforts to dismantle stereotypes, are essential for building a fair and equitable legal framework. By addressing these gaps, the legal system can progress toward greater inclusivity and justice for all citizens.

The Dark Side of Section 498-A: Uncovering the Misuse and Its Impact

Section 498-A of the Indian Penal Code (IPC) was introduced in 1983 to address domestic violence and cruelty against married women, particularly in the context of dowry harassment. The amendment aimed to curb rising cases of dowry deaths and provide justice to women subjected to physical or mental abuse. It empowered authorities to conduct post-mortem inquiries in cases where women died or committed suicide within seven years of marriage, creating a presumption of guilt against the husband or his relatives under specific circumstances.

A Section with Biases

While Section 498-A sought to protect women from cruelty, its one-sided focus has sparked criticism for its discriminatory nature. The law is non-bailable and cognizable, enabling the police to arrest the husband and his family based on allegations without verifying their legitimacy. This has often resulted in innocent individuals, including elderly relatives and children, being entangled in criminal cases, causing significant distress and prolonged legal battles.

The provision's language exclusively addresses cruelty by husbands and their families, neglecting instances where wives or their relatives might inflict cruelty on husbands. Unlike

accusations against men, there are no penal consequences for cruelty committed by women, only civil remedies like divorce. This imbalance undermines Article 14 of the Constitution, which guarantees equality before the law.

Overlapping Laws and Misuse

Critics argue that Section 498-A overlaps with the Dowry Prohibition Act of 1961, creating redundancy and inconsistency. Its vague definition of “cruelty” and “harassment” has led to subjective interpretations and misuse. Cases often emerge where women file false allegations to gain leverage in disputes, as seen in judgments like *Meenu Devi v. Amit Kumar*³² and *Smt. Kumari Bimla v. Rupesh Kumar*³³. These instances highlight the potential for misuse, where unfounded accusations can cause mental and social harm to the accused parties.

Need for Reform

To address these challenges, there is an urgent need for a balanced legal approach. This would include safeguards against false accusations, precise definitions of terms like “harassment,” and provisions addressing cruelty faced by husbands. Striking a balance between protecting women's rights and ensuring fairness for men and their families is essential to uphold justice and restore public faith in the judiciary.

While Section 498-A was introduced with noble intentions, its execution has revealed significant biases and opportunities for misuse. A more inclusive and equitable framework is necessary to address the complexities of marital disputes and ensure justice for all parties involved. Comprehensive reform can mitigate the unintended consequences of this law and foster a fairer legal environment.

Judicial Approach in India

The Supreme Court has addressed various instances in Hindu marriages where the wife's actions were deemed cruel to her husband, shaping the interpretation of Hindu divorce law:

*Deepalakshmi Saehia Zingade v. Sachi Ramesh Rao Zingade*³⁴: In this case, the wife falsely accused her husband of having an extramarital affair, a claim later proven baseless in court. Such allegations were classified as cruelty towards the husband.

*Anil Bharadwaj v. Nimlesh Bharadwaj*³⁵: The court ruled that a wife's refusal to engage in sexual relations with her husband, without providing any valid reason, constituted cruelty under marital laws.

*Kalpana v. Surendranath*³⁶: A court observed that even minor acts, like refusing to prepare tea for her husband's guests, could reflect an attitude of cruelty. The misuse of laws such as dowry provisions or penal codes to unjustly target the husband and his family is also seen as a growing

³² *Meenu Devi v. Amit Kumar*, AIR 2018 Jharkhand 152

³³ *Smt. Kumari Bimla v. Rupesh Kumar*, AIR 2018 Jharkhand 158

³⁴ *Deepalakshmi Saehia Zingade v Sachi Ramesh Rao Zingade* AIR 2010 Bom 16.

³⁵ *Anil Bharadwaj v. Nimlesh Bharadwaj*, AIR 1987 Del 111.

³⁶ *Kalpana v. Surendranath*, AIR 1985 All 253.

concern. False allegations aimed at harassing the husband and his relatives highlight the need for stricter measures to protect the sanctity of marriage.

*Sakuntala v. Om Prakash Ghai*³⁷: Justice Leila Seth emphasized that a healthy sexual relationship is fundamental to a successful marriage. Wilfully denying such a relationship, especially in young or newlywed couples, could amount to mental cruelty.

*Indu Kaul & Mehak Sharma, Advocates Case*³⁸: The Delhi High Court granted a divorce to a husband on grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act. The wife had made serious but baseless allegations against him, including claims of extramarital affairs, dowry harassment, and sexual exploitation by his brother, none of which she could substantiate. The court emphasized that while filing legal complaints is a right, unsupported and defamatory accusations amount to cruelty.

*Shikhar Dhawan Divorce Case*³⁹: A family court in Delhi granted cricketer Shikhar Dhawan a divorce, citing mental cruelty. His wife, Aesha Dhawan, chose not to contest the case, effectively allowing the allegations—such as her failure to fulfill assurances of living in India and compelling Dhawan to make her a co-owner of properties in Australia—to stand uncontested. The court noted that such conduct inflicted mental agony, meeting the threshold for cruelty.

Allahabad High Court Ruling⁴⁰: The court found that false accusations under Section 498A of the IPC, leading to arrests and societal defamation, constituted mental cruelty. The husband's appeal for divorce was allowed, recognizing the irreversible damage to the marital relationship caused by baseless allegations.

Bombay High Court on Socializing⁴¹: In contrast, the Bombay High Court ruled that attending late-night parties does not constitute cruelty, noting that socializing is acceptable in contemporary society. The court found no evidence supporting claims of the wife's misbehavior, and both parties appeared to have similar lifestyles, characterized by occasional partying. The husband's appeal for divorce was rejected, as misunderstandings were deemed insufficient grounds for cruelty.

These cases underscore how courts balance individual rights with evidence when evaluating claims of cruelty in marriage. They also highlight the importance of substantiating allegations to avoid misuse of legal provisions.

Conclusion

Cruelty against husbands in India is a significant yet overlooked issue, highlighting a critical gap in both legal frameworks and societal awareness. While laws like Section 498-A of the Indian Penal Code aim to protect women from domestic abuse, their misuse has exposed innocent men and their families to unwarranted hardship. This gender-specific approach neglects the realities of marital cruelty faced by husbands, leading to a justice system that lacks inclusivity.

Judicial observations have underscored how false allegations, character defamation, and emotional neglect by wives amount to cruelty, severely impacting the mental and social well-being

³⁷ *Shakuntala Kumari vs Om Prakash Ghai*, 1980, AIR 1983 Delhi 53, 19 (1981) DLT 64.

³⁸ *Indu Kaul & Ms. Mehak Sharma, Advocates*, 2023 LiveLaw (Del) 1068

³⁹ *Shikhar Dhawan v. Aesha Dhawan*, 2023 LiveLaw (MP) 40

⁴⁰ *Smt. Tripti Singh v. Ajat Shatru* [FIRST APPEAL No. - 251 of 2013]

⁴¹ Ashok Kini, Wife attending late night parties is not 'Cruelty' to Husband : Bombay HC, *available at*: <https://www.livelaw.in/wife-attending-late-night-parties-is-not-cruelty-to-husband-bombay-hc/> (last visited on November 25, 2024)

of husbands. However, the absence of gender-neutral legal provisions denies men equitable protection, perpetuating their silence and suffering. Moreover, recent legal reforms, such as the Bhartiya Nyaya Sanhita, missed the opportunity to address these imbalances.

The way forward necessitates legislative reforms to make laws governing domestic cruelty inclusive and gender-neutral. Revising provisions like Section 498-A to protect all victims, while implementing safeguards against misuse, is crucial. Judicial sensitivity must also be enhanced through training programs, ensuring that cases of cruelty against husbands are approached without gender bias. Society must challenge stereotypes around masculinity and vulnerability, fostering open discussions on marital cruelty and mutual respect in relationships. Support systems for male victims, including helplines and counseling centers, should be established to offer safe avenues for assistance.

By addressing these gaps, India can create a more just and inclusive legal system that upholds equality for all individuals. Recognizing cruelty against husbands does not diminish the struggles of women but strengthens the broader pursuit of justice, ensuring dignity and fairness for everyone within the institution of marriage.