

# Preserving Social Stability while Ensuring Justice: Cruelty as a Ground for Divorce in Contemporary Society

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**Abstract:** *This study examines the importance of maintaining old values and customs versus embracing new ideas and practices in ensuring societal harmony and stability. Using a descriptive survey method, data were collected from 100 respondents selected through simple random sampling, with a questionnaire used as the main tool of data collection. The study analyzed differences in opinions on traditional concepts and social stability across gender, age, and place of residence. The findings reveal that there is no significant difference between men and women, respondents below and above 30 years of age, or urban and rural respondents in their views on the role of traditional notions and standards in maintaining societal harmony. Overall, the study indicates a broad consensus among all groups that traditional values continue to hold importance in promoting social order and stability, even in the context of changing social ideas and practices.*

**Keywords:** Traditional Values, Customs, Social Stability, Societal Harmony, Gender Age, Locale.

## I. INTRODUCTION

The institution of marriage has historically been regarded as a cornerstone of social stability, deeply rooted in traditional values, customs, and religious norms. In the Indian context, marriage has been perceived not merely as a contractual relationship but as a sacramental and enduring union that sustains social order and continuity. However, with the gradual evolution of society, the rigid adherence to traditional norms has been re-examined in light of individual rights, dignity, and justice. The legal system has played a pivotal role in balancing these competing interests by recognizing cruelty as a legitimate ground for divorce. Under Section 13(1)(ia) of the Hindu Marriage Act, 1955, cruelty—whether physical or mental—provides a basis for dissolution of marriage, reflecting a shift from preservation of marriage at all costs to protection of individual well-being. This transformation was significantly reinforced by the Marriage Laws (Amendment) Act, 1976, which expanded the scope of cruelty and made it an independent ground for divorce, thereby marking a departure from earlier conservative interpretations of marital stability.

The constitutional framework of India further strengthens this evolving approach by emphasizing fundamental rights such as equality (Article 14), non-discrimination (Article 15), and the right to life and personal liberty under Article 21, which has been judicially interpreted to include the right to live with dignity. These constitutional principles have influenced matrimonial jurisprudence by ensuring that individuals are not compelled to remain in oppressive or abusive relationships in the name of tradition. The judiciary, through various landmark decisions, has broadened the interpretation of cruelty, recognizing that it varies depending on circumstances and social context, and may include mental suffering, emotional abuse, or sustained neglect. Additionally, criminal law provisions such as Section 498A of the Indian Penal Code address cruelty against married women, while civil protections under the Protection of Women from Domestic Violence Act, 2005 extend the definition of cruelty to include physical, emotional, verbal, and economic abuse. These legislative measures indicate a clear shift from rigid traditionalism towards a rights-based framework.

Furthermore, recommendations from expert bodies such as the Law Commission of India have played a significant role in shaping contemporary divorce law. The 71st and 217th Law Commission Reports advocated for the inclusion of “irretrievable breakdown of marriage” as a ground for divorce, acknowledging that forcing parties to continue in a dead marriage may itself amount to cruelty. The Supreme Court has also exercised its constitutional powers under Article 142 to dissolve marriages where continuation would result in injustice, thereby reinforcing the idea that social stability must not come at the cost of individual suffering. Thus, the modern legal perspective reflects a nuanced understanding: while the institution of marriage remains vital for societal cohesion, its preservation cannot override the principles of justice, dignity, and human rights. The recognition of cruelty as a ground for divorce exemplifies this balance, illustrating that departure from traditional norms does not necessarily lead to social disintegration but may, in fact, promote a more equitable and humane social order.

### **1.1. The Review of Related Literature**

**Negi, S. (2026).** This article examines how cruelty under Hindu marriage law has evolved from a narrow focus on physical violence to a broader judicial recognition of mental, emotional, psychological, and even economic cruelty. The study emphasizes that the absence of a statutory definition in the Hindu Marriage Act, 1955 has enabled courts to develop a flexible, case-law-driven doctrine. It is particularly useful for contemporary research because it links doctrinal development with changing social realities and highlights the importance of landmark decisions such as *Dastane, V. Bhagat, Samar Ghosh*, and *K. Srinivas Rao* in expanding the scope of cruelty as a matrimonial ground.

**Khandelwal, S. (2025).** This article focuses specifically on mental cruelty and argues that Indian divorce law has moved beyond visible physical abuse to recognize emotional assault, demeaning conduct, abandonment, and degradation as serious matrimonial wrongs. The paper traces the historical transition from the pre-1976 restrictive approach to the post-amendment recognition of mental cruelty under Section 13(1)(ia) of the Hindu Marriage Act. Its value lies in showing that mental cruelty is often subtle, recurring, and difficult to prove, requiring judges to assess behavioural patterns and psychological trauma rather than isolated incidents.

**Dogra, Y. (2024).** This paper critically studies the rise of psychological abuse as a central ground for divorce in India and argues that legal responses to matrimonial cruelty must move beyond bodily harm to include invisible mental suffering. It highlights how increasing awareness of mental health has reshaped judicial approaches and made mental cruelty a major basis for matrimonial relief. The article is significant because it identifies continuing problems of vagueness, subjectivity, and inconsistent application in court decisions, while also calling for more nuanced legal and social responses to protect victims of psychological abuse within marriage.

**Sharma, A., & Prahalad. (2023).** This study presents a general doctrinal analysis of cruelty as a ground for divorce and distinguishes between physical cruelty and mental cruelty in matrimonial law. It explains that physical cruelty involves violence, bodily injury, or threat to life and health, while mental cruelty may arise from repeated disagreement, emotional suffering, and conduct causing deep psychological harm. The article is helpful in understanding how cruelty has historically developed from patriarchal marital structures and how courts now recognize both physical and non-physical forms of abuse as sufficient to disrupt marital life and justify dissolution.

**Roy, D. (2020).** This article examines mental cruelty across different Indian statutes and judicial interpretations, with particular attention to Section 13(1)(ia) of the Hindu Marriage Act and Section 498A of the Indian Penal Code. It argues that mental cruelty is highly contextual and cannot be reduced to a fixed formula, as its meaning changes according to the legislation involved and the facts of each case. The article is especially relevant because it situates matrimonial cruelty within the broader framework of violence against women and shows how courts have gradually added new dimensions to the concept through decisions such as *Samar Ghosh, A. Jayachandra*, and *G.V. Kameswara Rao*.

### **1.2. The Research Gap**

A clear research gap emerges because the reviewed literature is centered on cruelty as a ground for divorce under matrimonial law, especially the judicial expansion of physical, mental, and psychological cruelty, whereas the present objectives shift toward comparative social attitudes on maintaining old values and customs versus embracing new ideas

and practices for societal harmony. None of the cited studies specifically examine how men and women differ in such views, how respondents below and above 30 years of age vary in their perceptions, or how urban and rural respondents differ regarding traditional notions and societal stability. Thus, the major gap lies in the absence of an empirical and comparative socio-legal inquiry into demographic differences in attitudes toward tradition and change, since the existing literature remains largely doctrinal, court-centered, and confined to matrimonial cruelty rather than broader societal value perspectives.

### 1.3. The Rationale of the Study

This study is undertaken to examine how the law balances two competing concerns in contemporary society: the preservation of social stability through marriage as an important institution, and the protection of individual justice where a spouse suffers cruelty within that institution. In modern matrimonial relations, cruelty is no longer confined to physical violence alone but includes mental, emotional, psychological, and other subtle forms of abuse that may make marital life intolerable. As social values evolve, courts are increasingly required to interpret cruelty in a way that protects dignity, equality, and personal liberty without undermining the social significance of marriage. Therefore, the study is important because it critically explores whether cruelty as a ground for divorce serves as a just legal remedy for injured spouses while also reflecting the changing needs and realities of contemporary society.

### 1.4. The Statement of the Problem

The problem of this study lies in the growing tension between preserving marriage as a foundation of social stability and recognizing cruelty as a just ground for divorce in contemporary society. Although marriage continues to be valued as an important social institution, increasing instances of physical, mental, emotional, and psychological cruelty raise serious questions about whether the law adequately protects spouses whose dignity, safety, and liberty are harmed within marriage. The concept of cruelty remains broad and largely dependent on judicial interpretation, which often creates uncertainty in determining when marital conduct becomes serious enough to justify legal dissolution. Therefore, the study seeks to examine how cruelty operates as a ground for divorce and whether the present legal approach successfully balances social order with individual justice.

### 1.5. The Objectives of Study

O1: To examine the difference between men and women in their views on the importance of maintaining old values and customs vs embracing new ideas and practices in ensuring societal harmony.

O2: To analyze the difference between respondents below and above 30 years of age in their views on the importance of maintaining old values and customs vs embracing new ideas and practices in ensuring societal harmony.

O3: To study the difference between urban and rural respondents in their views regarding the importance of maintaining traditional notions and standards vs. breaking away from them in maintaining societal stability .

### 1.6. The Hypotheses of the Study

H<sub>01</sub>: Women and men do not vary much in their views on the importance of maintaining old values and customs vs embracing new ideas and practices in ensuring societal harmony.

H<sub>02</sub>: Regarding the importance of traditional concepts and norms to social stability, there is no discernible difference between respondents under 30 and those over 30.

H<sub>03</sub>: Regarding the importance of maintaining traditional notions and standards vs. breaking away from them in maintaining societal stability, there is no discernible difference between respondents living in urban and rural areas.

### 1.7. The Delimitations of the Study

The study is delimited to an examination of respondents' views on the importance of maintaining old values and customs versus embracing new ideas and practices in ensuring societal harmony and stability. It is confined to a sample of 100 respondents selected through simple random sampling and is limited to comparisons based only on gender, age, and place of residence. The study further relies solely on data collected through a questionnaire and does not include

interviews, observation, or other research tools. It is also restricted to the opinions expressed by the selected respondents at the time of data collection and does not attempt a wider national or cross-cultural generalization.

**II. THE METHODOLOGY OF STUDY**

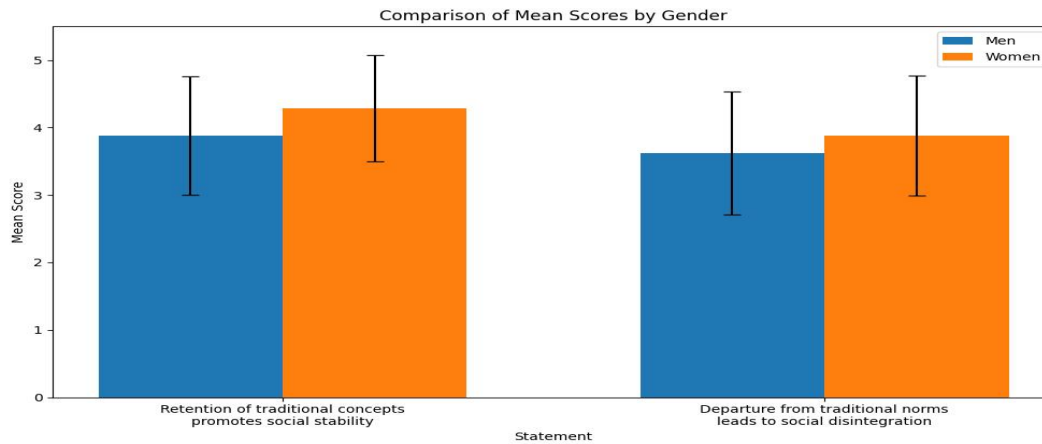
This study adopts a descriptive survey method to examine the issue under investigation. The study is based on a sample of 100 respondents, selected through the simple random sampling method to ensure equal chance of participation. Data are collected by using a questionnaire as the main research tool, designed to gather the views, opinions, and responses of the participants on the subject matter. The collected data are then organized, classified, and analyzed to understand patterns and draw meaningful conclusions relevant to the objectives of the study.

**III. THE ANALYSIS AND INTERPRETATION**

**H<sub>01</sub>: Women and men do not vary much in their views on the importance of maintaining old values and customs vs embracing new ideas and practices in ensuring societal harmony.**

**Table 3.1: Independent Samples t-test for Gender Comparison**

Statement	Group (Men/Women)	Mean (Men/Women)	SD (Men/Women)	t-value	p-value	Level of Significance	Decision on H <sub>01</sub>
Retention of traditional concepts promotes social stability	Men vs Women	3.88 / 4.29	0.88 / 0.79	-1.21	> 0.05	Not Significant	Accepted
Departure from traditional norms leads to social disintegration	Men vs Women	3.62 / 3.88	0.91 / 0.89	-0.75	> 0.05	Not Significant	Accepted



**Figure 3.1: Graphical Representation on Gender Comparison in Views of Respondents**

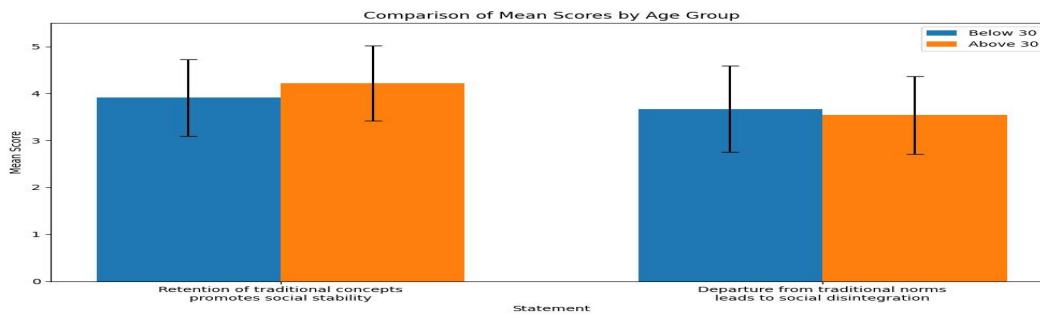
Figure 3.1 indicates that there is no statistically significant gender difference in respondents' views on either statement, since for both items the reported p-value is greater than 0.05 and the null hypothesis was accepted. In legal terms, this suggests that attitudes toward retaining traditional concepts for social stability and toward the consequences of departing from traditional norms are broadly shared across men and women, rather than being sharply divided by sex. That interpretation is consistent with the constitutional scheme of formal equality and equal protection under Article 14, the prohibition of sex-based discrimination under Article 15(1), and the protection of dignity and personal liberty under Article 21, all of which require family-law discourse to be assessed through a lens of equal citizenship rather than

stereotyped assumptions about male and female roles. It is also relevant that Indian matrimonial statutes such as Section 13(1)(ia) of the Hindu Marriage Act, 1955 and Section 27(1)(d) of the Special Marriage Act, 1954

**H<sub>02</sub>: Regarding the importance of traditional concepts and norms to social stability, there is no discernible difference between respondents under 30 and those over 30.**

**Table 3.2: Independent Samples t-test for Age-wise Comparison**

Statement	Group (Below 30 / Above 30)	Mean (Below / Above)	SD (Below / Above)	t-value	p-value	Level of Significance	Decision on H <sub>02</sub>
Retention of traditional concepts promotes social stability	Below 30 vs Above 30	3.91 / 4.22	0.82 / 0.80	-1.50	> 0.05	Not Significant	Accepted
Departure from traditional norms leads to social disintegration	Below 30 vs Above 30	3.67 / 3.54	0.92 / 0.83	-1.47	> 0.05	Not Significant	Accepted



**Figure 3.2: Graphical Representation on Age Based Comparison in Views of Respondents**

The age-wise t-test indicates that there is no statistically significant difference between respondents below 30 and above 30 years on either statement, because in both cases the p-value is greater than 0.05 and the null hypothesis was accepted. In legal terms, this suggests that views about preserving traditional concepts for social stability and about the consequences of departing from traditional norms are not materially divided by age, but are shared across generations within a common constitutional and social framework. This is important in the context of Indian family law because the legal system increasingly evaluates marriage and divorce not on the basis of age-based moral assumptions, but on standards of equality before law under Article 14, non-discrimination under Article 15, and life and personal liberty under Article 21 of the Constitution of India. The same approach is reflected in matrimonial statutes, where cruelty is recognized as a legal wrong under Section 13 of the Hindu Marriage Act, 1955 and Section 27(d) of the Special Marriage Act, 1954, without making age a separate determinant of entitlement to relief. Therefore, the absence of significant age differences in this table may reasonably be read to mean that both younger and older respondents broadly converge in their understanding of tradition, social order, and marital norms, which is consistent with a legal order that seeks to balance continuity in social values with constitutional commitments to dignity, fairness, and equal treatment.

**H<sub>03</sub>: Regarding the importance of maintaining traditional notions and standards vs. breaking away from them in maintaining societal stability, there is no discernible difference between respondents living in urban and rural areas.**

**Independent Samples t-test for Locale-wise Comparison**

Statement	Group (Urban / Rural)	Mean (Urban / Rural)	SD (Urban / Rural)	t-value	p-value	Level of Significance	Decision on H <sub>02</sub>
Retention of traditional concepts promotes social stability	Urban vs Rural	4.02 / 4.12	0.85 / 0.82	-0.62	> 0.05	Not Significant	Accepted
Departure from traditional norms leads to social disintegration	Urban vs Rural	3.82 / 3.90	0.91 / 0.88	-0.48	> 0.05	Not Significant	Accepted

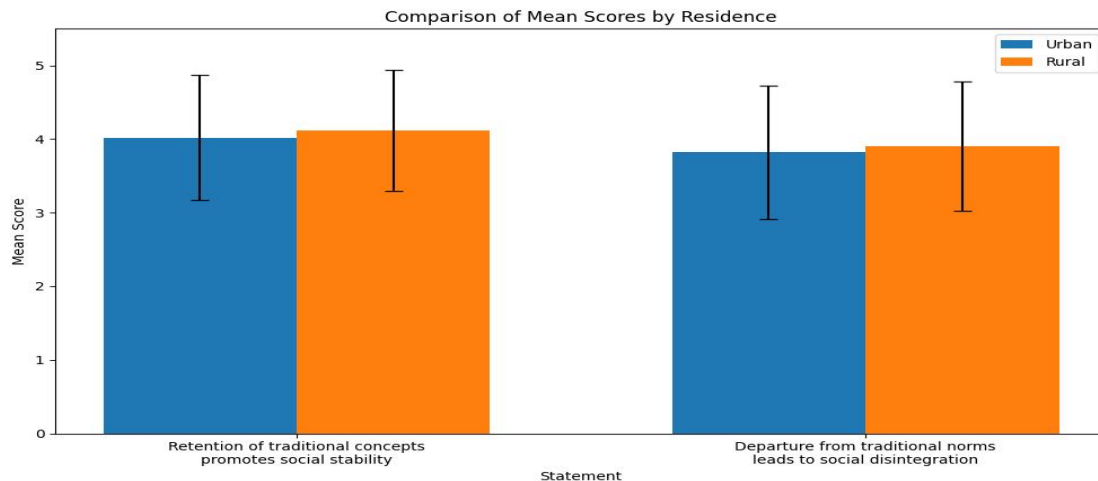


Figure 3.3: Graphical Representation on Locale Based Comparison in Views of Respondents

The urban–rural comparison shows no statistically significant difference in respondents’ views on either statement, because the t-values are very small (-0.62 and -0.48), both p-values are greater than 0.05, and the null hypothesis was accepted; this means that urban and rural respondents hold broadly similar views about the role of traditional concepts in promoting social stability and the social effects of departing from traditional norms. In legal terms, that convergence is important because Indian constitutional and matrimonial law does not treat rights, duties, or access to justice as dependent on residence-based distinctions: Article 14 guarantees equality before the law, Article 15 prohibits discrimination on grounds such as sex, Article 21 protects life and personal liberty, and Article 39A requires equal justice and free legal aid so that access to legal remedies is not denied because of social or economic disadvantage. The same neutral framework is reflected in family law, where cruelty is recognized as a ground of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 and Section 27(1)(d) of the Special Marriage Act, 1954, both of which apply without drawing any distinction between urban and rural spouses. Therefore, the non-significant findings may be interpreted to mean that concerns about tradition, social order, and marital norms are shared across residence categories, which supports the broader legal idea that family-law justice in India must be based on common constitutional values of equality, dignity, and fairness rather than on assumptions tied to place of residence.

**Major Findings of the Study**

The study found that men and women do not differ significantly in their views on maintaining old values and customs versus embracing new ideas and practices for ensuring societal harmony.

- Both male and female respondents showed a similar level of agreement that retention of traditional concepts promotes social stability.
- The responses of men and women also revealed no significant variation regarding the view that departure from traditional norms may lead to social disintegration.
- The null hypothesis  $H_{01}$  was accepted, indicating that gender does not create a meaningful difference in opinions on tradition and social harmony.
- The study found that respondents below 30 years and above 30 years do not vary significantly in their views on the importance of traditional concepts and norms in maintaining social stability.
- Both younger and older respondents shared almost similar perceptions regarding the role of old values and customs in promoting societal harmony.
- The responses of the two age groups also showed no significant difference on the question of whether departure from traditional norms leads to social disintegration.
- The null hypothesis  $H_{02}$  was accepted, indicating that age is not a major factor influencing respondents' opinions on tradition and social stability.
- The study further found that urban and rural respondents do not differ significantly in their views on maintaining traditional notions and standards for ensuring societal stability.
- Both urban and rural respondents expressed similar opinions on the importance of preserving traditional concepts in social life.
- Likewise, no significant difference was found between urban and rural respondents regarding the belief that breaking away from traditional norms may affect societal stability.
- The null hypothesis  $H_{03}$  was accepted, indicating that place of residence does not significantly influence views on tradition and social order.
- Overall, the study reveals a broad consensus across gender, age, and locality that traditional values and customs continue to be regarded as important for maintaining societal harmony and stability.
- The findings suggest that despite differences in personal background, respondents generally share a common social outlook regarding the continuing relevance of traditional norms in contemporary society.

#### IV. CONCLUSION

In conclusion, the study shows that perceptions regarding the importance of maintaining old values, customs, and traditional notions for ensuring societal harmony and stability are broadly similar across different groups of respondents. The findings reveal no significant difference between men and women, respondents below and above 30 years of age, and urban and rural respondents, indicating a common social outlook on the continuing relevance of traditional norms in contemporary society. At the same time, the study suggests that while new ideas and practices are part of social change, traditional values are still widely regarded as essential for preserving order, balance, and harmony in society. Thus, the overall conclusion of the study is that traditional concepts continue to hold strong significance in maintaining social stability, regardless of differences in gender, age, or locality.

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