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Matrimonial Misuse: Weaponizing Cruelty Provisions from IPC to BNS in the Era of Rising Divorce Rates and Mental Health Crises

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Abstract

The concept of matrimonial cruelty, designed to protect women from domestic abuse, has evolved from Section 498A of the Indian Penal Code (IPC) 1860 to Section 85 of the Bharatiya Nyaya Sanhita (BNS) 2023. Amid rising urban divorce rates and escalating mental health crises, these provisions are increasingly alleged to be misused as tools in matrimonial disputes. This article compares cruelty frameworks under IPC and BNS, analyzing how low conviction rates, judicial delays, and societal shifts contribute to their weaponization. Drawing on 2023–2025 data, it explores the nexus of legal misuse, surging divorces, and mental health impacts in India, with a global perspective. The study proposes balanced reforms to curb misuse while

preserving protections, advocating for policy innovations to ensure equitable justice.

Keywords: Matrimonial cruelty, Section 498A IPC, Section 85 BNS, divorce rates, mental health crises, legal misuse, domestic violence, India, judicial reforms.

1. Introduction

Cruelty in Matrimonial Laws: An Evolving Dilemma

For decades, Section 498A of the IPC has been a cornerstone for addressing cruelty against married women, covering physical, mental, and emotional harm, often tied to dowry demands. Introduced in 1983 to empower women in a patriarchal society, it has faced growing scrutiny for alleged misuse, particularly as divorce filings

surge and mental health challenges intensify. The transition to BNS 2023, effective July 2024, refines these protections under Section 85, explicitly addressing acts driving women to suicide or grave injury, with non-bailable penalties. Yet, India's low overall divorce rate of 1% masks a 30-40% spike in urban areas like Delhi and Mumbai from 2023 to 2025.

This rise in divorces intertwines with mental health crises, where matrimonial disputes exacerbate depression and anxiety, contributing to higher suicide rates among married individuals. Allegations of cruelty often become tools in custody or alimony disputes, with low conviction rates (12-15% from 2023-2025) fueling debates on misuse. Recent Supreme Court rulings emphasize that while genuine cases persist, misuse cannot invalidate the law, urging cautious application to prevent harassment. In urban India, economic independence, lifestyle changes, and social media amplify divorce petitions invoking cruelty, raising questions about the balance between victim protection and legal abuse.

2. The Evolution of Cruelty Provisions: From IPC to BNS

The shift from IPC Section 498A to BNS Section 85 aims to modernize protections, yet retains elements inviting misuse. Under IPC, cruelty includes willful conduct likely to drive a woman to suicide or cause grave injury, punishable by up to three years. BNS expands this under Sections 85 and 86, explicitly covering mental harm and introducing community service for minor offenses, aiming for restorative justice. However, the broad definition of "cruelty"—encompassing emotional and psychological abuse—allows subjective interpretations, often exploited in divorce proceedings.

From 2023-2025, over 90% of 498A cases remain pending, with conviction rates as low as 0.2% in some regions, suggesting strategic filings. BNS's refinements fail to mandate preliminary inquiries, perpetuating harassment. As courts increasingly recognize emotional distress as grounds for divorce, the line between genuine cruelty and tactical claims blurs, necessitating reforms to address misuse without undermining protections.

3. India's Matrimonial Landscape: Rising Divorce Rates and Mental Health Crises

India's divorce rate, while globally low at 1%, shows a 30-40% surge in urban centers from 2023 to 2025, driven by incompatibility and cruelty allegations. In states like Karnataka, over 36,000 divorce cases were filed in 2024. Matrimonial disputes exacerbate mental health issues, with studies linking them to depression, suicide, and separation, particularly among women with illnesses like schizophrenia. Men also face silent suffering from alimony harassment, contributing to rising suicides.

This landscape reveals a cycle: misuse of cruelty laws delays resolutions, worsening mental health, while stigma hinders treatment. Rural areas report lower rates (0.2-0.5%), but urban economic shifts empower more filings, amplifying the misuse debate.

Divorce Rates in India (2023-2025 Estimates)

| Category | Divorce (%) | Key Notes / Source |
|-----------------------------------|-----------------|--|
| Overall National | 1% | Low due to stigma; underreported. Statista / World Population Review (2025) |
| Urban Areas (e.g., Delhi, Mumbai) | 30-40% | Rising due to lifestyle changes. Adjuva Legal / The Legal Crusader (2025) |
| Rural Areas | 0.2-0.5% | Family pressure reduces filings. NFHS Data (2023-24) |
| Women-Initiated | 70-75% | Economic independence key. Sci-Tech Today (2025) |
| Mental Health-Linked | 20-30% increase | Disputes exacerbate illness. PMC Studies (2024) |

Note: Data reflects 2023-2025 trends, with projected urban growth of 7-10% (Statista).

4. Global Context: Matrimonial Laws and Misuse Trends

Globally, divorce rates vary, with the Maldives at 5.52 per 1,000 and India at 0.1, yet misuse of matrimonial laws is a shared concern. In the US, with a 2.3 per 1,000 rate, mental cruelty claims dominate no-fault divorces. Countries like Iran use restrictive laws to curb divorces, but face similar misuse debates. High-divorce nations emphasize mental health in custody disputes, reducing weaponization through mediation, offering lessons for India.

5. Legal and Enforcement Implications

Low convictions (12.6% in 2023-2025) and 92% case pendency highlight misuse, straining courts and mental health. Supreme Court guidelines advocate preliminary probes, but implementation lags. Reforms must integrate mental health evaluations and streamline judicial processes to balance deterrence with fairness.

6. Recommendations for a Multi-pronged Strategy

| Focus Area | Key Recommendation |
|---------------------------|--|
| Judicial Reforms | Mandate preliminary inquiries and mediation before filing cruelty cases. |
| Mental Health Integration | Incorporate counseling and assessments in matrimonial proceedings. |
| Legal Amendments | Make minor offenses compoundable under BNS for reconciliation. |
| Awareness Campaigns | Educate on genuine vs. misuse, targeting urban couples. |
| Policy Innovation | Enhance data tracking for misuse patterns and fast-track courts. |

7. Conclusion

As divorce rates climb and mental health crises deepen, the weaponization of cruelty provisions from IPC to BNS underscores the need for balanced reforms. Protecting victims remains paramount, but addressing misuse through judicial efficiency, mental health integration, and policy innovation ensures equitable justice.