

Matrimonial Cruelty Against Men In India: Legislative Gaps, Judicial Safeguards, And The Case For Gender-Inclusive Protection

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ABSTRACT

Matrimonial cruelty in India occupies an intersection between criminal law, matrimonial law, constitutional equality and gender-specific protective legislation. The Bharatiya Nyaya Sanhita, 2023 (BNS) retains a gender-specific criminal offence under sections 85 and 86 concerning cruelty by a husband or his relatives towards a woman, whereas matrimonial law recognises cruelty as a ground for dissolution of marriage available to either spouse. This structural distinction raises questions about substantive equality, access to remedies, procedural fairness and the legal position of men who experience serious matrimonial harm. The present study adopts a doctrinal and exploratory empirical design. The doctrinal component examines the statutory transition from section 498A of the Indian Penal Code, 1860, to sections 85–86 BNS, the Protection of Women from Domestic Violence Act, 2005, section 13(1)(ia) of the Hindu Marriage Act, 1955, Article 14 and Article 15(3) of the Constitution, and leading Supreme Court decisions concerning misuse, arrest, omnibus allegations and individualised criminal responsibility. The empirical component examines perceptions relating to forms of matrimonial cruelty, social and legal consequences, legal awareness, judicial/procedural safeguards and support for legislative reform. The supplied dataset reports 200 responses and indicates relatively high perceived recognition of matrimonial cruelty and strong support for procedural and institutional reform. Judicial/procedural safeguards show the strongest association with support for legislative reform. Because the supplied manuscript does not provide independently auditable raw-data output, the statistical results are treated as reported study results rather than independently verified population estimates. The study argues that procedural safeguards and substantive protection should be analytically separated: protection against arbitrary criminal process does not itself create a legal remedy for men experiencing matrimonial cruelty. Reform should therefore preserve legitimate protections for women while strengthening accessible, gender-inclusive matrimonial remedies, evidence-based adjudication, legal awareness, counselling, legal assistance and proportionate procedural safeguards..

Keywords: matrimonial cruelty; men; Bharatiya Nyaya Sanhita; section 85; section 86; gender-inclusive justice; judicial safeguards; Article 15(3); matrimonial law; legislative reform.

INTRODUCTION

Matrimonial cruelty is a legally and socially contested concept in India because it is addressed through more than one branch of law. Criminal law historically developed a specific offence directed at cruelty against married women, while matrimonial law has treated cruelty as a ground for dissolution of marriage available to either spouse. The transition from the Indian Penal Code, 1860 (IPC) to the Bharatiya Nyaya Sanhita, 2023 has preserved this basic distinction rather than replacing it with a gender-neutral criminal offence.

Section 85 of the BNS penalises a husband or a relative of the husband who subjects a woman to cruelty, while section 86 defines the conduct constituting cruelty. The provision therefore remains expressly framed around a woman as the protected victim. By contrast, section 13(1)(ia) of the Hindu Marriage Act, 1955 permits either the husband or the wife to seek dissolution of marriage where the other party has treated the petitioner with cruelty. The legal position is consequently better described as one of differentiated remedies than as a complete absence of protection for men.

The issue is particularly important because matrimonial disputes can involve psychological, emotional, verbal, physical, social and economic dimensions. Yet the existence of harmful conduct does not automatically establish a criminal offence. Criminal liability depends upon statutory ingredients, evidence and individualised attribution. This distinction is central to the judicial jurisprudence surrounding section 498A IPC and its contemporary BNS counterpart.

The Supreme Court has repeatedly attempted to reconcile two concerns: protecting genuine victims of matrimonial cruelty and preventing the criminal process from becoming mechanical or disproportionate. In Sushil Kumar

Sharma v Union of India, the Court rejected the proposition that the possibility of misuse invalidates the statutory provision. In Arnesh Kumar v State of Bihar, it imposed important safeguards concerning arrest. Later decisions, including Kahkashan Kausar v State of Bihar and Achin Gupta v State of Haryana, emphasised specific allegations, individual participation and the prevention of abuse of process.¹²³⁴⁵⁶

The constitutional dimension adds a further layer. Article 15(3) permits the State to make special provisions for women and children, so a woman-specific protective provision cannot be assessed through formal equality alone. At the same time, a constitutionally permissible protective classification does not necessarily answer whether persons outside the protected category have adequate and effective remedies for serious harm. The relevant inquiry is therefore whether the current framework maintains a defensible balance between protective legislation, individual criminal responsibility, procedural fairness and meaningful access to justice.

This study examines that balance through a combined doctrinal and empirical approach. It distinguishes three questions that are often conflated in public debate: whether women require specialised legal protection; whether accused husbands and relatives require safeguards against arbitrary criminal process; and whether husbands who experience serious matrimonial cruelty have sufficient legal remedies. The study does not assume that allegations against women are generally false, nor does it assume that gender-neutral criminalisation is the only legitimate reform model. Instead, it evaluates the existing framework and identifies possible reforms that can expand protection without weakening legitimate safeguards for women.

1.1 Research Problem

The central research problem is the coexistence of a gender-specific criminal offence for cruelty against women with comparatively gender-neutral matrimonial relief. This creates a potential remedial gap for men who experience serious matrimonial cruelty, while also raising questions about how procedural safeguards should operate for husbands and relatives accused under the existing criminal framework. The study therefore treats substantive protection and procedural protection as separate but connected dimensions of matrimonial justice.

1.2 Research Gap and Contribution

Existing legal debate has concentrated substantially on the protection of women under section 498A IPC and sections 85–86 BNS, judicial safeguards against misuse, and the constitutional validity of special protective legislation. Comparatively less attention is given to the intersection between the gender-specific criminal framework and the gender-neutral ground of cruelty under matrimonial law, particularly when the position of male victims and the position of male accused are examined separately. The contribution of this study is therefore integrative: it places statutory asymmetry, procedural safeguards and perceptions of legislative reform within a single analytical framework. The empirical component further examines whether perceptions of cruelty, legal consequences, legal awareness and procedural safeguards are associated with support for reform.

2. RESEARCH OBJECTIVES

To examine the existing legal framework governing matrimonial cruelty in India, with particular reference to sections 85–86 of the Bharatiya Nyaya Sanhita, 2023.

To assess the legal position of husbands experiencing matrimonial cruelty and examine the adequacy of remedies currently available to them.

To analyse the judicial response to alleged misuse of matrimonial-cruelty provisions, particularly in cases involving husbands and their relatives.

To examine the constitutional and legislative dimensions of the gender-specific framework, including the relationship between sections 85–86 BNS and Article 15(3) of the Constitution.

To identify principal legal gaps and suggest reforms capable of balancing protection of genuine victims with procedural fairness and effective legal protection for men.

2.1 Research Hypotheses

H1: Forms of Matrimonial Cruelty (FMC) are positively associated with support for Legislative Reform (LR).

¹Sushil Kumar Sharma v Union of India, (2005) 6 SCC 281.

²Arnesh Kumar v State of Bihar, (2014) 8 SCC 273.

³Kahkashan Kausar @ Sonam v State of Bihar, (2022) 6 SCC 599.

⁴Achin Gupta v State of Haryana, 2024 INSC 369.

⁵Kahkashan Kausar @ Sonam v State of Bihar, (2022) 6 SCC 599 (SC), para 17. The Court reiterated the need for caution where relatives are implicated through general and omnibus allegations without a prima facie case against them.

⁶Arnesh Kumar v State of Bihar, (2014) 8 SCC 273 (SC), paras 7.1–7.3 and 11. The judgment concerned arrest under the CrPC; for post-1 July 2024 proceedings, the corresponding BNSS provisions should also be considered.

- H2: Social and Legal Consequences (SLC) are positively associated with support for Legislative Reform (LR).
 H3: Legal Awareness (LA) is positively associated with support for Legislative Reform (LR).
 H4: Judicial/Procedural Safeguards (JPS) are positively associated with support for Legislative Reform (LR).
 H5: Perceptions of matrimonial cruelty differ significantly by gender.
 H6: Legal Awareness differs significantly across age groups.

3. CONCEPTUAL AND THEORETICAL FRAMEWORK

The study is organised around three interrelated legal propositions: statutory asymmetry, judicial regulation of criminal process, and constitutional limits on differential protection. These propositions are translated into an empirical model in which perceptions of Forms of Matrimonial Cruelty (FMC), Social and Legal Consequences (SLC), Legal Awareness (LA), and Judicial/Procedural Safeguards (JPS) are treated as explanatory constructs for support for Legislative Reform (LR). Gender and age are examined as grouping variables for selected perception and awareness outcomes.

3.1 Statutory Asymmetry

Sections 85–86 BNS establish a specific criminal category concerning cruelty by a husband or his relatives towards a woman. Section 13(1)(ia) HMA, in contrast, permits either spouse to seek divorce on the ground of cruelty. The conceptual issue is therefore not whether Indian law recognises cruelty against men in any form, but whether the difference between criminal and matrimonial remedies provides an adequate response to serious matrimonial harm experienced by husbands.⁷

3.2 Judicial Regulation of Criminal Process

The second dimension concerns the regulation of criminal process. Supreme Court jurisprudence has distinguished the validity of a protective criminal provision from the manner in which police and courts exercise coercive powers. The line of authority from Sushil Kumar Sharma through Arnesh Kumar, Social Action Forum, Kahkashan Kausar and Achin Gupta demonstrates that procedural safeguards are intended to preserve individualised criminal responsibility rather than to negate statutory protection.

3.3 Constitutional Equality and Protective Differentiation

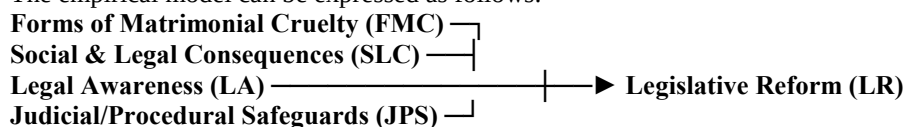
Article 14 guarantees equality before the law and equal protection of the laws, while Article 15(3) permits special provisions for women and children. The constitutional inquiry is consequently not reducible to identical treatment. A protective classification may be justified by its object, but the broader remedial structure must still be examined for gaps affecting persons outside the protected category. The study therefore approaches gender inclusion as a question of remedial adequacy rather than as an argument for removing specialised protection for women.

3.4 Male Relatives and Individualised Responsibility

The position of male relatives accused under matrimonial-cruelty provisions must be distinguished from that of men claiming to be victims. An accused relative seeks protection against unjustified criminal process; a male victim seeks recognition and an effective remedy for a legal injury. The two questions involve different legal principles and should not be merged in analysis.

3.5 Conceptual Model

The empirical model can be expressed as follows:



4. RESEARCH METHODOLOGY

The study adopts a mixed doctrinal–empirical design. The doctrinal component analyses statutes, constitutional provisions and Supreme Court jurisprudence relevant to matrimonial cruelty. The empirical component uses

⁷The Bharatiya Nyaya Sanhita, 2023, s 85 (cruelty by husband or relative of husband) and s 86 (definition of cruelty), India Code.

structured questionnaire responses to examine perceptions of matrimonial cruelty, social and legal consequences, legal awareness, judicial/procedural safeguards and support for legislative reform.⁸

4.1 Research Design

The doctrinal analysis is analytical and interpretive, while the empirical component is cross-sectional and exploratory. The two components are integrated at the interpretation stage: doctrinal findings establish the legal structure within which respondents' perceptions are evaluated, while the empirical findings indicate how respondents perceive the adequacy of that structure.

4.2 Sample and Data Status

The manuscript reports 200 response. Before journal submission, the research team should retain the underlying response sheet, coding scheme and statistical output so that every reported statistic can be reproduced. This is particularly important for reliability, inferential tests and regression coefficients. A lawyer-facing final version should preserve the audit trail for the questionnaire, raw responses, coding decisions and statistical output so that every numerical result can be reproduced.

4.3 Instrument and Constructs

The questionnaire contains substantive sections measuring five constructs: Forms of Matrimonial Cruelty, Social and Legal Consequences, Legal Awareness, Judicial/Procedural Safeguards, and Legislative Reform. Items were reported on a Likert-type response format. The construct structure is retained from the supplied manuscript to preserve consistency between the research objectives, hypotheses and empirical analysis.

4.4 Statistical Analysis

Descriptive statistics include frequencies, percentages, means and standard deviations. Internal consistency is assessed through Cronbach's alpha. Independent-samples t-tests are used for gender-based comparisons, one-way ANOVA for age-group comparisons, Pearson correlation for associations among constructs, and multiple linear regression for predictors of support for legislative reform. Effect sizes are reported where available. For the significant age-group ANOVA for Legal Awareness, a post-hoc comparison should be added to the final statistical package to identify the specific group differences.

4.5 Ethical and Data-Integrity Considerations

The study should report informed consent, voluntary participation, anonymity/confidentiality and the institutional or departmental ethical position applicable to the data collection. No respondent should be identifiable in the dataset or manuscript. The paper should not describe perception-based findings as prevalence estimates or treat reported statistical associations as causal effects.

5. LEGISLATIVE FRAMEWORK GOVERNING MATRIMONIAL CRUELTY IN INDIA

5.1 Section 498A IPC and Transition to Sections 85–86 BNS⁹

Section 498A IPC, introduced in 1983, criminalised cruelty by a husband or his relatives towards a married woman. The BNS, which came into force on 1 July 2024, carries the relevant offence in sections 85 and 86. Section 85 provides the offence and section 86 defines cruelty in terms of wilful conduct likely to drive a woman to suicide or cause grave injury or danger to her life, limb or mental or physical health, as well as specified harassment connected with unlawful demands for property or valuable security. The transition therefore preserves the core woman-specific criminal structure.¹⁰

5.2 Cruelty under the Hindu Marriage Act, 1955

Section 13(1)(ia) of the Hindu Marriage Act permits either the husband or wife to seek dissolution where the other party has treated the petitioner with cruelty. This provision is important because it demonstrates that Indian

⁸ The Bharatiya Nagarik Suraksha Sanhita 2023, s 35, particularly ss 35(1) and 35(3), concerning arrest and notice of appearance. The statutory procedural framework applicable after 1 July 2024 should be cited alongside, rather than silently substituted for, the pre-BNSS jurisprudence under the Code of Criminal Procedure 1973.

⁹ The Indian Penal Code, 1860, s 498A (repealed upon commencement of the Bharatiya Nyaya Sanhita, 2023, subject to the applicable savings provisions).

¹⁰ See The Bharatiya Nyaya Sanhita 2023, ss 85–86. Section 85 creates the offence and s 86 defines 'cruelty' for the purposes of s 85. India Code records the Act as Act 45 of 2023 and its enforcement date as 1 July 2024.

matrimonial law is not uniformly gender-specific. A husband can invoke cruelty as a ground for matrimonial relief even though he cannot prosecute his wife under sections 85–86 BNS on the same statutory basis.

5.3 Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 is expressly designed to provide protection to women who experience domestic violence. Section 2(a) defines an 'aggrieved person' as a woman in a domestic relationship who alleges domestic violence. In *Hiral P Harsora v Kusum Narottamdas Harsora*, the Supreme Court removed the words 'adult male' from the respondent definition, enabling proceedings against female as well as male respondents. The decision did not transform the statute into a gender-neutral protection statute for male victims.¹¹¹²¹³

5.4 Constitutional Framework

Article 14 requires equality before the law and equal protection of the laws. Article 15(3), however, expressly permits special provisions for women and children. The constitutional question is therefore one of permissible protective differentiation and remedial adequacy. The present study does not treat Article 15(3) as automatically validating every consequence of a gender-specific statutory scheme; rather, it asks whether the overall legal system supplies meaningful and proportionate remedies to persons outside the protected category.

5.5 Legislative Asymmetry and Reform Choices

The existing framework produces a clear remedial asymmetry. Women have access to a specialised criminal cruelty provision and a dedicated domestic-violence statute, while men experiencing matrimonial cruelty primarily rely upon matrimonial relief and general criminal-law provisions where the conduct independently satisfies another offence. Reform therefore need not be confined to simply making sections 85–86 gender-neutral. Alternative models include strengthening gender-neutral civil remedies, creating a distinct offence for serious matrimonial cruelty framed around conduct rather than sex, improving legal-aid and counselling mechanisms, or codifying procedural safeguards while retaining specialised protective provisions for women.

6. JUDICIAL INTERVENTION: EVOLUTION OF SUPREME COURT JURISPRUDENCE

6.1 Sushil Kumar Sharma: Validity and Possibility of Misuse

In *Sushil Kumar Sharma v Union of India*, the Supreme Court upheld the constitutional validity of section 498A IPC while recognising that misuse could occur in individual cases. The doctrinal significance is that the possibility of misuse does not by itself invalidate the legislative protection. The case therefore supports a distinction between substantive validity and procedural administration.

6.2 Preeti Gupta and Geeta Mehrotra: Individualised Assessment

Preeti Gupta v State of Jharkhand highlighted concerns arising from the implication of multiple family members in matrimonial disputes. *Geeta Mehrotra v State of Uttar Pradesh* reinforced the principle that familial relationship alone cannot substitute for specific allegations of individual involvement. These authorities support a requirement of factual particularity.¹⁴¹⁵

6.3 Arnesh Kumar: Necessity of Arrest

Arnesh Kumar v State of Bihar is central to the procedural dimension. The Court held that arrest should not follow automatically merely because an offence has been registered. Police must consider the statutory conditions governing arrest and record the reasons supporting the decision. The principle protects personal liberty while leaving the underlying offence intact.

6.4 Rajesh Sharma and Social Action Forum: Limits of Judicial Innovation

Rajesh Sharma v State of Uttar Pradesh attempted to introduce additional procedural screening through Family Welfare Committees. In *Social Action Forum for Manav Adhikar v Union of India*, the Supreme Court

¹¹The Protection of Women from Domestic Violence Act, 2005, s 2(a), India Code.

¹²*Hiral P Harsora v Kusum Narottamdas Harsora*, (2016) 10 SCC 165.

¹³*Hiral P Harsora v Kusum Narottamdas Harsora*, (2016) 10 SCC 165 (SC), para 46. The Court struck down the words 'adult male' in s 2(q) of the Protection of Women from Domestic Violence Act 2005; this expanded the category of persons who may be respondents but did not make the Act a gender-neutral victim-protection statute.

¹⁴*Preeti Gupta v State of Jharkhand*, (2010) 7 SCC 667.

¹⁵*Geeta Mehrotra v State of Uttar Pradesh*, (2012) 10 SCC 741.

subsequently clarified the limits of judicially created mechanisms that effectively modify the legislative scheme. The trajectory illustrates the institutional distinction between judicial regulation and legislative reform.¹⁶¹⁷¹⁸¹⁹

6.5 Kahkashan Kausar: Omnibus Allegations

Kahkashan Kausar v State of Bihar emphasised that vague and omnibus allegations against relatives, without specific material demonstrating individual participation, may justify intervention to prevent abuse of process. The protection is procedural: it does not create a separate substantive offence for male victims.

6.6 Achin Gupta: Abuse of Process and Matrimonial Disputes

Achin Gupta v State of Haryana further emphasised that criminal proceedings should not continue where the allegations, even if taken at their highest, do not disclose the required criminal ingredients or where continuation amounts to abuse of process. The judgment is particularly relevant to the distinction between matrimonial conflict and criminal liability.

6.7 Doctrinal Synthesis

The judicial trajectory establishes three broad propositions. First, the Supreme Court has not invalidated the gender-specific cruelty offence merely because misuse is possible. Second, the Court has developed and reinforced procedural safeguards concerning arrest, vague allegations and individual participation. Third, judicial safeguards should not be confused with substantive legislative reform. The current legal position can therefore be characterised as substantive asymmetry accompanied by procedural safeguards.

7. EMPIRICAL FINDINGS AND ANALYSIS

The following results reproduce and editorially structure the numerical findings contained in the supplied manuscript. They should be retained as final empirical results only after reconciliation with the underlying raw dataset and statistical output. This qualification is material because the manuscript itself previously described the data as requiring cleaning.

7.1 Respondent Profile

Variable	Category	N	%
Gender	Male	112	56.0
	Female	88	44.0
Age	18–24 years	28	14.0
	25–34 years	72	36.0
	35–44 years	58	29.0
	45–54 years	29	14.5
	≥55 years	13	6.5
Education	Graduate	54	27.0
	Postgraduate	96	48.0
	Doctoral/Professional	50	25.0

The reported sample contains 112 male and 88 female respondents. Respondents aged 25–34 years form the largest age category (36%), followed by 35–44 years (29%). Respondents aged 25–44 years together account for 65% of the reported sample. Postgraduate and doctoral/professional respondents constitute 73% of the sample.

¹⁶Rajesh Sharma v State of Uttar Pradesh, (2017) 8 SCC 746.

¹⁷Social Action Forum for Manav Adhikar v Union of India, (2018) 10 SCC 443.

¹⁸Rajesh Sharma v State of Uttar Pradesh, (2018) 10 SCC 472 (SC) (decided 27 July 2017). The citation should be reported as (2018) 10 SCC 472; the Family Welfare Committee directions were subsequently reconsidered in Social Action Forum.

¹⁹Social Action Forum for Manav Adhikar v Union of India, (2018) 10 SCC 443 (SC). The Court addressed the institutional limits of judicially created mechanisms in the administration of s 498A IPC.

7.2 Descriptive Statistics

Construct	Items (k)	M	SD	Skewness	Kurtosis
Forms of Matrimonial Cruelty (FMC)	6	3.74	0.71	-0.42	0.18
Social and Legal Consequences (SLC)	6	3.61	0.76	-0.31	-0.08
Legal Awareness (LA)	5	3.28	0.83	-0.18	-0.21
Judicial/Procedural Safeguards (JPS)	5	3.86	0.68	-0.51	0.34
Legislative Reform (LR)	6	4.02	0.65	-0.63	0.47

Legislative Reform has the highest reported mean ($M = 4.02$, $SD = 0.65$), followed by Judicial/Procedural Safeguards ($M = 3.86$, $SD = 0.68$). Legal Awareness has the lowest mean ($M = 3.28$, $SD = 0.83$), indicating comparatively weaker perceived awareness of the legal framework. The reported skewness and kurtosis values are modest.

7.3 Forms of Matrimonial Cruelty

Item	M	SD
Psychological/emotional abuse constitutes serious matrimonial cruelty	3.91	0.82
Verbal abuse can cause significant matrimonial harm	3.78	0.86
Threats and intimidation constitute important forms of cruelty	3.71	0.88
Physical aggression represents matrimonial cruelty	3.94	0.79
Social isolation can adversely affect the victim	3.62	0.91
Economic pressure can constitute a serious matrimonial concern	3.46	0.94
Construct mean	3.74	0.71

Physical aggression ($M = 3.94$) and psychological/emotional abuse ($M = 3.91$) receive the highest reported ratings. The pattern suggests that respondents conceptualise matrimonial cruelty as multidimensional rather than exclusively physical.

7.4 Social and Legal Consequences

Item	M	SD
Matrimonial disputes may create social stigma	3.74	0.88
Lack of legal awareness restricts access to justice	3.83	0.81

Matrimonial litigation creates financial burden	3.67	0.87
Prolonged litigation can create psychological distress	3.82	0.79
Matrimonial disputes can affect family relationships	3.58	0.91
Professional life may also be affected	3.21	0.96
Construct mean	3.61	0.76

Lack of legal awareness ($M = 3.83$) and psychological distress associated with prolonged litigation ($M = 3.82$) are the highest-rated consequences. These are perception-based findings and should not be interpreted as estimates of population prevalence.

7.5 Legal Awareness

Item	M	SD
Awareness of Sections 85–86 BNS	3.19	0.96
Awareness of cruelty as a matrimonial ground	3.48	0.91
Awareness of available matrimonial remedies	3.31	0.89
Awareness of judicial safeguards	3.17	0.94
Awareness of procedural protections	3.25	0.92
Construct mean	3.28	0.83

Awareness of cruelty as a matrimonial ground records the highest item mean ($M = 3.48$), while awareness of judicial safeguards is lower ($M = 3.17$). The overall reported mean of 3.28 suggests moderate perceived legal awareness.

7.6 Judicial and Procedural Safeguards

Item	M	SD
Criminal allegations should be assessed on specific facts	4.01	0.76
Vague and omnibus allegations should receive judicial scrutiny	3.92	0.81
Arrest should not automatically follow registration of a complaint	3.89	0.87
Both parties' versions should be considered	3.84	0.82
Criminal liability should be based on individual participation	3.64	0.91
Construct mean	3.86	0.68

Fact-based assessment has the highest reported score ($M = 4.01$). The results indicate strong support for individualised and proportionate criminal procedure, consistent with the procedural principles reflected in the Supreme Court's jurisprudence.

7.7 Legislative Reform

Item	M	SD
Improved legal assistance should be available to men	4.08	0.76
Stronger institutional mechanisms are required	4.04	0.73
Clearer procedural safeguards should be developed	4.11	0.70
Protection against indiscriminate implication of relatives is required	3.91	0.83
Government should collect systematic data on matrimonial disputes	3.94	0.79
Legal protection for men experiencing serious matrimonial cruelty should be strengthened	4.04	0.72
Construct mean	4.02	0.65

Clearer procedural safeguards receive the highest reported rating ($M = 4.11$), followed by improved legal assistance ($M = 4.08$). The overall mean of 4.02 indicates strong support for the reform items measured by the questionnaire.

7.8 Reliability

Construct	k	Cronbach's α	Interpretation
Forms of Matrimonial Cruelty	6	0.884	Good
Social and Legal Consequences	6	0.901	Excellent
Legal Awareness	5	0.861	Good
Judicial/Procedural Safeguards	5	0.893	Good
Legislative Reform	6	0.918	Excellent

The reported Cronbach's alpha coefficients range from 0.861 to 0.918, indicating strong internal consistency according to conventional thresholds. These coefficients should be reproduced from the underlying item-level dataset before final submission.

7.9 Gender Differences

Construct	Male M (SD)	Female M (SD)	t(198)	P	Cohen's d
FMC	3.76 (0.69)	3.71 (0.73)	0.51	.611	0.07
SLC	3.58 (0.78)	3.65 (0.74)	-0.68	.498	0.10
LA	3.24 (0.84)	3.33 (0.81)	-0.81	.419	0.11
JPS	3.89 (0.66)	3.82 (0.70)	0.75	.454	0.11
LR	3.98 (0.67)	4.07 (0.62)	-1.01	.314	0.14

None of the reported gender differences reaches statistical significance at the .05 level, and the effect sizes are small. Accordingly, H5 is not supported by the reported analysis.

7.10 Age-Group Differences

Dependent Construct	F(4,195)	p	η^2	Decision
FMC	1.42	.228	.028	Not significant
SLC	1.67	.159	.033	Not significant
LA	3.21	.024	.062	Significant

JPS	1.89	.113	.037	Not significant
LR	2.47	.045	.048	Significant

The reported ANOVA indicates significant age-group differences for Legal Awareness and Legislative Reform. The effect sizes are relatively small. H6 is supported for Legal Awareness ($F = 3.21$, $p = .024$). A post-hoc test is required in the final statistical appendix to determine which age groups differ.

7.11 Correlation Analysis

Construct	1	2	3	4	5
1. FMC	1.00				
2. SLC	.58**	1.00			
3. LA	.34**	.41**	1.00		
4. JPS	.46**	.52**	.49**	1.00	
5. LR	.51**	.56**	.44**	.63**	1.00

Note. ** $p < .01$ (two-tailed). The strongest reported association is between Judicial/Procedural Safeguards and Legislative Reform ($r = .63$, $p < .01$). Correlation should be interpreted as association and not causation.

7.12 Multiple Regression

Predictor	B	SE	β	T	p
Constant	0.84	0.31	—	2.71	.007
FMC	0.16	0.05	.18	2.94	.004
SLC	0.19	0.06	.21	3.37	.001
LA	0.11	0.04	.14	2.52	.013
JPS	0.45	0.06	.47	7.68	<.001

Model summary: $R^2 = .520$; Adjusted $R^2 = .510$; $F(4,195) = 53.05$, $p < .001$.

The reported model explains approximately 52% of the variance in Legislative Reform. Judicial/Procedural Safeguards is the strongest reported predictor ($\beta = .47$, $p < .001$), followed by Social and Legal Consequences ($\beta = .21$, $p = .001$), Forms of Matrimonial Cruelty ($\beta = .18$, $p = .004$), and Legal Awareness ($\beta = .14$, $p = .013$). These are associations in cross-sectional perception data and should not be interpreted as causal effects.

7.13 Hypothesis Testing

Hypothesis	Test	Result	Decision
H1: FMC $\rightarrow$ LR	Multiple regression	$\beta = .18$, $p = .004$	Supported
H2: SLC $\rightarrow$ LR	Multiple regression	$\beta = .21$, $p = .001$	Supported
H3: LA $\rightarrow$ LR	Multiple regression	$\beta = .14$, $p = .013$	Supported
H4: JPS $\rightarrow$ LR	Multiple regression	$\beta = .47$, $p < .001$	Supported
H5: Perceptions differ by gender	t-test	All $p > .05$	Not supported
H6: LA differs by age	ANOVA	$F = 3.21$, $p = .024$	Supported

8. DISCUSSION OF FINDINGS

8.1 Forms of Matrimonial Cruelty

The empirical findings indicate that respondents view matrimonial cruelty as multidimensional. Physical aggression and psychological/emotional abuse receive the highest item-level ratings, while verbal abuse, threats, social isolation and economic pressure also receive substantial ratings. The finding is analytically important because contemporary matrimonial adjudication cannot be reduced to visible physical injury; the legal assessment of cruelty is fact-sensitive and may encompass conduct affecting mental as well as physical health. At the same time, perception data should not be treated as proof of the incidence or prevalence of particular forms of cruelty among men in the wider population.

8.2 Social, Psychological and Legal Consequences

The reported findings identify lack of legal awareness and psychological distress associated with prolonged litigation as prominent perceived consequences. This reinforces the argument that matrimonial justice is not only a question of substantive legal entitlement. Delayed proceedings, uncertainty, financial burden and inadequate access to information may affect the practical capacity of parties to use available remedies. Legal assistance, counselling and timely dispute resolution should therefore be treated as complementary institutional components rather than substitutes for substantive legal protection.

8.3 Legal Awareness

Legal Awareness has the lowest construct mean among the five major dimensions. Respondents report comparatively greater familiarity with cruelty as a matrimonial ground than with sections 85–86 BNS and judicial safeguards. This suggests a distinction between general awareness that matrimonial cruelty has legal consequences and detailed knowledge of the statutory and procedural mechanisms through which those consequences operate. Legal-literacy programmes should therefore explain the differences between matrimonial, civil and criminal remedies and should avoid framing legal information as an adversarial campaign against either gender.

8.4 Judicial and Procedural Safeguards

The high JPS mean and the positive correlation between JPS and LR suggest that procedural fairness is central to respondents' reform preferences. This is consistent with the judicial trajectory from Arnesh Kumar to later cases concerning omnibus allegations and abuse of process. Procedural safeguards should, however, be understood as safeguards for lawful criminal process rather than as presumptions that complaints are false. Their proper purpose is to ensure evidence-based investigation, individualised attribution and proportionate coercive action.

8.5 Legislative and Institutional Reform

The strongest overall construct is Legislative Reform. Respondents particularly favour clearer procedural safeguards, legal assistance and institutional mechanisms. The regression results reinforce the prominence of procedural concerns, with JPS emerging as the strongest reported predictor of reform support. The result does not establish that procedural reform causes support for legislative reform; it indicates that the two perceptions move together in the reported cross-sectional data.

8.6 Gender and Age Findings

The absence of significant gender differences suggests that the reported perceptions are not strongly differentiated by respondent gender within this sample. This finding should not be interpreted as evidence that male and female experiences of matrimonial violence are identical. Rather, it indicates that respondents in this dataset expressed broadly similar views on the measured constructs. Legal Awareness differs significantly across age groups, supporting the need for targeted legal-literacy strategies. The final paper should report post-hoc comparisons to identify the specific age groups responsible for this difference.

9. THEORETICAL, LEGAL AND POLICY IMPLICATIONS

9.1 Theoretical Implications

The study contributes to matrimonial-law scholarship by separating substantive legal recognition from procedural regulation. A legal system may simultaneously contain a gender-specific protective offence and judicial safeguards protecting accused persons. Treating these as competing propositions obscures the institutional roles of Parliament, police and courts. The study therefore supports a multidimensional conception of matrimonial justice combining victim protection, individual criminal responsibility, procedural fairness and access to effective remedies.

9.2 Legal Implications

The legal analysis suggests that reform should not be framed solely as a choice between retaining the existing woman-specific offence and converting it wholesale into a gender-neutral criminal offence. Parliament could consider a range of models, including a gender-neutral offence based on serious conduct and harm, a specialised civil or protective remedy for male victims, or stronger general remedies accompanied by institutional support. Any reform should preserve effective responses to dowry-related harassment and other forms of violence against women.

9.3 Policy Implications

Policy should focus on accessible legal aid, balanced legal-literacy programmes, counselling and referral systems, evidence-based investigation, individualised assessment of accused persons and systematic collection of gender-disaggregated data. Reliable data are particularly important because public claims about misuse or prevalence cannot responsibly be evaluated through anecdotal cases alone.

10. LIMITATIONS OF THE STUDY

The empirical component is cross-sectional and perception-based; it does not establish causality or population prevalence.

The supplied material does not provide an independently auditable raw dataset or item-level statistical output. Consequently, reported statistics should be reproduced from the original dataset before journal submission.

The sample is limited to the respondents represented in the supplied response sheet and should not automatically be generalised to the Indian population.

The doctrinal analysis focuses primarily on central statutes and Supreme Court jurisprudence and does not attempt an exhaustive review of every High Court decision.

The study examines perceived legal awareness and reform preferences rather than measuring actual legal outcomes, conviction rates, acquittals or verified misuse rates.

11. RECOMMENDATIONS

Develop balanced legal-awareness programmes explaining matrimonial, civil and criminal remedies to both men and women.

Strengthen accessible legal-aid, counselling and referral mechanisms for individuals experiencing serious matrimonial conflict.

Ensure that police and judicial authorities apply arrest safeguards and individualised assessment consistently, with reasons documented in accordance with applicable procedural law.

Discourage omnibus implication of relatives while ensuring that genuine allegations are investigated promptly and fairly.

Consider legislative options for an effective remedy for serious matrimonial cruelty experienced by men without weakening specialised protection available to women.

Create systematic, transparent and gender-disaggregated official data on matrimonial complaints, investigation, arrest, prosecution and outcomes, subject to privacy safeguards.

Require future empirical studies to use transparent sampling, validated measurement instruments, reproducible coding and independently auditable statistical analysis.

Introduce post-hoc and robustness analyses wherever inferential tests identify significant group differences or regression relationships.

12. CONCLUSION

Matrimonial cruelty in India cannot be understood adequately through a single statutory provision. The current framework combines a woman-specific criminal offence under sections 85–86 BNS, a gender-inclusive matrimonial ground of cruelty under section 13(1)(ia) HMA, and judicially developed procedural safeguards governing criminal investigation and prosecution. The principal legal gap identified by the study is therefore not a total absence of remedies for men, but the absence of a specialised criminal or protective mechanism equivalent to the woman-specific framework for serious matrimonial cruelty.

The reported empirical findings complement this doctrinal conclusion. Respondents recognise multiple forms of matrimonial cruelty, identify meaningful social and legal consequences, report moderate legal awareness, strongly value procedural safeguards and express substantial support for institutional and legislative reform. The reported regression further identifies Judicial/Procedural Safeguards as the strongest statistical predictor of support for reform. These findings should be understood as associations within the supplied sample rather than causal or population-level evidence.

A balanced reform agenda should preserve the legitimate protective purpose of laws addressing violence and cruelty against women while ensuring that men facing serious matrimonial harm have accessible and effective remedies. The appropriate direction is therefore not simply 'gender neutrality' as an abstract objective, but a rights-compatible framework that combines victim protection, individual criminal responsibility, due process, evidence-based adjudication, legal awareness and meaningful access to justice.

Editorial verification note: The legal authorities and citations in this revised version have been standardised for legal-research presentation. Empirical statistics remain subject to verification against the underlying dataset before submission..

REFERENCES

1. Achin Gupta v State of Haryana, 2024 INSC 369 (Supreme Court of India).
2. Arnesh Kumar v State of Bihar, (2014) 8 SCC 273.
3. Geeta Mehrotra v State of Uttar Pradesh, (2012) 10 SCC 741.
4. Hiral P Harsora v Kusum Narottamdas Harsora, (2016) 10 SCC 165.
5. Kahkashan Kausar @ Sonam v State of Bihar, (2022) 6 SCC 599.
6. Preeti Gupta v State of Jharkhand, (2010) 7 SCC 667.
7. Rajesh Sharma v State of Uttar Pradesh, (2018) 10 SCC 472.
8. Social Action Forum for Manav Adhikar v Union of India, (2018) 10 SCC 443.
9. Sushil Kumar Sharma v. Union of India, (2005) 6 SCC 281.
10. The Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023), ss 85–86.
11. The Constitution of India, arts 14 and 15(3).
12. The Hindu Marriage Act, 1955, s 13(1)(ia).
13. The Protection of Women from Domestic Violence Act, 2005, ss 2(a), 2(q) and 3.
14. The Indian Penal Code, 1860, s 498A (repealed with effect from 1 July 2024).
15. Appendix A: Recommended Final Statistical Verification Checklist
16. Verify $N = 200$ against the raw response sheet after missing-data screening.
17. Verify all construct item counts and reverse-coded items, if any.
18. Recalculate Cronbach's alpha from item-level data.
19. Reproduce t-tests with assumption checks and report equal-variance or Welch results as appropriate.
20. Run post-hoc comparisons for significant ANOVA results.
21. Verify Pearson correlations and significance values.
22. Verify regression coefficients, R^2 , adjusted R^2 , F statistic and multicollinearity diagnostics.
23. Retain SPSS/Jamovi output and coding syntax for auditability.
24. Report the exact data-collection period, sampling method, respondent eligibility and ethics/consent procedure
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