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Wife gets divorce from nagging husband

By Ayanjit Sen

BBC correspondent in Delhi

India's Supreme Court has allowed a woman to divorce her husband on the grounds of being constantly nagged and taunted by him.

In its ruling the court said the husband's behaviour towards his wife constituted mental cruelty under Indian matrimonial law.

The couple have been married for 30 years.

The woman had approached a court in the western city of Mumbai (Bombay) in 1983, alleging that her husband used to harass her.

The Mumbai court granted her a divorce but the husband appealed to the Supreme Court against the judgment.

But in its ruling the Supreme Court dismissed the husband's appeal saying his wife's allegations did not result from a "sudden outburst".

The judges said that allegations of an extra marital relationship made against the woman by her husband were an "assault on her character and honour".



The ruling has come as a boost for women

“ The definition of mental agony under Indian conditions should be in tune with the women's experience in the domestic sphere ”

Woman's activist Brinda Karat

The court did not accept the husband's contention that the taunts were part of what he described was a "normal married" life.

Women pleased

Womens' organisations have welcomed the judgment.

Speaking to the BBC, leading womens' rights activist Brinda Karat said this ruling could bring forward other examples of mental cruelty before the courts.

The refusal of a husband to give food and money to his wife should be included within the purview of mental cruelty, she

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said.

"The definition of mental agony under Indian conditions should be in tune with the women's experience in the domestic sphere," Ms Karat added.

Violence against women is widespread across India.

Lawyers say the number of such cases coming before the court will increase after this ruling.



"At least four to five out of every 10 cases filed for divorce allege mental cruelty in India and this will go a long way in strengthening the case of those who suffer mental agony," the secretary of the Supreme Court Bar Association, Ashok Arora said.

Supreme Court: Husband's behaviour constitutes mental cruelty

But Ram Prakash Chugh of the Akhil Bharatiya Patni Atyachar Virodhi Morcha (All India Front Against Persecution by Wives) says that if a husband brought similar charges against wife, he was unlikely to get a favourable ruling.

He said that almost all such cases are decided in favour of women.

"Some women abuse the process of law by moving the court," he said.

"I think this order can give more leverage to women who want to get rid of their husbands for their own evil designs," says manager Yuvraj Raizada who has been married for three years.

In a judgment last year, the Supreme Court granted divorce to a man on the ground that his wife caused him mental cruelty by refusing to have sex with him and also refusing to seek any medical help.

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