
DISTINGUISHING CRUELTY FROM DISTRESS: A CAUSATION FRAMEWORK FOR ABETMENT OF SUICIDE

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ABSTRACT

A decedent experienced mental cruelty is only the first step in an abetment-of-suicide inquiry under Section 108 of the Bharatiya Nyaya Sanhita, 2023.¹ Indian courts additionally require a proximate causal nexus between the accused's conduct and the deceased's decision to end her life, a standard articulated across *Ramesh Kumar v. State of Chhattisgarh*², *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)*³, and their progeny. This paper addresses the question of causation directly, proposing a behavioural framework for distinguishing psychologically injurious cruelty from adjustment reactions and ordinary domestic friction, which Indian courts have held insufficient to sustain a conviction. Drawing on adjustment disorder diagnostic criteria, ostracism and social-pain research, Gottman's relational framework of bids for connection and stonewalling, and Stark's coercive control theory, the paper develops indicators for evaluating the temporal onset, targeting, instrumental function, and trajectory of a decedent's psychological deterioration. It then situates these indicators against the evidentiary limits of the psychological autopsy method to propose an integrated, court-usable framework for assessing causation in mental cruelty-linked suicide cases within the Indian legal system.

Keywords: abetment of suicide, mental cruelty, causation, instigation, Section 108 BNS, adjustment disorder, ostracism, coercive control, psychological autopsy.

¹Bharatiya Nyaya Sanhita, No. 45 of 2023, § 108 (India).

²*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 S.C.C. 618 (India).

³*Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)*, (2009) 16 S.C.C. 605 (India).

Distinguishing Cruelty from Distress: A Causation Framework for Abetment of Suicide

This paper examined how empirically derived taxonomies of psychological abuse can help define and document mental cruelty within Indian matrimonial households. Establishing that cruelty occurred, however, resolves only part of what Section 108 of the Bharatiya Nyaya Sanhita requires in an abetment-of-suicide prosecution.⁴ Courts have insisted, with considerable consistency since *Ramesh Kumar v. State of Chhattisgarh*,⁵ that a conviction additionally requires proof of “instigation”: a positive, proximate act or sustained course of conduct that can be shown, by inference, to have left the deceased with no viable alternative but to end her life. This causation requirement is the more difficult forensic problem, because it asks fact-finders to reconstruct not merely whether a person was mistreated, but whether that mistreatment specifically produced a state of psychological entrapment culminating in death, as distinct from psychological distress arising from other sources, including the ordinary adjustment difficulties of marriage, relocation, or family life.

This paper addresses that causation question directly. It develops a behavioural framework for distinguishing legally cognizable, cruelty-driven psychological injury from adjustment reactions and non-actionable domestic friction, incorporates passive and covert forms of cruelty that Indian courts have recognised but that are easily overlooked in behavioural documentation, and situates the entire inquiry against the acknowledged limitations of retrospective psychological reconstruction.

The Causation Standard: Instigation, Nexus, and the Limits of Ordinary Discord

In *Ramesh Kumar*, the Supreme Court held that instigation requires goading, urging, provoking, or encouraging an act.⁶ Words uttered in a fit of anger or emotion, without the intention that their consequences actually follow, do not constitute instigation.⁷ The Court cautioned that judges must assess whether a deceased was hypersensitive to ordinary discord common to the society in which she lived, since not every domestic quarrel capable of upsetting a particular individual would be expected to induce suicide in a similarly situated person.⁸ This hypersensitivity caution was extended in *Gananath Pattnaik v. State of Orissa*, where the Court

⁴Bharatiya Nyaya Sanhita, *supra* note 1

⁵*Ramesh Kumar*, *supra* note 2

⁶*Ramesh Kumar*, *supra* note 2.

⁷*Id.*

⁸*Id.*

observed that the concept and effect of cruelty vary from individual to individual depending on social and economic circumstance,⁹ and in the matrimonial context more broadly in *Samar Ghosh v. Jaya Ghosh*, which held that cruelty must be distinguished from the ordinary wear and tear of family life and cannot be decided based on a petitioner's own sensitivity.¹⁰

The Court supplied its most detailed causation framework in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)*, holding that abetment requires proof that the accused, by words, deeds, or wilful omission, including wilful silence, kept irritating or annoying the deceased until she reacted or was pushed toward an extreme step, together with an accompanying intention to provoke, urge, or encourage that outcome.¹¹ Two features of this holding are especially significant for forensic purposes. First, the Court explicitly accepted that omission and silence, not only affirmative acts, can satisfy the instigation requirement, opening the door to behavioural evidence of exclusion and non-acknowledgement as a legally cognizable form of cruelty. Second, the Court tied culpability to a continued course of conduct producing a cumulative effect, rather than to any single incident, a formulation later echoed in *S.S. Chheena v. Vijay Kumar Mahajan*¹² and *Amalendu Pal v. State of West Bengal*,¹³ both of which required a positive, proximate act linked to the death rather than an inference drawn from generalised harassment. *Mangat Ram v. State of Haryana* added a further caution against assuming that a reasonable person would not take her own life absent abetment, implicitly recognising that suicide typically arises from multiple, interacting causes.¹⁴

Read together, this doctrine constructs a two-part evidentiary target for any forensic behavioural assessment: first, a documented pattern of conduct, potentially including silence and exclusion, sufficient to distinguish itself from ordinary discord and hypersensitivity; and second, a demonstrable proximate connection between that pattern and the deceased's psychological deterioration and eventual suicide, as opposed to deterioration attributable to unrelated life stressors. Both halves of this target are addressed in the sections that follow.

Differentiating Adjustment Disorder from Cruelty-Induced Psychological Injury

The hypersensitivity caution articulated in *Ramesh Kumar* and *Gananath Pattnaik* has a direct

⁹*Gananath Pattnaik v. State of Orissa*, (2002) 2 S.C.C. 619 (India).

¹⁰*Samar Ghosh v. Jaya Ghosh*, (2007) 4 S.C.C. 511 (India).

¹¹*Chitresh Kumar Chopra*, *supra* note 3.

¹²*S.S. Chheena v. Vijay Kumar Mahajan*, (2010) 12 S.C.C. 190 (India).

¹³*Amalendu Pal v. State of West Bengal*, (2010) 1 S.C.C. 707 (India).

¹⁴*Mangat Ram v. State of Haryana*, (2014) 12 S.C.C. 595 (India).

clinical analogue in adjustment disorder, a diagnosis reserved for emotional or behavioural symptoms that develop in response to an identifiable stressor within three months of its onset, that are clinically significant because they are out of proportion to the stressor or cause significant functional impairment, and that do not persist more than approximately six months once the stressor and its consequences have ended.¹⁵ Marital relocation, integration into a new household, and the loss of a familiar social and occupational environment are common and ordinarily non-actionable stressors of exactly this kind. A woman's distress in adapting to these circumstances, even when severe, does not by itself indicate that any person's conduct was legally culpable; it may instead reflect a transitional reaction that would be expected to attenuate as she adapts.

Distinguishing this reaction from cruelty-induced psychological injury requires attention to several converging indicators. Onset and trajectory are the first: adjustment-disorder-consistent distress should correlate with the relocation or transition event itself and should show some tendency toward attenuation over time, whereas cruelty-induced injury should correlate with the timing of specific conduct or an escalating pattern of treatment and should fail to remit, or should worsen, while that conduct continues.¹⁶ Specificity of target is the second: distress arising from adjustment tends to generalise across the new environment, whereas distress driven by cruelty tends to be anchored to the conduct of identifiable individuals, even where the person has otherwise adapted to her surroundings. Corroborating behavioural evidence is the third and most forensically decisive: contemporaneous complaints to her natal family, messages, or documented incidents that identify specific conduct by specific individuals move the clinical picture toward cruelty-induced injury, whereas the absence of any such identifiable perpetrator or conduct, despite a comparably severe presentation, is more consistent with an adjustment reaction to the transition itself.

This differential does not resolve the ultimate legal question, since courts, not clinicians, determine whether conduct meets the instigation standard; but it prevents two opposite forensic errors: treating ordinary, transitional distress as proof of cruelty, which the hypersensitivity doctrine expressly forbids, and dismissing genuine cruelty-induced injury as "mere adjustment," which would understate psychological harm that the record may in fact support.

¹⁵Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders* (5th ed., text rev. 2022).

¹⁶*Id.*

Wilful Silence, Ostracism, and Passive Cruelty as Behavioural Indicators

Because *Chitresh Kumar Chopra* expressly recognised wilful silence as capable of constituting instigation,¹⁷ exclusion and non-acknowledgement deserve explicit treatment in any behavioural assessment framework, notwithstanding that they are harder to document than active verbal or physical conduct. Social psychology offers a well-developed account of why sustained exclusion produces harm disproportionate to its outward severity. Williams's temporal need-threat model holds that ostracism — being ignored and excluded — threatens four fundamental psychological needs: belonging, self-esteem, control, and meaningful existence, and produces physiological and affective distress even in the absence of any verbal derogation or physical act.¹⁸ Neuroimaging work by Eisenberger, Lieberman, and Williams found that social exclusion activates the anterior cingulate cortex in a pattern paralleling physical pain response, providing convergent evidence that the brain processes exclusion as genuinely injurious rather than merely unpleasant.¹⁹

A related and more granular framework comes from Gottman's research on relational communication. Gottman and DeClaire describe "bids for connection" — everyday attempts to gain another person's attention, affirmation, or engagement — and identify three possible responses: turning toward (acknowledgement), turning away (ignoring), and turning against (hostile response).²⁰ Chronic turning away, repeated non-response to a person's initiation, is associated with progressive withdrawal by the person whose bids go unmet, consistent with a broader learned-helplessness trajectory in which attempts at engagement decline as they continue to be unmet. Gottman further identifies stonewalling, complete withdrawal from interaction, as one of the most corrosive relational patterns observed in his research, distinct from ordinary conflict in its capacity to communicate that the other person's presence does not warrant response.²¹

For forensic purposes, these frameworks translate into specific, documentable markers. Selectivity is central: exclusion targeted at one household member, particularly a newly married daughter-in-law, while others are acknowledged normally, is more probative than a

¹⁷*Chitresh Kumar Chopra, supra* note 3.

¹⁸Kipling D. Williams, *Ostracism*, 58 Ann. Rev. Psychol. 425 (2007).

¹⁹Naomi I. Eisenberger, Matthew D. Lieberman & Kipling D. Williams, *Does Rejection Hurt? An fMRI Study of Social Exclusion*, 302 Science 290 (2003).

²⁰John M. Gottman & Joan DeClaire, *The Relationship Cure: A 5-Step Guide to Strengthening Your Marriage, Family, and Friendships* (2001).

²¹John M. Gottman, *Why Marriages Succeed or Fail: And How You Can Make Yours Last* (1994).

generally undemonstrative household, which *Gananath Pattnaik* and related authorities would treat as ordinary family style rather than cruelty.²² Contingency on her initiation is a second marker: a documented asymmetry between her attempts to engage and the household's response, rather than a general absence of conversation, indicates deliberate rather than incidental non-acknowledgement. Duration and escalation form a third marker, since a single unwelcoming episode carries little evidentiary weight. In contrast, a sustained pattern, together with declining attempts at engagement over time consistent with the learned-helplessness pattern identified in ostracism research, supports an inference of wilful and continuing conduct. Third-party corroboration, from visitors, extended family, or domestic staff who observed specific instances of her presence going unacknowledged, remains the most forensically reliable evidence, given that retrospective self-report from interested parties is subject to the same reliability limitations discussed below in connection with psychological autopsy.

Coercive Control and the Architecture of Entrapment

Stark's coercive control framework supplies the conceptual bridge between individual cruel acts, whether active or passive, and the legal language of a deceased being left with "no other alternative."²³ Stark conceptualises abuse not as a series of discrete incidents but as a cumulative strategy of domination that progressively narrows a person's "space for action": restriction of movement and contact, control over financial resources, surveillance, and isolation from supportive relationships, each individually modest, but jointly productive of entrapment when sustained over time. This framing directs forensic attention away from isolated incidents, which *S.S. Chheena* and *Amalendu Pal* have held insufficient to establish instigation,²⁴ toward the cumulative trajectory of conduct, which is closer to what the continued-course-of-conduct standard in *Chitresh Kumar Chopra* actually requires.²⁵

Applied to the household context relevant here, coercive control indicators include restriction of contact with the deceased's natal family, monitoring of communications or movement, control over her access to money, and threats deployed instrumentally to enforce compliance rather than expressed as isolated anger. The forensic significance of demonstrating coercive control, as distinct from demonstrating isolated cruel acts, is that it speaks directly to the

²²*Gananath Pattnaik, supra* note 7.

²³Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (2007).

²⁴*S.S. Chheena, supra* note 10; *Amalendu Pal, supra* note 11.

²⁵*Chitresh Kumar Chopra, supra* note 3.

causation question: a documented, escalating pattern that closes off successive avenues of support and autonomy is a more direct evidentiary basis for the inference that the deceased's situation had become inescapable than any single incident could supply on its own.

Reconstructing Causation: Psychological Autopsy and Its Limits

The psychological autopsy, developed by Shneidman and colleagues to help reconstruct a decedent's mental state and the circumstances preceding death,²⁶ remains the primary method for retrospectively assembling the evidentiary picture that the causation standard requires. Cavanagh, Carson, Sharpe, and Lawrie's systematic review found the method capable of identifying risk factors with reasonable consistency across studies, supporting its use as an organising framework for behavioural evidence in cruelty-linked suicide investigations.²⁷

The method's limitations bear directly on how confidently its findings can be presented in an abetment prosecution. Hjelmeland, Dieserud, Dyregrov, Knizek, and Leenaars demonstrated that informant-based retrospective reconstruction is frequently unreliable, particularly where interviews occur well after death and rely on a small number of relatives whose own relationship to the deceased, and stake in the proceedings, may shape their account.²⁸ In cruelty-linked cases this limitation is acute: natal family members, often the complainants, and the accused's family, with an obvious interest in the opposite characterisation, are simultaneously the most proximate informants and the least disinterested. A forensic evaluation conducted for legal rather than research purposes must therefore triangulate across informant groups with divergent interests, weigh documentary evidence, messages, diary entries, and financial records more heavily than retrospective recollection, and remain explicit about the resulting limits on certainty rather than presenting conclusions with unwarranted confidence.

A suicide note naming an accused occupies a related evidentiary category, treated by Indian courts as a dying declaration requiring independent corroboration rather than automatic acceptance, since its authenticity and the proximate timing of any incitement it describes must still be independently established. This corroboration requirement reinforces the broader point that no single piece of evidence — psychiatric, documentary, or testimonial — can establish

²⁶Edwin S. Shneidman, *The Psychological Autopsy*, 49 Am. Psychol. 75 (1994).

²⁷James T.O. Cavanagh, Alan J. Carson, Michael Sharpe & Stephen M. Lawrie, *Psychological Autopsy Studies of Suicide: A Systematic Review*, 33 Psychol. Med. 395 (2003).

²⁸Heidi Hjelmeland, Gudrun Dieserud, Kari Dyregrov, Birthe L. Knizek & Antoon A. Leenaars, *Psychological Autopsy Studies as Diagnostic Tools: Are They Methodologically Flawed?*, 36 Death Stud. 605 (2012).

causation alone; the causation inference has to rest on the convergence of behavioural pattern, temporal proximity, and corroborated conduct.

An Integrated Behavioural-Assessment Framework

Bringing these elements together, a forensic assessment of causation in a mental cruelty-linked suicide case can be organised around four converging questions. First, is there a documented pattern of conduct, active or passive, that is specific to the deceased and distinguishable from the household's general style, per *Gananath Pattnaik* and *Samar Ghosh*?²⁹ Second, does the deceased's psychological deterioration track the timing of that conduct rather than an unrelated transition or stressor, consistent with the adjustment disorder differential set out above? Third, does the conduct show the cumulative, escalating, autonomy-restricting character of coercive control, or the sustained exclusion pattern associated with wilful silence, rather than an isolated incident?³⁰ Fourth, is the pattern corroborated by evidence independent of the deceased's own retrospective characterisation, including third-party observation and documentary material, sufficient to withstand the reliability limitations inherent in any retrospective reconstruction?³¹

A case that answers each of these questions affirmatively supplies the continued, proximate, and corroborated causal picture that *Chitresh Kumar Chopra* and its progeny require. A case that fails one or more, particularly the second, where the evidence better fits a transitional adjustment reaction, or the fourth, where the pattern rests only on uncorroborated retrospective account, is precisely the case the hypersensitivity doctrine and the corroboration requirement for suicide notes are designed to screen out.

Conclusion

Indian courts have built a causation standard for abetment of suicide that is considerably more psychologically literate than is often credited: it distinguishes hypersensitivity from injury, accepts silence and omission as potentially instigating conduct, and demands a continued course of conduct with a proximate connection to death rather than an isolated incident. The framework developed here, integrating adjustment disorder differential diagnosis, ostracism and relational-withdrawal research, coercive control theory, and the acknowledged limitations

²⁹*Gananath Pattnaik*, *supra* note 7; *Samar Ghosh*, *supra* note 8.

³⁰*Stark*, *supra* note 21; *Williams*, *supra* note 16; *Gottman*, *supra* note 19.

³¹*Hjelmeland et al.*, *supra* note 26.

of psychological autopsy, offers forensic evaluators a more transparent and replicable basis for the causation judgment that *Ramesh Kumar, Chitresh Kumar Chopra*, and their progeny require, without displacing the fundamentally legal character of the ultimate determination.