

Psychological Causes of Extra-Marital Affairs and Legal Consequences in Matrimonial Law: An Analytical Study

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Abstract

Extra-marital affairs represent a significant threat to marital stability and psychological well-being. This study examines the psychological determinants of extra-marital involvement and explores their legal implications under Indian matrimonial law. A mixed-method methodology was adopted using quantitative (N = 300) and qualitative components. Findings indicate that emotional loneliness, low marital satisfaction, personality traits such as impulsivity and narcissism, and opportunity-based triggers are major predictors of extra-marital behaviour. Legally, extra-marital affairs influence divorce proceedings, maintenance rights, custody battles, and constitute mental cruelty under the Hindu Marriage Act, 1955. The study highlights the need for integrated legal and psychological interventions.

Keywords: Extra-marital affairs, marital satisfaction, Emotional loneliness, Impulsivity, Psychological factors, Adultery, Matrimonial law, Mental cruelty, Divorce, Indian legal system

1. Introduction

Extra-marital affairs have existed across cultures and historical periods, yet their psychological foundations and legal implications continue to evolve with changing social realities. Marriage, as a socially sanctioned union, is expected to provide emotional security, companionship, sexual fulfilment, and social stability. When these expectations are unmet—due to psychological, interpersonal, or situational factors—the possibility of emotional or physical involvement outside marriage increases. In contemporary society, rapid urbanization, shifting family structures, digital communication platforms, and increasing individualistic values have further complicated marital relationships, making extra-marital affairs a growing psychosocial concern.

From a psychological perspective, extra-marital relationships often emerge not merely from sexual dissatisfaction but from deeper unmet emotional needs. Emotional loneliness, marital dissatisfaction, insecure attachment patterns, low self-esteem, and unmet intimacy needs create internal vulnerabilities that may predispose individuals to seek validation outside marriage. Studies suggest that partners experiencing emotional neglect or persistent conflict within marriage are more likely to develop emotional dependencies with someone outside the marital

relationship, which may gradually progress into an extra-marital affair. Theories of attachment, interpersonal needs, and cognitive-behavioural models collectively emphasize that extramarital involvement often arises as an attempt to fulfil psychological deficits rather than deliberate moral transgression.

The availability of digital communication has also transformed the nature of extra-marital affairs. Online emotional affairs, social media interactions, and virtual intimacy have blurred the boundaries of fidelity. Emotional infidelity, which may not involve physical contact, can still significantly damage marital trust and stability. Psychological research indicates that emotional affairs often have a deeper impact on marital bonds than purely physical involvement, as they involve intimacy, self-disclosure, and emotional dependence.

In India, where marriage is culturally sacred and legally regulated, extra-marital affairs carry significant social and legal consequences. Although adultery is no longer a criminal offence following the landmark Supreme Court judgment in *Joseph Shine v. Union of India* (2018), it still constitutes a valid ground for divorce under Hindu, Christian, and Parsi laws. Courts evaluate extra-marital relationships within the framework of matrimonial cruelty, desertion, and breakdown of marriage. Thus, understanding the psychological causes of extra-marital affairs is not only relevant for mental-health professionals but also for legal practitioners, counsellors, and family courts.

Despite the social relevance of the issue, there is limited empirical research in India integrating psychological determinants with legal consequences in matrimonial law. The present paper attempts to bridge this gap by examining emotional loneliness, marital dissatisfaction, and personality factors associated with extra-marital involvement while simultaneously analyzing how Indian matrimonial law interprets and responds to such situations. For this purpose, a new psychological instrument—Tiwari Emotional Loneliness Scale (TELS)—developed by Dr. Rajesh Kumar Tiwari, is used to assess emotional loneliness among married individuals.

This article thereby contributes to interdisciplinary scholarship by integrating psychological evidence with legal analysis. It offers insights for counsellors, psychologists, lawyers, academicians, and policymakers concerned with marital stability, mental health, and matrimonial disputes.

2. Review of Literature

2.1 Psychological Factors in Extra-Marital Affairs

Research identifies several psychological causes:

Attachment insecurity (Hazan & Shaver, 1987)

Low marital satisfaction (Spanier, 1989)

Emotional loneliness (Weiss, 1973)

Personality traits – impulsivity, narcissism (Campbell & Foster, 2002)

Situational opportunity (Glass & Wright, 1992)

2.2 Legal Framework in India

Relevant legal provisions include:

Section 13(1)(i) – Adultery as grounds for divorce

Mental cruelty recognised in *Samar Ghosh v. Jaya Ghosh* (2007)

Decriminalisation of adultery – *Joseph Shine v. Union of India* (2018)

Maintenance rights under Section 125 CrPC

Custody under the Guardians and Wards Act

3. Objectives of the Study

1. To identify psychological factors leading to extra-marital affairs.
2. To study the role of emotional loneliness in predicting extra-marital involvement.
3. To analyse legal consequences in matrimonial law.

4. Methodology

4.1 Research Design

A mixed-method descriptive research design.

4.2 Sample

N = 300 married adults, age 25–55

Regions: Bihar, Delhi, Jharkhand

Purposive sampling

4.3 Tools Used

1. Tiwari Marital Satisfaction Questionnaire (TMSQ)
2. ELS – Emotional Loneliness Scale (Developed by De Jong Gierveld)
3. Personality Checklist (Neuroticism, Impulsivity, Narcissism)

4.4 Statistical Analysis

Mean, SD

Pearson correlation

Regression analysis

Structure: 20 items 5-point Likert scale (1 = Strongly Disagree to 5 = Strongly Agree)

Higher scores = Higher emotional loneliness

6.Data

Table 1: Descriptive Statistics

Variable	Mean	SD
Marital Satisfaction (TMSQ)	47.2	10.4
Emotional Loneliness (ELS)	32.8	8.5
Impulsivity	26.3	6.2
Narcissism	21.4	5.1
Extra-Marital Involvement	28%	–

Table 2: Correlation Matrix

Variable	EMA	Marital Satisfaction	Loneliness	Impulsivity
EMA	1	-0.61**	0.54**	0.42**
Marital Satisfaction	–	1	-0.48**	-0.25**

Table 3: Regression Model Predicting EMA

Predictor	β	p-value
Low Marital Satisfaction	-0.52	.000
Emotional Loneliness	0.39	.000
Impulsivity	0.31	.004
Opportunity	0.28	.006

Model $R^2 = .58$

7. Results

The findings reveal:

28% reported extra-marital involvement.

Lower marital satisfaction strongly predicts EMA.

Emotional loneliness is a major psychological factor.

Impulsive and narcissistic personality traits increase risk.

Opportunity (workplace proximity, travel, digital communication) is influential.

8. Discussion

Emotional loneliness emerged as the strongest psychological determinant. Lack of emotional intimacy, unresolved conflicts, unmet emotional needs, and communication breakdown push individuals toward external emotional or physical attachments. Indian cultural norms often discourage open dialogue about emotional needs, thereby increasing emotional isolation within marriage.

9. Legal Consequences under Matrimonial Law

9.1 Adultery as Ground for Divorce

Though Joseph Shine (2018) decriminalised adultery, it remains a valid civil ground for divorce.

9.2 Mental Cruelty

Infidelity may constitute mental cruelty, recognised in:

Samar Ghosh v. Jaya Ghosh (2007)

Naveen Kohli v. Neelu Kohli (2006)

9.3 Maintenance

A spouse involved in adultery may receive reduced or denied maintenance based on circumstances.

9.4 Child Custody

EMA does not automatically disqualify custody; the child's welfare is paramount.

9.5 Evidence Standards

Courts accept circumstantial evidence:

Chats, call logs

Hotel receipts

Social media records

Travel records

The standard is preponderance of probability, not proof beyond doubt.

10. Conclusion

Extra-marital affairs arise from emotional dissatisfaction, emotional loneliness, impulsivity, narcissistic traits, and situational opportunities. Their impact extends beyond psychological distress to legal consequences such as divorce, maintenance, and custody disputes. Addressing emotional loneliness through counselling and improving marital communication can reduce the likelihood of extra-marital involvement.

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