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# **DIGITAL CRUELTY AND MATRIMONIAL LAW IN INDIA: REASSESSING THE CONCEPT OF CRUELTY IN THE AGE OF TECHNOLOGY**

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## **ABSTRACT**

The judicial interpretation of cruelty as a ground for divorce under the Hindu Marriage Act, 1955, has undergone a significant evolution, expanding beyond its original narrow focus on physical violence to encompass mental, emotional, and economic abuse. This evolution signifies the judiciary's progressive understanding of marital harm, acknowledging that psychological suffering and the apprehension of harm are equally destructive to the marital relationship as bodily injury. Statutory instruments like the Protection of Women from Domestic Violence Act, 2005 (PWDVA) have further reinforced this shift by recognizing economic abuse as a form of domestic violence. In the contemporary context, the ubiquitous presence of digital technology has given rise to digital cruelty or cyber-violence. This manifests through novel, less tangible, but profoundly damaging acts such as cyber-stalking, intrusive surveillance, digital gaslighting, and the non-consensual disclosure of intimate images ('revenge porn'). These technology-facilitated behaviours inflict severe psychological distress, violate the fundamental right to privacy, and fundamentally erode spousal trust. While courts have started to admit digital evidence and address these behaviours as mental cruelty, and existing criminal statutes (like the Information Technology Act and the Bharatiya Nyaya Sanhita) cover some related offenses, matrimonial law lacks explicit provisions. This paper argues that despite the progressive judicial trajectory, a gap remains in statutory recognition. To ensure comprehensive protection and clarity in family law, legislative reform is imperative to formally incorporate digital cruelty into the definition of cruelty under the Hindu Marriage Act, 1955. This inclusion is crucial for modernizing the law, providing effective remedies, and safeguarding the dignity, privacy, and mental well-being of individuals in the digital era.

## 1. INTRODUCTION

The legal concept of cruelty, as a ground for divorce, has been a subject of continuous judicial interpretation. Under the Hindu Marriage Act, 1955<sup>1</sup>, cruelty constitutes conduct that causes reasonable apprehension in the mind of one spouse that it would be harmful or injurious to live with the other. Judicial interpretation of cruelty has historically encompassed physical, mental, emotional, and economic abuse, but in recent times, it has extended to include psychological harm, false accusations, financial deprivation, and even digital harassment through social media<sup>2</sup>. Over time, the interpretation of “cruelty” has evolved beyond physical violence to encompass mental and emotional abuse.

In the digital era, however, cruelty often manifests in less tangible but equally damaging forms through technology. The ubiquitous presence of smartphones, social media platforms, and instant messaging applications has enabled spouses to engage in acts of humiliation, surveillance, and harassment that transcend traditional notions of matrimonial cruelty. This necessitates a revisitation of the concept in contemporary legal discourse.

The term cyber-violence<sup>3</sup> refers to abuse committed by one person (the abuser) against a current or former partner through the use of digital technology. It includes a range of controlling and coercive behaviours, such as threatening phone calls, cyber-stalking, location tracking via smartphones, harassment on social media sites<sup>4</sup>, and the circulation of intimate images of partners without consent (‘revenge porn’)<sup>5</sup>. Contemporary socio-economic shifts and innovations in communication technology call for a redefined and refined conception of cruelty within matrimonial law. Court sets out: The expression “cruelty” has an inseparable nexus with human conduct or human behaviour. It is always dependent upon the social strata or the milieu to which the parties belong, their ways of life, relationship, temperaments and emotions that have been conditioned by their social status.<sup>6</sup>

## 2. RESEARCH QUESTIONS

### 2.1 Whether the evolving judicial interpretation of cruelty under matrimonial law adequately

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<sup>1</sup> Section 13(1)(ia) of The Hindu Marriage Act, 1955 defines cruelty as a ground for divorce

<sup>2</sup> Naveen Kohli v. Neelu Kohli, (2006) 4 SCC 558

<sup>3</sup> In this article, the term ‘cyber violence’ is used interchangeably with ‘technology facilitated domestic abuse’.

<sup>4</sup> Aily Shimizu, ‘Recent Developments: Domestic Violence in the Digital Age: Towards the Creation of a Comprehensive Cyberstalking Statute’ (2013) 28 *Berkeley Journal of Gender, Law & Justice* 116, 117

<sup>5</sup> The term ‘revenge porn’ is used in this article, to refer to the sharing of intimate pictures or videos without consent.

<sup>6</sup> Vishwanath Agrawal v. Sarla Vishwanath Agrawal, (2012) 7 SCC 288

addresses technology-facilitated abuse within marital relationships.

2.2 Whether existing legal frameworks, including matrimonial, cyber, and criminal laws, provide sufficient remedies against digital harassment between spouses.

2.3 Whether explicit statutory recognition of digital cruelty under the Hindu Marriage Act, 1955 is necessary to address emerging forms of matrimonial abuse in the digital era.

### **3. RESEARCH OBJECTIVES**

3.1 To examine the evolution of the concept of cruelty in Indian matrimonial jurisprudence.

3.2 To analyse the various forms of technology-facilitated abuse and their impact on marital relationships.

3.3 To evaluate the effectiveness of existing legal remedies available under matrimonial, cyber, and criminal laws.

3.4 To identify gaps in the current legal framework concerning digital cruelty.

3.5 To propose reforms for the explicit recognition and regulation of digital cruelty within Indian matrimonial law.

### **4. RESEARCH METHODOLOGY**

This study adopts a doctrinal research methodology. The research is based on the analysis of primary legal sources, including statutes, judicial decisions, and constitutional provisions, as well as secondary sources such as academic articles, reports, and legal commentaries. The study critically examines the judicial evolution of cruelty under matrimonial law and evaluates the adequacy of existing legal frameworks in addressing technology-facilitated abuse within marital relationships.

### **5. EVOLUTION OF CRUELTY IN MATRIMONIAL JURISPRUDENCE**

#### **5.1 Physical Cruelty :**

Initially, the term “cruelty” was understood in a narrow and literal sense, confined largely to acts of physical violence or bodily harm. Courts traditionally insisted upon concrete, tangible

proof of such violence to substantiate a claim of cruelty. However, as matrimonial jurisprudence matured, the judiciary began to recognize that cruelty extends beyond the corporeal, encompassing emotional and psychological suffering that may be equally, if not more, injurious to the marital relationship.

## 5.2 Mental Cruelty :

A major turning point came with the decision in *N.G. Dastane v. S. Dastane* (1975)<sup>7</sup>, where the Supreme Court of India broadened the interpretation of cruelty under *Section 10(1)(b)* of the Hindu Marriage Act, 1955. Justice Chandrachud observed that “*the inquiry therefore has to be whether the conduct charged as cruelty is of such a character as to cause in the mind of the petitioner a reasonable apprehension that it will be harmful or injurious for him to live with the respondent.*”

This observation marked a doctrinal shift from proof of actual physical injury to the psychological apprehension of harm.<sup>8</sup> The Court clarified that the essence of cruelty lies not merely in overt acts of violence but in conduct that undermines the mental well-being of the spouse. It further emphasized that matrimonial disputes should be adjudicated on the preponderance of probabilities, rather than the stricter standard of criminal proof, thereby lowering the evidentiary burden for establishing mental cruelty.

Building on this expanded understanding, the Supreme Court in *V. Bhagat v. D. Bhagat* (1994)<sup>9</sup> further refined the contours of mental cruelty. The Court held that making reckless, false, or defamatory allegations against a spouse, particularly in the public domain or through pleadings could itself amount to cruelty. The Court observed that “*mental cruelty in Section 13(1)(i-a) can broadly be defined as that conduct which inflicts upon the other spouse such mental pain and suffering as would make it not possible for that spouse to live with the other.*” Thus, *Bhagat* served as a bridge between the foundational reasoning in *Dastane* and the comprehensive framework that would later emerge in *Samar Ghosh*.

The jurisprudence on cruelty reached a more structured form in *Samar Ghosh v. Jaya Ghosh*

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<sup>7</sup> *N.G. Dastane v. S. Dastane* (1975) 2 SCC 326

<sup>8</sup> <https://theprint.in/theprint-essential/what-is-cruelty-in-marriage-no-clear-definition-by-courts-but-meaning-has-broadened-over-time/2421592/>

<sup>9</sup> *V. Bhagat v. D. Bhagat* (1994) 1 SCC 337

(2007)<sup>10</sup>, where the Supreme Court undertook an exhaustive analysis of the evolving notion of mental cruelty within modern marriages. The Court observed that “*no uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with cases of mental cruelty.*”

In paragraph 101, the Court articulated an illustrative, non-exhaustive list of behaviours that could constitute mental cruelty, including sustained abusive or humiliating conduct, indifference and neglect over a prolonged period, false accusations, deliberate denial of marital obligations, and behaviour that causes emotional trauma or mental agony. The Court further emphasized that “*the feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of the other for a long time may amount to mental cruelty.*”

Together, these three landmark judgments- *Dastane*, *Bhagat*, and *Samar Ghosh* reflect a clear trajectory in Indian matrimonial jurisprudence: from a narrow, physical conception of cruelty to a broader, psychological and contextual understanding.

### 5.3 Economic Cruelty:

The Court has emphasized that cruelty includes acts that make the matrimonial relationship intolerable.<sup>11</sup> The Protection of Women from Domestic Violence Act, 2005 (PWDVA)<sup>12</sup> explicitly includes “*economic abuse*” as domestic violence, defined to cover deprivation of financial resources, disposal of assets, and restriction of access to property. Courts often draw parallels between the PWDVA and matrimonial relief cases, treating sustained economic abuse as mental cruelty. This statutory recognition, though primarily for protective remedies, has influenced matrimonial jurisprudence by establishing that economic deprivation can amount to cruelty within marriage.

### 5.4 False Allegations As Cruelty:

Courts have increasingly considered false accusations of criminal offenses, such as domestic violence or dowry harassment, as a form of cruelty.

*“Making unfounded indecent defamatory allegations against the spouse or his or her relatives in the pleadings, filing of complaints or issuing notices or news items which may have adverse*

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<sup>10</sup> *Samar Ghosh v. Jaya Ghosh* (2007) 4 SCC 511

<sup>11</sup> *Bipin Chander Jaisinghbhai Shah v. Prabhavati* (1957 SCR 838)

<sup>12</sup> Section 3 of the Protection of Women from Domestic Violence Act, 2005 (PWDVA)

*impact on the business prospect or the job of the spouse and filing repeated false complaints and cases in the court against the spouse would, in the facts of a case, amount to causing mental cruelty to the other spouse.”<sup>13</sup>*

The Punjab and Haryana high court has ruled that a woman’s declaration that she would prevent her husband from “seeing their minor child throughout her lifetime”<sup>14</sup> constitutes mental cruelty, entitling the husband to a divorce.

### **5.5 Digital And Social Media Harassment:**

Online harassment, on the other hand, is a more general word that includes a variety of hostile and abusive actions conducted through digital channels. This includes hate speech, trolling, impersonation, distributing private or altered photos without permission (such in revenge porn), sending abusive or sexually explicit messages, and publishing libelous content. Online harassment can be systemic or one-time, and it can also target communities or groups.<sup>15</sup>

The arrival of ubiquitous digital communication has also changed how intimate relationships are lived and contested. Technology does not merely transmit existing harms; it creates new modes of domination, surveillance, humiliation and exclusion that frequently leave strong documentary traces (call logs, screenshots etc) but little or no physical evidence. That combination, high psychological impact + new kinds of traceable evidence requires courts to adapt both (a) the substantive idea of “cruelty” and (b) the rules and practice for treating electronic material as proof.<sup>16</sup>

Technology-facilitated abuse is a form of domestic violence that provides abusers new and more extensive ways to control, coerce, stalk, and harass their victims.<sup>17</sup> Technology, such as computers, smartphones, and tracking devices, allows abusers to overcome geographic and spatial boundaries that would have otherwise prevented them from contacting their victims. It also allows abusers to create ‘a sense of omnipresence and eroding [the victim’s] feelings of

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<sup>13</sup> *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226 : (2013) 2 SCC (Civ) 775 : (2013) 2 SCC (Cri) 963 ¶ 16

<sup>14</sup> <https://timesofindia.indiatimes.com/city/chandigarh/high-court-rules-preventing-husband-from-seeing-child-is-mental-cruelty/articleshow/115315368.cms>

<sup>15</sup> LEGAL FRAMEWORK ADDRESSING CYBERSTALKING AND ONLINE HARASSMENT IN INDIA  
By Record Of Law / August 24, 2025, Authored By: Vanshika Vaishalik

<sup>16</sup> Yadav V. Tackling Non-Consensual Dissemination of Intimate Images in India’s Contemporary Legal Framework. *International Annals of Criminology*. 2023;61(3-4):355-383. doi:10.1017/cri.2023.30

<sup>17</sup> Tammy Hand, Donna Chung and Margaret Peters, ‘The Use of Information and Communication Technologies to Coerce and Control in Domestic Violence and Following Separation’ (Stakeholder Paper No 6, Australian Domestic & Family Violence Clearinghouse, January 2009)

safety after separation'<sup>18</sup>. Consequently, while some individuals have physically left their abusive partner, technology has prevented them from completely severing ties.<sup>19</sup>

## 6. FORMS OF DIGITAL CRUELTY

### 6.1 Cyber-stalking, surveillance and spyware

Persistent monitoring (GPS, device-level spyware, hidden cameras), interception of messages and real-time tracking to control a partner's movement, contacts and private communications.

Acts can attract criminal provisions (voyeurism, unauthorised access) and underpin matrimonial claims for cruelty where they produce fear, humiliation or loss of dignity. Courts have treated covert surveillance and the use of technology to control or humiliate a spouse as material for mental-cruelty findings. See recent family court and High Court practice recognising surveillance evidence in matrimonial disputes.

A Single Bench of Justice G.R. Swaminathan observed, "*Obtaining information pertaining to the privacy of the wife without her knowledge and consent cannot be viewed benignly. Only if it is authoritatively laid down that evidence procured in breach of the privacy rights is not admissible, spouses will not resort to surveillance of the other.*"<sup>20</sup>

The case involved a matrimonial dispute in which the husband alleged "cruelty, adultery, and desertion" by his wife, introducing call history records as evidence. These records, however, were obtained without her consent, and the wife filed a petition objecting to their admissibility, claiming that her privacy had been breached.

The Supreme Court has observed that Spouses snooping on each other "is in itself a symptom of a broken relationship and denotes a lack of trust between them".<sup>21</sup>

The courts have previously disallowed illegally obtained personal communications such as *Neha Garg v. Vibhor Garg (2021)*<sup>22</sup> and *Rayala M. Bhuvaneshwari v Nagaphanender Rayala*

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<sup>18</sup> Delanie Woodlock, 'The Abuse of Technology in Domestic Violence and Stalking' (2017) 23 Violence Against Women 584, 598

<sup>19</sup> Jill P Dimond, Casey Fiesler and Amy S Bruckman, 'Domestic Violence and Information Communication Technologies' (2011) 23 Interacting with Computers 413, 416

<sup>20</sup> <https://www.verdictum.in/court-updates/high-courts/madras-high-court-spousal-privacy-fundamental-right-cannot-encourage-snooping-by-one-spouse-on-other-1556526>

<sup>21</sup> <https://indianexpress.com/article/india/secretly-recorded-phone-call-spouse-evidence-sc-10125109/>

<sup>22</sup> CR No. 1616 of 2020 (O&M)

(2008)<sup>23</sup>.

In a case, the Chhattisgarh High Court has observed that a husband cannot compel his wife to share private information, communications, personal belongings and even passwords of mobile phones and bank accounts. The Bench of Justice Rakesh Mohan Pandey also observed that any such compulsion by the husband shall amount to infringement of privacy and would also potentially lead to invocation of the cruelty clause.<sup>24</sup>

## 6.2 Non-consensual disclosure of intimate images ('revenge porn')

Non-consensual dissemination of intimate images via the internet as a medium had initially grabbed the media and legislature's attention when certain 'revenge porn' websites started popping up on the internet. The phenomenon gained even more attention later when celebrities became victims to it.<sup>25</sup> Non-consensual dissemination has been known to cause anxiety, panic attacks, severe emotions of humiliation and shame, potential unemployment, lower self-esteem, verbal and physical harassment, stalking, etc.<sup>26</sup>

The case brought before the Madras High Court (2025)<sup>27</sup> highlights the phenomenon of non-consensual intimate images and videos (NCII), commonly known as 'revenge porn', as a stark form of digital cruelty. The Court recognised that the unauthorised capture and widespread online distribution of intimate content deeply undermines a person's dignity and right to privacy under Article 21 of the Constitution.<sup>28</sup>

In its judgment, the Court mandated prompt action by government bodies and digital platforms requiring removal of such content within 48 hours, direct victim access to intermediaries or law-enforcement within 24 hours, and deployment of technology to prevent re-uploads. By placing primary responsibility on both the State and digital intermediaries, the decision frames revenge porn as not only a private moral harm, but a public legal wrong demanding systemic

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<sup>23</sup> AIR 2008 AP 98

<sup>24</sup> <https://www.livelaw.in/high-court/chhattisgarh-high-court/right-to-privacy-wife-call-details-husband-petition-dismissed-297771>

<sup>25</sup> One of the first prominent revenge porn websites was created in 2020 by Hunter Moore called 'Is Anyone Up?'. Moore gained substantial profits from the site and was later prosecuted

<sup>26</sup> CITRON & FRANKS, *supra* note 5, at 105-106, 117; See also Samantha Bates, *Revenge Porn and Mental Health: A Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors*, 12(1) FEMINIST CRIMINOLOGY (2017)

<sup>27</sup> X v. Union of India & Ors. (WP No. 25017 of 2025)

<sup>28</sup> <https://www.mondaq.com/india/security/1654302/delete-block-report-repeat-no-more-madras-hc-brings-end-to-womens-online-ordeal>

remedies.

In a landmark 2019 case<sup>29</sup>, a husband requested a mutual-consent divorce, and the Bombay High Court accepted the settlement on the express condition that he delete all nude or intimate images of his wife from his mobile phones, pen-drives, CDs and any other digital storage.

The Shimla High Court described the uploading of obscene photographs of the wife as a grave breach of trust and a heinous act, anticipatory bail was refused to the husband.<sup>30</sup> The court observed that “*posting and uploading nude photographs of spouse ... amounts to betrayal of the mutual trust and confidence which the marital relation implies*” and described the act as a “heinous crime” because of its impact “on the soul, mind and physical health” of the victim.<sup>31</sup>

### **6.3 Digital gaslighting, identity-based manipulation and fake accounts**

Creating fake profiles to impersonate a spouse, denying interactions, or manipulating digital records (editing conversations, creating false logs) so the victim doubts their perception and is socially isolated.

These tactics can inflict long-term psychological harm. They can be framed as mental cruelty and, where used to extort or blackmail, also attract criminal liability. Academic work on “image-based sexual abuse” and online identity-based harms describes the acute trauma these techniques cause.<sup>32</sup>

### **6.4 Persistent digital harassment: flooding, threats.**

Persistent digital harassment is manifested through repeated unsolicited communications, threats, and the flooding of digital platforms with abusive content constitutes a severe form of mental cruelty in matrimonial relationships. Such conduct not only breaches the sanctity of the marital bond but also inflicts significant emotional distress on the victim.

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<sup>29</sup> <https://www.latestlaws.com/latest-news/delete-wifes-all-intimate-pics-to-get-divorce>

<sup>30</sup> Himachal Pradesh High Court, *Cr.MP(M) Nos. 1808-1811 of 2020, Abhishek Mangla v. State of Himachal Pradesh*, (27 Oct 2020)

<sup>31</sup> <https://indianexpress.com/article/cities/shimla/man-uploads-obscene-photos-of-wife-heinous-crime-breach-of-trust-says-hc-as-it-denies-bail>

<sup>32</sup> [https://www.researchgate.net/publication/356592041\\_Cyber\\_Stalking\\_As\\_A\\_New\\_Era\\_of\\_Stalking\\_Legal\\_Implications\\_in\\_India](https://www.researchgate.net/publication/356592041_Cyber_Stalking_As_A_New_Era_of_Stalking_Legal_Implications_in_India)

In the case of *Radha v. Sudhanshu* (2025)<sup>33</sup>, where the Madhya Pradesh High Court upheld a divorce decree on the grounds of mental cruelty. The husband alleged that his wife engaged in vulgar conversations with individuals outside the marriage, despite his objections. The court observed that such behaviour was "undignified and indecent," and no husband would tolerate his wife being involved in such conversations.

The court emphasized that both spouses should maintain dignity and respect in their interactions, especially with the opposite gender. The wife's continued engagement in such conduct, despite objections, was deemed to cause mental cruelty, justifying the dissolution of the marriage.<sup>34</sup>

## 7. INTERSECTION WITH CYBER AND CRIMINAL LAWS

### 7.1 Information Technology Act, 2000 (IT Act)

The IT Act provides the primary legal framework for addressing technology-facilitated abuse in India. Specific provisions relevant to digital cruelty include:

*Section 66E – Violation of privacy:* This provision criminalizes the capturing, publishing, or transmitting of images of a private area of a person without their consent. It directly addresses voyeuristic practices, secret recording, and unauthorized surveillance. Within matrimonial disputes, such acts are increasingly being recognized as forms of mental cruelty, as the invasion of privacy can cause severe psychological distress and humiliation.

*Sections 67, 67A, and 67B – Publication of obscene or sexually explicit material:* Section 67 criminalizes publishing obscene material in electronic form, while Section 67A deals with sexually explicit content involving minors, and 67B focuses specifically on child sexual abuse material. These provisions are particularly relevant in cases involving non-consensual sharing of intimate images (commonly referred to as “revenge pornography”), which has been recognized as a grave violation of privacy, dignity, and marital trust.

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<sup>33</sup> *Radha v. Sudhanshu*, 2025 SCC OnLine MP 2064 (decided on 5 March 2025)

<sup>34</sup> <https://www.sconline.com/blog/post/2025/03/18/if-husband-wife-indulge-in-vulgar-chatting-with-opposite-gender-despite-objections-it-amounts-to-mental-cruelty-mp-hc-scc-times/>

## 7.2 Bharatiya Nyaya Sanhita (BNS)

The BNS supplements the IT Act by addressing specific acts of harassment and sexual exploitation in both offline and online contexts:

*Section 77 (Voyeurism)* – Introduced by the Criminal Law (Amendment) Act, 2013, this section penalizes capturing images or videos of a person in a private act without their consent. In matrimonial cases, acts that fall under voyeurism can establish a pattern of mental cruelty when the victim experiences humiliation or distress from such recordings. Other relevant provisions include: Criminal Intimidation (*Section 351*), Defamation (*Section 356/357*) and Criminal Breach of Trust (*Section 316*). These provisions collectively demonstrate that the law treats acts of digital harassment or exploitation as potentially criminal, and they provide substantive support for claims of cruelty under family law.<sup>35</sup>

## 7.3 Protection of Women from Domestic Violence Act, 2005 (PWDVA):

It includes economic and emotional abuse definitions. Courts use the PWDVA to frame non-physical forms of abuse, including technology-facilitated abuse, for relief/relief orders.

## 8. NEED FOR STATUTORY RECOGNITION OF DIGITAL CRUELTY

The expansion of cruelty from physical violence to mental, emotional, and economic abuse reflects the judiciary's evolving understanding of marital harm<sup>36</sup>. However, despite this progressive trajectory, the *Hindu Marriage Act, 1955* does not expressly recognize technology-facilitated abuse as a distinct form of cruelty. Courts have increasingly treated acts such as cyber-stalking, digital surveillance, unauthorized access to private communications, circulation of intimate images, and persistent online harassment as mental cruelty, but these findings depend largely on judicial interpretation rather than clear statutory guidance.

The absence of explicit legislative recognition creates several practical and doctrinal difficulties. First, litigants are compelled to fit modern forms of abuse into the broad and sometimes ambiguous category of “mental cruelty.” While the flexibility of judicial interpretation has allowed courts to adapt to changing social realities, it has also resulted in

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<sup>35</sup> 2.1.3, <https://projects.itforchange.net/online-violence-gender-and-law-guide/module-2-typologies-of-online-gender-based-offenses-in-law/2-1-non-consensual-intimate-image-distribution/>

<sup>36</sup> K. Srinivas Rao v. D.A. Deepa (2013) 5 SCC 226, Samar Ghosh v. Jaya Ghosh (2007) 4 SCC 511

inconsistent approaches across different cases and jurisdictions. Certain acts of digital abuse may be recognized as cruelty in one case, while similar conduct may not receive the same treatment elsewhere due to the lack of a uniform statutory framework.

Secondly, digital cruelty differs qualitatively from traditional forms of cruelty. Technology enables abusers to exercise continuous surveillance, coercive control, humiliation, and intimidation beyond physical proximity<sup>37</sup>. GPS tracking, spyware, fake social media accounts, non-consensual dissemination of intimate images, and manipulation of digital records create a pervasive sense of fear and loss of autonomy. Non-consensual dissemination of intimate content causes severe humiliation, anxiety, and loss of dignity<sup>38</sup>. These harms are not merely extensions of conventional mental cruelty; they are technologically enabled violations of privacy, dignity, and personal agency that can persist even after physical separation between spouses<sup>39</sup>.

The inadequacy of existing remedies further underscores the need for reform. Although the *Information Technology Act, 2000* and criminal provisions relating to voyeurism, intimidation, defamation, and privacy violations address certain aspects of digital abuse, these laws are primarily punitive in nature. They do not directly provide matrimonial remedies such as divorce, judicial separation, or recognition of the breakdown of marital trust caused by technology-facilitated abuse. Similarly, while the *Protection of Women from Domestic Violence Act, 2005* offers protective and civil remedies, it does not explicitly integrate digital cruelty into the matrimonial framework governing divorce and marital dissolution.

Legislative reform would therefore provide clarity and coherence to the law. An explicit statutory acknowledgment of digital cruelty under *Section 13(1)(ia)* of the Hindu Marriage Act would guide courts in evaluating technology-facilitated abuse and ensure more consistent adjudication. Such recognition would also affirm that violations of digital privacy, coercive online control, and non-consensual dissemination of intimate content are serious infringements of marital trust and personal dignity.

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<sup>37</sup> Delanie Woodlock, 'The Abuse of Technology in Domestic Violence and Stalking' (2017) 23 *Violence Against Women* 584.

<sup>38</sup> Danielle Keats Citron and Mary Anne Franks, 'Criminalizing Revenge Porn' (2014) 49 *Wake Forest Law Review* 345.

<sup>39</sup> Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1, Rayala M. Bhuvaneshwari v. Nagaphanender Rayala (AIR 2008 AP 98), Neha Garg v. Vibhor Garg CR No. 1616 of 2020 (O&M)

A possible legislative formulation could clarify that cruelty includes technology-facilitated abuse such as cyber-stalking, digital surveillance, coercive monitoring, online harassment, identity manipulation, and the non-consensual dissemination of intimate images or information, where such conduct causes substantial psychological distress, humiliation, invasion of privacy, or apprehension of harm. This would not create an entirely new category of matrimonial wrongs; rather, it would modernize the existing concept of cruelty to reflect contemporary realities.

Recognizing digital cruelty statutorily would also align matrimonial law with constitutional values. The Supreme Court's jurisprudence on privacy and dignity under *Article 21* has emphasized that informational privacy and personal autonomy are integral to the right to life and liberty. When a spouse engages in intrusive digital surveillance or disseminates intimate material without consent, the harm extends beyond emotional suffering to a direct infringement of constitutional rights. Matrimonial law should therefore evolve in harmony with these broader constitutional protections<sup>40</sup>.

Ultimately, the law must respond to the realities of modern relationships. Marriage in the digital age involves constant electronic communication, shared devices, online identities, and digital intimacy. Consequently, abuse within marriage has also acquired digital dimensions. Explicit statutory recognition of digital cruelty would strengthen legal protection for victims, provide clearer standards for courts, and reinforce the principle that dignity, privacy, and mental well-being are central to the institution of marriage.

## 9. CONCLUSION

The evolution of cruelty as a ground for divorce under the Hindu Marriage Act, 1955 demonstrates the judiciary's progressive understanding of marital harm, expanding from physical violence to mental, emotional, economic, and reputational abuse. Landmark judgments such as *Dastane*, *Bhagat*, and *Samar Ghosh* illustrate the courts' recognition that psychological suffering, false allegations, neglect, and humiliation can be as destructive as physical violence. Economic cruelty, as acknowledged under the PWDVA, further reinforces that deprivation of financial resources and control over assets undermines marital stability and

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<sup>40</sup> Joseph Shine v. Union of India (2019) 3 SCC 39

dignity.

In the digital era, cruelty increasingly manifests through technology like cyber-stalking, surveillance, identity manipulation, revenge pornography, and persistent online harassment inflicting profound psychological distress and eroding trust between spouses. While courts have begun to admit digital evidence and statutory provisions under the IT Act and IPC address technology-facilitated abuse, matrimonial law has yet to explicitly recognize digital cruelty.

To ensure comprehensive protection for spouses in contemporary relationships, it is imperative that legislative reforms explicitly incorporate digital cruelty into the definition of cruelty under matrimonial law. Such inclusion will provide clarity for courts, enable effective remedies, and safeguard the dignity, privacy, and mental well-being of individuals in an increasingly digital marital environment.