
FROM ADULTERY TO ALGORITHM: REIMAGINING MARITAL FIDELITY IN THE DIGITAL AGE

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ABSTRACT

In *Joseph Shine v. Union of India* (2018), the Supreme Court of India decriminalised adultery, which signalled a paradigm change in the way the law views human autonomy and marital fidelity. However, the legal system has hardly kept up with the profound changes that digital technology has brought about in close relationships. The definition of marital infidelity has drastically changed due to phenomena like algorithmic dating, AI-powered companionship apps, online emotional affairs, and secret digital spying. In light of technological disruption, this study explores the changing notion of marital faithfulness and questions whether current Indian legal systems sufficiently handle these new issues. It makes the case that a new, autonomy-respecting legal framework based on the fundamental principles of equality, privacy, and dignity is necessary for the digital age.

Keywords: Adultery, Marital fidelity, Digital Technology, AI Companions, Micro-Cheating, Constitutional Privacy,

I. INTRODUCTION:

“The way we love is changing. We are creating new forms of connection, and with it new forms of betrayal”

— Esther Perel

The expectation of faithfulness has always been a part of marriage, both as a legal and social institution. However, the definition of fidelity, including its boundaries, content, and legal ramifications, has never been established. Culture has influenced it, couples have negotiated it, and courts and legislators have regularly redefined it. Up until 2018, Section 497 of the Indian Penal Code, 1860 a colonial law that made adultery a crime committed by a man against another man's wife was intrinsically linked to the story of marital fidelity in India. ¹The clause was racist, paternalistic, and unconstitutional a holdover from the Victorian moral order.

In *Joseph Shine v. Union of India*, the Supreme Court of India ruled unanimously by five judges that Section 497 IPC was unconstitutional because it violated Articles 14, 15, and 21 of the Constitution. ²The ruling was historic because it confirmed that a married woman is not her husband's property and that the state has no right to criminalise consensual sexual behaviour between adults. ³In his concurrence, Chandrachud J. persuasively argued that social morality based on patriarchal tradition must yield to constitutional morality, which is based on autonomy and dignity. ⁴

However, a whole different kind of revolution was taking place while the Court resolved one disputed frontier. The environment of human intimacy has drastically changed due to the exponential rise of digital technology, including cellphones, social media, dating apps, encrypted messaging services, and now artificial intelligence. These days, adultery doesn't always require a face-to-face encounter. It could be done via a screen, supported by an

¹ Section 497 of the Indian Penal Code, 1860 (now repealed) provided that any man who had sexual intercourse with the wife of another man, without the husband's consent, committed the offence of adultery punishable with up to five years imprisonment.

² *Joseph Shine v Union of India*, (2018) 2 SCC 189. The Court (per Dipak Misra CJ, R.F. Nariman, A.M. Khanwilkar, D.Y. Chandrachud and Indu Malhotra JJ) unanimously struck down s 497 IPC and s 198(2) CrPC as unconstitutional.

³ Constitution of India, arts 14 (equality before law), 15 (prohibition of discrimination on grounds of sex), and 21 (protection of life and personal liberty). See also *Navtej Singh Johar v Union of India*, (2018) 10 SCC 1.

⁴ *Joseph Shine v Union of India*, (2018) 2 SCC 189 [per Chandrachud J, concurring]: "A husband is not the master of the wife. A wife is not a subservient partner. The Constitution treats them as equals."

algorithm, or given to a chatbot. A spouse may be emotionally separated from an AI partner that mimics empathy rather than from another human. What does fidelity entail in the era of algorithms is a subject that the law has yet to address, let alone provide an answer to.

That question is addressed in five sections of this article. The legal evolution of Adultery has been outlined in Part II. Marital fidelity is rethought in Part III, going beyond its conventional physical definition. The exact ways that artificial intelligence and digital technology have upended traditional fidelity standards are mapped out in Part IV. Part V evaluates the suitability of the current legal system and looks at how Indian courts have dealt with digital infidelity via the prism of mental cruelty. A revised, autonomy-respecting legal strategy is presented in Part VI. The Conclusion of Part VII.

II. THE HISTORICAL AND LEGAL EVOLUTION OF ADULTERY

A. Adultery as Moral and Religious Transgression

Adultery was generally considered a moral and religious transgression in premodern countries. The Seventh Commandment, which states, "Thou shalt not commit adultery," defined adultery as a transgression against God and the marital partnership in Judeo-Christian traditions. Adultery (zina) is likewise regarded by Islamic law as a grave moral and legal transgression with strict proof requirements. Adultery was once considered a moral transgression in Hindu law, albeit it wasn't necessarily a crime.

This moral foundation was passed down to common law. Adultery was grounds for both ecclesiastical condemnation and, in some situations, civil actions for "criminal conversation" (a tort that permits a husband to sue a man who had intercourse with his wife) under English common law. Adultery was gendered; a wife's infidelity was viewed as more dangerous since it could result in the birth of illegitimate heirs.⁵

B. Adultery in Modern Criminal and Family Law

Many states decriminalised adultery in the 20th century. Adultery is still illegal in some US jurisdictions, but it is rarely prosecuted. By upholding a right to sexual privacy, the Supreme Court's ruling in *Lawrence v. Texas*, 539 U.S. 558 (2003), invalidated sodomy laws

⁵ William Blackstone, *Commentaries on the Laws of England* 430 (1765).

and weakened the constitutional foundation for other adultery prohibitions. Lawrence's reasoning has been used to contest adultery statutes, even though he did not explicitly overturn them.⁶

Adultery has historically been a basis for divorce under family law. A spouse could get a divorce under fault-based divorce regimes by demonstrating the other's adultery, which frequently had serious ramifications for custody, alimony, and property distribution. The majority of US states implemented no-fault divorce, which permits divorce without establishing fault, starting in the 1970s. The Hindu Marriage (Amendment) Act, 2019 eliminated adultery as a separate cause for divorce in India, signalling a movement towards breakdown-of-marriage principles. The Hindu Marriage Act, 1955 had previously specified adultery as a ground for divorce. In *Joseph Shine v. Union of India*,⁷ the Indian Supreme Court overturned Section 497 of the Indian Penal Code, decriminalising adultery and highlighting woman equality and autonomy.

Adultery is still significant in fault-based jurisdictions and in some situations (e.g., alimony, custody, and moral fitness decisions) notwithstanding no-fault tendencies. More significantly, marital expectations and emotional trauma are still shaped by the cultural perception of adultery.

C. The Conceptual Limits of Traditional Adultery Doctrine

Sexual activity is the main emphasis of traditional adultery doctrine. Modern forms of infidelity, which mostly take place online, are not adequately covered by this restrictive definition. Although they are not included by most legal definitions, emotional affairs, long-term intimate texting, and online romantic connections can be just as harmful as physical adultery. According to a family law expert, "the law lags behind the lived reality of intimate betrayal in the digital age."

Three issues arise from this discrepancy between legal philosophy and social reality:

1. Conceptual Inadequacy: Non-physical infidelity cannot be sufficiently addressed by the

⁶ Model Penal Code § 213.6 cmt. (Am. Law Inst. 1980); see also *State v. Meeks*, 892 S.W.2d 854 (Tenn. Crim. App. 1994).

⁷ *Joseph Shine v. Union of India*, (2018) 10 SCC 1,

law.

2. Evidentiary Difficulties: There is a lot of digital evidence, but it is frequently disputed.
3. Normative Confusion: Couples don't have a clear understanding of what constitutes internet infidelity.

A reconsideration of faithfulness beyond sexual activities is required in light of these issues.

III. MARITAL FIDELITY BEYOND PHYSICAL ADULTERY

Traditionally, marital fidelity has been interpreted as a sexual exclusivity requirement derived from the marriage contract.⁸ In the majority of legal systems, adultery was not just a moral failing but also a legally recognised violation that might lead to divorce, grant damages to the offended spouse, or even result in criminal prosecution. Up until 2018, Section 497 IPC, which criminalised adultery as an offence against the husband while strangely exempting the wife from any criminal punishment, represented this situation in Indian law.

In a unanimous ruling, the Supreme Court declared Section 497 to be unconstitutional because it violated women's right to privacy, treated them like property, and denied them equal agency. According to Chandrachud J, the Constitution guarantees each person's freedom to live in a marriage according to their own conditions, making it abundantly evident that the State cannot decide what constitutes consenting personal behaviour.⁹ Adultery is no longer illegal after *Joseph Shine*; it is just, at most, a basis for divorce under personal law and a sign of a failing marriage.

This change reframes fidelity as a relational expectation based on personal commitment rather than criminal punishment, rather than a penal requirement. In light of this, it is necessary to evaluate the disruptive potential of digital technology.

A. The Traditional Legal Conception

Marital fidelity has been narrowly defined in the majority of legal traditions as sexual

⁸ Emily Buss, "Meaning of Marriage" (2011) 104 *Northwestern University Law Review* 335, 342; see also Mary Ann Glendon, *The Transformation of Family Law* (University of Chicago Press, 1989) 45.

⁹ *Ram Manohar Lohia v. State of UP*, AIR 1968 All 100; see generally Upendra Baxi, *The Future of Human Rights* (3rd edn, Oxford University Press, 2008) 220.

exclusivity, or the duty of spouses to refrain from having sex with other people.¹⁰ The law of adultery in India, England, and the majority of common law nations was based on this physicality-dependent idea. Its seeming clarity and definable act, a distinct transgression was what made it appealing. However, the lived experience of betrayal in close relationships is far broader and more complex than any single act, therefore its narrowness was also its basic fault.

It has long been acknowledged by psychologists and family therapists that infidelity includes a variety of behaviours, such as emotional betrayal, persistent dishonesty, romantic concealment, and diverting personal resources and attention to a third party.¹¹ The core of betrayal, according to infidelity research pioneer Frank Pittman, is the lie the secret that shatters marital trust rather than the act of sex.¹² In a similar vein, Esther Perel argues that the emotional exclusivity that the affair symbolizes the secret world the unfaithful partner created apart from the marriage is what hurts a betrayed husband more than the physical act.

B. Post-Joseph Shine: Fidelity as Relational Commitment

The decriminalisation of adultery in India encourages a rethinking of fidelity as a relational commitment upheld by the spouses' continued decision and mutual consent rather than as a criminal duty imposed by the government.¹³ This reframing has important ramifications: the law's interest in loyalty is diminished but not eliminated if it is an issue of individual commitment rather than public law. The law no longer has the authority to punish it, but it is nevertheless relevant in the civil law of marriage as a basis for divorce, as proof of cruelty, or as a factor in matrimonial remedy.

Therefore, the post-Joseph Shine environment necessitates a reevaluation of fidelity: one that is more expansive than physical sexual exclusivity, sensitive to the harm emotional betrayal causes to relationships, and cautiously constrained by the constitutional values of

¹⁰ Anthony Giddens, *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies* (Stanford University Press, 1992) 58; see also Martha Fineman, "The Neutered Mother" (1992) 46 *University of Miami Law Review* 653, 656.

¹¹ Shirley Glass and Thomas Wright, "Justifications for Extramarital Relationships: The Association Between Attitudes, Behaviors, and Gender" (1992) 28(2) *Journal of Sex Research* 361, 368–370; see also Emily Brown, *Affairs: A Guide to Working Through the Repercussions of Infidelity* (Jossey-Bass, 2001) 29.

¹² Frank Pittman, *Private Lies: Infidelity and the Betrayal of Intimacy* (W.W. Norton & Company, 1989) 20; Esther Perel, *Mating in Captivity: Unlocking Erotic Intelligence* (Harper, 2006) 110.

¹³ Hindu Marriage Act, 1955, s 13(1)(ia) (India); see also *Samar Ghosh v Jaya Ghosh*, (2007) 4 SCC 511, wherein the Supreme Court elaborated the parameters of mental cruelty as a ground for divorce.

individual autonomy and privacy. The digital age forces lawmakers and courts to interact with this more expansive idea.

IV. DIGITAL INFIDELITY AND AI-MEDIATED RELATIONSHIPS

A. Online Emotional Affairs

The online emotional affair, which is the most common type of digital infidelity, is a long-term, emotionally intimate relationship that is carried out via digital platforms, such as social media, messaging apps, online gaming communities, or video conversations, frequently without any in-person meetings. These connections often start out innocently, such as a friendship made in a professional forum or a reunion with an old acquaintance on Facebook, but develop into what therapists refer to as "primary emotional partnerships" that directly compete with the marital relationship for intimacy, time, and energy.¹⁴

The damage that online emotional affairs do to the resentful spouse and the marriage is what gives them legal relevance. Even in the absence of physical sexual contact, Indian courts have come to view such an affair as evidence of cruelty when it is persistent, covert, and clearly damages the marriage. The judiciary's practical recognition that intimate betrayal can now leave a digital footprint is reflected in the admission of WhatsApp talks, email chains, and social media exchanges in marital procedures.¹⁵

B. Micro-Cheating and Algorithmic Matchmaking

"Micro-cheating" a collection of seemingly little digital activities that, taken as a whole, indicate emotional disengagement from the marriage is a subtler but growing phenomena. These include utilising dating apps while in a committed relationship, keeping a covert social media presence, interacting excessively with an ex-partner's posts, and participating in flirting online chats under the pretence of friendship.¹⁶ The cumulative pattern can show the type of

¹⁴ Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (Basic Books, 2011) 1–10.

¹⁵ *Rayala M. Bhavani v Rayala Srinivasa Rao*, (2017) 2 SCC 332; see also *Darshan Gupta v Radhika Gupta*, (2013) 9 SCC 1, where WhatsApp communications were admitted in matrimonial proceedings as evidence of cruelty.

¹⁶ Drashta Sarvaiya and others, "Micro-Cheating in the Digital Era: A Critical Assessment" (2021) 10(3) *Journal of Couple & Relationship Therapy* 205, 208–210.

persistent deception that courts have identified as mental cruelty, even though no single act may be considered legal infidelity.

Because dating apps are built on computational algorithms that maximise engagement, couple suitability, and continuing use, they provide previously unheard-of accessibility to possible companions outside of marriage.¹⁷ It now only takes a few swipes for a married individual to start a covert relationship. Researchers have found a marked increase in "app-mediated infidelity," in which the platform acts as the extramarital relationship's infrastructure rather than just a communication conduit.

C. Artificial Intelligence and the Crisis of Non-Human Intimacy

Artificial intelligence poses the most intellectually innovative challenge to traditional fidelity standards. Character and Replika applications for companionship. AI and their offspring are intended to give consumers relationships with AI entities that are customised, emotionally sensitive, and constantly evolving. These systems create affirmations, mimic empathy, and modify their replies based on the emotional profile of the user. Genuine feelings of intimacy, attachment, and dependence on their AI partners are often reported by users; these relationships are maintained by regular engagement and emotional involvement.¹⁸

This presents a complex legal question. First, is developing an emotionally close relationship with an AI to the harm or exclusion of a marriage a sort of adultery that could lead to matrimonial relief? Second, would a married person's engagement in simulated sexual activity with an AI a feature provided by a number of current platforms violate the conventional understanding of the marital duty of sexual fidelity? Third, does it amount to the dissipation of marital assets when a substantial amount of money is spent on an AI relationship (via subscriptions, digital purchases, or AI companion services)?

None of these questions have a clear response under current Indian law. The definition of cruelty has not yet been authoritatively extended to AI-mediated behaviour; the categories of statutory adultery involve sexual contact with a human. However, the damage to a spouse's

¹⁷ Eli J. Finkel and others, "Online Dating: A Critical Analysis from the Perspective of Psychological Science" (2012) 13(1) *Psychological Science in the Public Interest* 3, 7; Helen Fisher and others, "Reward, Addiction, and Emotion Regulation Systems Associated with Rejection in Love" (2010) 104 *Journal of Neurophysiology* 51.

¹⁸ Replika AI, Terms of Service and Privacy Policy (2024) <<https://replika.com/legal/terms>> accessed 22 May 2026; see also David Levy, *Love and Sex with Robots* (Harper Perennial, 2007) 303–306.

relationship when their partner is emotionally consumed by an AI companion can be identical to the damage brought on by a human emotional affair. It is becoming more and more unacceptable for the law to remain silent on this issue.

D. Digital Surveillance and the Erosion of Marital Privacy

A different legal issue arises since the same digital tools that allow infidelity also make it possible to identify it. Suspicious spouses are increasingly using spyware, GPS tracking apps, keyloggers, and account-monitoring programmes to keep tabs on each other's online activities.¹⁹ As authoritatively acknowledged in *K.S. Puttaswamy v. Union of India*, installing such software on a partner's device without permission is a prima facie violation of the right to privacy guaranteed under Article 21 of the Constitution.²⁰ It may also be illegal under Section 66E of the Information Technology Act, 2000.²¹

The evidentiary paradox is severe: in matrimonial processes, Indian courts have freely admitted digital evidence from a spouse's phone or accounts without regularly checking to see if the defendant's fundamental right to privacy was violated. This conflict must be resolved by a legally sound framework that protects both the accused wrongdoer's constitutional privacy and the aggrieved spouse's right to provide evidence of matrimonial wrong.

V. MENTAL CRUELTY AND THE CHALLENGE FOR INDIAN FAMILY LAW

A. The Evolving Doctrine of Mental Cruelty

Indian courts have used the notion of mental cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955 to address marital complaints resulting from non-physical betrayal in the lack of a comprehensive statutory definition of infidelity. Mental cruelty is defined by the Supreme Court in *V. Bhagat v. D. Bhagat* and later in *Samar Ghosh v. Jaya Ghosh* as behaviour that causes such mental pain, agony, or suffering as to make cohabitation impossible

¹⁹ Privacy International, *Surveillance of Intimate Partners: A Human Rights and Technology Analysis* (Privacy International, 2020) 15–18; Vrinda Bhandari and Renuka Sane, "Privacy, Surveillance and Intimate Partner Violence" (2021) *Indian Law Review* 1, 5.

²⁰ *K.S. Puttaswamy (Privacy) v Union of India*, (2017) 10 SCC 1 (Nine-Judge Bench). The Court unanimously held that the right to privacy is a fundamental right protected under art 21 of the Constitution of India.

²¹ Information Technology Act, 2000, s 66E (India); Digital Personal Data Protection Act, 2023 (India); see also Subhash Kumar Gupta, "Digital Privacy and Marital Disputes: A Legal Analysis" (2023) 15 *NUJS Law Review* 45, 50.

for a person of average caution.²² The Court underlined that the harm must be evaluated comprehensively, including the overall impact of behaviour rather than discrete instances.

Courts have been able to adapt to shifting social circumstances thanks to this adaptable, fact-sensitive approach. In a number of ways, persistent deceptive communication with a paramour, long-term involvement in online emotional affairs, the discovery of covert digital relationships, and the spouse's emotional neglect in favour of an online connection have all been regarded as proof of mental cruelty that could lead to divorce.²³

B. Structural Inadequacies of the Existing Framework

When it comes to digital adultery, the current legal system has three structural flaws, despite judicial inventiveness.

First, the statutory grounds for divorce under India's personal law statutes adultery, cruelty, and desertion were developed during the analogue period and do not take into account the relational losses associated with digital betrayal.²⁴ Uncertainty and inconsistent court decisions result from the lack of express legislative acknowledgement of online emotional affairs or AI-mediated relationships.

Second, the legal ramifications of digital infidelity varied greatly according on the personal law that applies to the parties due to India's plurality of personal law systems, which govern Hindus, Muslims, Christians, and Parsis under various statutory frameworks²⁵. Although normatively desirable, a uniform approach is complicated from a constitutional standpoint.

Third, India does not currently have a comparative framework for addressing the relationship between technology and matrimonial obligation that is comparable to those that

²² V. Bhagat v D. Bhagat, (1994) 1 SCC 337; Naveen Kohli v Neelu Kohli, (2006) 4 SCC 558. The Supreme Court in Samar Ghosh v Jaya Ghosh, (2007) 4 SCC 511 laid down an illustrative catalogue of acts constituting mental cruelty.

²³ Shashi Bala v Rajiv Arora, (2012) 4 SCC 564; Kaliyaperumal v State of Tamil Nadu, (2004) 9 SCC 157. Indian courts have increasingly treated sustained deception and sustained digital communication with paramours as evidence of mental cruelty.

²⁴ The Hindu Marriage Act, 1955 defines adultery only as a ground for dissolution; it does not define the term independently. See P.M. Bakshi, *The Constitution of India* (12th edn, Universal Law Publishing, 2013) 102–105.

²⁵ Flavia Agnes, *Family Law Volume I: Family Laws and Constitutional Claims* (Oxford University Press, 2011) 22–28; see also Shayara Bano v Union of India, (2017) 9 SCC 1.

are evolving in other jurisdictions.²⁶ Despite being a major advancement in data privacy law, the Digital Personal Data Protection Act, 2023 does not cover the aspects of digital behaviour related to matrimonial law. The Information Technology Act of 2000 makes some cybercrimes illegal, but it doesn't address the damage that digital adultery causes to marriages.

C. The Privacy Dilemma

The constitutional privacy framework created in *K.S. Puttaswamy* must be addressed by any legislative or judicial reaction to digital infidelity. According to Article 21, the right to privacy is a fundamental right that includes geographical privacy, decisional privacy (the freedom to make personal decisions), and informational privacy (the control over personal data).²⁷ Therefore, in order to prevent becoming a tool of state monitoring over the bedroom exactly the threat that Joseph Shine recognised and denounced the regulation of digital intimate conduct within marriage must be properly calibrated.²⁸

VI. REIMAGINING MARITAL FIDELITY: THE WAY FORWARD

A. A Relational Harm Framework

This article refers to the most promising conceptual basis for a redesigned legal system as a "relational harm framework." The law should concentrate on the relational harm to the marriage rather than trying to list specific digital acts as statutory instances of infidelity. This would involve determining whether the conduct in question digital or not demonstratively undermines the trust, emotional intimacy, and collaborative foundation of the matrimonial relationship, causing harm to the aggrieved spouse that a reasonable person in that position would find intolerable.

²⁶ In the United States, adultery laws vary by state, with many jurisdictions having repealed criminal adultery statutes. The UK abolished adultery as a criminal offence in 1857 and as a singular divorce ground under the Divorce, Dissolution and Separation Act, 2020. See *Lawrence v Texas*, 539 US 558 (2003) (US Supreme Court on intimate autonomy).

²⁷ *K.S. Puttaswamy (Privacy) v Union of India*, (2017) 10 SCC 1 [per Chandrachud J]: "Informational privacy reflects an individual's right to control dissemination of information about her personal life and engagement." See also Rishad Ahmed Chowdhury, "Privacy, Dignity and the Indian Constitution" (2018) 30 National Law School of India Review 1, 9.

²⁸ *Joseph Shine v Union of India*, (2018) 2 SCC 189 [per Indu Malhotra J, concurring]: "Society must necessarily be allowed to evolve its own norms... the morality of an act cannot be the basis for criminality."

A framework like that would have many benefits. It is technology-neutral, able to accept digital behaviours that present lawmakers have not yet envisioned. Instead of moral condemnation, it emphasises observable harm. Additionally, it is in line with the constitutional principles of autonomy and dignity expressed in *Joseph Shine and Puttaswamy*, which demand that the law address harm done to an actual person rather than a theoretical breach of a marital obligation.

B. Specific Legislative Reforms

Three interventions are suggested on the level of particular reform.

First, the statutory grounds for divorce under the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and allied personal law statutes should be amended to expressly recognise that sustained online emotional affairs and demonstrable patterns of digital conduct causing grave relational harm may constitute cruelty, regardless of whether physical infidelity is established. Legislative assurance would be added to what courts are currently practically doing through this reform.²⁹

Second, the legislation needs to specifically address marital digital surveillance. Evidence gathered through such methods should be subject to a clear admissibility test that balances its probative value against the seriousness of the privacy violation involved, and the clandestine installation of tracking or monitoring software on a spouse's device should be categorically declared illegal.³⁰ When admitting such evidence would be disproportionate to the harm done to the constitution, courts ought to have the authority to reject it.

Third, the legal treatment of AI-mediated interactions in the context of marriage should be reviewed and advised on on a regular basis by a statutory expert committee. Strict legal definitions of AI infidelity run the risk of quickly becoming outdated given the speed at which technology is developing. A fixed definitional regime is less suitable than an adaptive regulatory framework that combines judicial guidance, expert assistance, and legislative

²⁹ See Law Commission of India, Report No. 71, *The Hindu Marriage Act, 1955 and the Special Marriage Act, 1954* (1978); and Report No. 217, *Irretrievable Breakdown of Marriage as a Ground of Divorce* (2009), recommending a behaviour-neutral, no-fault approach to matrimonial dissolution.

³⁰ *S. Khushboo v Kanniammal*, (2010) 5 SCC 600; *Independent Thought v Union of India*, (2017) 10 SCC 800.

flexibility.

C. The Role of Courts in the Interim

Courts must be prepared to evolve the doctrine of mental cruelty with the adaptability and sensitivity required by digital reality, pending legislative reform. Instead of looking for the elusive physical act that traditional law required, they should recognise that the harm caused by a long-term AI emotional relationship or a covert digital affair can be just as severe as that caused by a physical one. They should evaluate matrimonial conduct holistically, looking at patterns of behaviour, the severity and duration of the digital conduct, and the demonstrable impact on the aggrieved spouse.

VII. CONCLUSION

The path from Section 497 IPC to the era of AI companions is not just a tale of legal development; it is also a tale of a society's growing understanding of what intimacy entails and what the law owes to people whose private lives are broken. A crucial first step was *Joseph Shine v. Union of India*, which freed marital fidelity from criminal law and put it back under the purview of civil duty and personal ethics. However, it was just the beginning.

The digital era has expanded the kinds of betrayal, made it more difficult to detect, and pluralized it. A suspicious spouse can install surveillance software that violates the very privacy guaranteed by the Constitution; a partner can now be emotionally unfaithful without ever leaving the living room; and an AI can be programmed to provide the emotional support that a marriage no longer provides. A law that acts as though none of this is occurring is not only insufficient but also detrimental to the persons it is meant to safeguard.

It is both necessary and possible to create a new legal framework that is based on the relational damage principle, attentive to the constitutional values of privacy and autonomy, and flexible enough to keep up with technological advancements. The challenge for Indian law is to change with the same flexibility and creativity that technology and human ingenuity demands, from adultery to algorithms. Even if marriage is an ancient institution, there is always a need to consider it carefully.