



## Adultery, its Impact on Marriage and Society in India: A Critical Appraisal

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KEYWORDS	ABSTRACT
Gender justice, sexual offences, decriminalization of adultery, offence against men, men right, feminism adultery.	Marriage, fidelity and individualism are changing at a very fast rate in the current age of modernity and digitalization. This study is a critical analysis of the changing socio-legal interpretation of adultery in India especially with regard to the historic ruling of the Supreme Court in the case of Joseph Shine v. Union of India (2018) adultery was decriminalized in by declaring Section 497 of the Indian Penal Code unconstitutional. This research based on human rights perspective, is an investigation of how, through the convergence of digital communication, online dating system, and the evolving social values, new definitions of intimacy and trust, and individual freedom in the marriage institution are being redefined. The study also emphasizes how digital surveillance, data exposure, and social media relationship influence marriage and how morality is viewed in the society.

### Introduction

Marriage in India is a changing institution in the modern world that is characterized by the fast-paced modernization and digital revolution. As digitalization of communication, social media and dating apps continue to grow, personal relationships have become more complicated and fidelity and devotion have been completely made ambiguous. Adultery was a very personal issue in the past, but today it became a publicized and legally important concern that undermines the centuries-old moral and legal guidelines according to which the interpersonal relations in marriage were organized. Adultery was always considered

through a patriarchal perspective historically, and it is a criminal offense according to Section 497 of the IPC, until the Supreme Court of India in Joseph Shine in 2018, it was decriminalized, as it was viewed not as a punishable crime. This landmark decision anticipated human right issues, including gender equality, privacy, and the freedom to make personal decisions, and was an indication of change in the approach of thinking which is moralistic to constitutional. The legal and ethical aspects of adultery have also been further complicated in the digitalized society currently where virtual infidelity, cyber relationships, and the technological convenience of extramarital relations

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has become a reality. The sanctity and stability of marriages have been affected by these developments as well as the posing of relevant questions concerning the changing perception of trust, loyalty and individual rights in intimate relationships. This study critically analyzes the topic of adultery in terms of the modernity and digitalization in India and its social, psychological and legal aspects. It also examines the development of the jurisprudence and human rights discourse of adultery and specifically the interaction of individual freedoms in connection to societal norms and marital responsibilities. The paper aims to give a subtle insight on how digitalization can change marital relations and influence the Indian society and legal philosophy at large.

Adultery is one of the debatable topics of human society that can be discussed as the matter of morality, law, and stability of a society. Marital adultery was stigmatized and regarded as breaking of personal and societal values in the traditional Indian society where marriage is sacrosanct. Nevertheless, the concept of loyalty to a union in modern world, especially with the growing aspects of globalization, urbanization and individualism has changed a great deal. This can be seen particularly in India, a nation that is desiccating between tradition and modernity, struggling with the changing social values among individuals, rights and sanctity of marriage. In 2018, the Supreme Court of India decriminalized adultery, and this change of the legal and social position on the matter became a turning point in the country. Adultery is no more a criminal offense, but a civil issue, which has a direct effect on marriage and

personal relationships. The relationship between adultery and human rights especially in gender justice and personal autonomy, poses very critical concerns regarding the relationship between individual freedom and the sanctity of marriage. This paper is an attempt to critically evaluate how adultery is affecting marriage and society in current India with the help of the lens of medical science, biology science, and along with human rights. When examining adultery through a medical and biological perspective, one can refer to studying human behaviour, psychological health, sexual dynamics and their effects on marriage. Such point of view gives a better understanding of why people infidel, the impact of their behavior on their emotional and physical health, and the possible outcomes on the family set-up and children. Moreover, the human rights paradigm, its emphasis on individual freedom, privacy, and gender equality introduces an essential level of discussion around adultery in India. What are the ways that individual liberties are compatible with social norms of marriage? How does this change in the legal system of dealing with the issue of adultery affect gender relations, especially considering that there was a historical imbalance of power between men and women? This research aims to answer these questions and examine the larger societal and legal implications of adultery in modern India with the complicated intersection of modernity, marriage and social norms.

### **Review of Literature**

Mitra, P. P. (2022) *Laws of adultery in India: in respect of constitutional morality and transformative constitutionalism it focuses on*

adultery law in India, including the constitutional perspective. Rhode, D. L. (1994) *Adultery: Infidelity and the law comprehensive analysis of adultery, infidelity, and legal or social consequences which shows usefulness for comparative and theoretical insights*. Uberoi, P. (2006) *Freedom and destiny: Gender, family and popular culture in India explores family, marriage, gender norms, and sociocultural dynamics in Indian society helps contextualize adultery within Indian familial structures*. Posner, R. A. (1992) *Sex and reason examines human sexuality and legal or social norms around sexual behavior which is useful for theoretical framing of adultery, autonomy, and law*. Mishra, R., & Pandey, A. (2020). *A sociological perspective on marriage, family and population dynamics social institution of marriage provides background on the social role of marriage and related challenges including marital breakdowns and infidelity*. Adultery is a topic that has been discussed over centuries but remains the center of study, particularly in regard to modernity whereby an ancient value and a changing societal value usually clash with each other. The fact that adultery is a complicated topic is manifested in the number of fields in which it has been addressed in modern India: sociology, the law, psychology, medical sciences, and human rights. The review summarizes the current studies on the issue of adultery especially in the realm of modernity in order to investigate how adultery affects marriage and society in India, but also taking into account intersections with medical and biological science and human rights. The Indian society is traditionally known to consider adultery

as a moral wrong, which has been based on religious, cultural, and social values that promote sacred marriage union. The works of sociologists have shown how marriage is closely interwoven with family honour, social expectations and upholding cultural values in India. In this kind of scenario, adultery over the years has been considered as a grave offence to societal order especially to women, whose sexuality has in most cases been subject to stringent patriarchal regulations. Nevertheless, as the current literature shows, modernization, urbanization, and changes in the individual autonomy have started to put pressure upon these structures of tradition. The individualism is on the rise in urban or semi-urban India leading to the shift in the views on marriage and faithfulness. The emergence of online space and social media has also led to the relaxation of hard social restrictions on the relationships between people, which offers new opportunities in extramarital relations. According to sociological studies, including increased tolerance to personal freedom and autonomy in intimate relationships is also observed, although these shifts are not yet received well, especially in rural and conservative environments. The law of adultery in India has been transformed to a great extent. During more than a century, adultery was an offense in Section 497 of the IPC which was highly criticized as being patriarchal and unequal in handling men and women. In 2018, in the landmark case of Joseph Shine in which adultery was decriminalized in the country. On the basis of inherent gender biasness of the law and overall infringement of the rights of privacy, dignity, and equality as the fundamental

rights. Such legal experts have suggested that decriminalizing adultery also indicates the fact that India is moving in the direction of acknowledging individual autonomy and personal freedom. Nonetheless, the decision has also generated differences regarding the place of the law in governing the moral behavior of the individuals in a private manner and the effects that could be faced on the institution of marriage. The ruling encourages individual liberty, but at the same time it can erode the societal norms of marital fidelity, which casts doubt on its effects on family unit and societal bonding.

**Medical and Biological Dimensions of Adultery-**the medical and biological sciences have made significant contributions regarding the phenomenon of adultery especially in terms of human behavior, sexuality and emotional well-being. This is because evolutionary psychology and biology provides explanations of infidelity through the theory of reproductive strategy and mate selection. Infidelity to be a biological drive to genetic diversity and reproductive success but it is cultural and social factors that mediate the expression of the biologically driven impulse. The studies on psychological effects of adultery are considered the emotional and mental health effects of India as a whole. Research on psychologists has shown that extramarital affairs are associated with a lot of emotional traumas including anxiety, depression, and loss of self-esteem especially to non-consenting spouse. Also, physical health problems associated with stress are attributed to adultery and add to the difficulties of the impact of adultery on family life and the stability of

marriage.

The medical research has also focused on the repercussions of adultery on sexual health, especially the spread of sexually transmitted infections.

### **Human Rights and Gender Equality**

Adultery as a human rights aspect aims at discussing the problems of individual freedom, privacy, and gender equality. The law of adultery was decriminalized not only in the 2018 decision by the Supreme Court but also presented the problem as an individual freedom and equality issue. The decriminalization promotes gender equality as it does not imply that women are taken as the property of their husbands. Nevertheless, the question of the effect of liberalization of adultery legislation on the gender relations in practice also raises some worries. The legal reform is a significant measure, the social position towards women who commit adultery is cruel and in most of the cases, results in social ostracization, honor-based violence, or divorce. This highlights why there should be changes in society alongside legal reforms especially in ensuring gender equity and the eradication of patriarchal traditions. Adultery phenomenon especially where modernity is concerned has vast consequences to marriage and society in India. This critical analysis discusses the manner in which the shifting socio-cultural context, which is affected by globalization, urbanization and changing individual liberties have shifted the understandings fidelity and marriage in perception. The research also addresses the adultery as a social and moral problem, but also through the lenses of the medical and biological sciences, specifically,

human behaviour, psychology, and sexual health. With the introduction of these dimensions, the research throws light on the complexity of human relationships including emotional and physical well-being, reproductive health, and the effects on children. Moreover, the paper also dispenses with the legal system in India, especially given its recent decriminalization of adultery in 2018 by the Supreme Court, and examines how it impacts a marriage-based society and vis-a-vis wider social values. The human rights aspect is highly evaluated in order to evaluate the intersection of personal freedom, privacy, and gender equality with the social norms and the sacredness of marriages. The research aims in conclusion to determine the allowance of personal freedom and social duty in the situation of adultery in contemporary India with the view of providing a clue to the general impact on social unity and the development of the concept of marriage.

### **Impact on Marriage and Family Structure**

The literature also talks a lot on how adultery affected the family life and marriage. The adultery may be viewed as the issue of the individual level, however, it has far-reaching consequences on the relations within the family, especially in the country like India, where the family systems are tightly interconnected. Studies indicate that adultery usually disrupts marriage, causes emotional torture to each partner, and psychological trauma to children. Nonetheless, certain cases of research suggest that the process of modernization and the shift of the social values has also resulted in increased liberal attitude towards infidelity within some sections of the society.

There are couples who have started to be more open-minded in their marriages, such as consensual non-monogamy, which is still very uncommon and debatable. The Indian Penal Code (IPC) of 1860 regulated adultery in the form of adultery section 497. This act was only abolished by the Supreme Court of India in 2018 after it lasted over 150 years. This is a summary of adultery under the IPC 1860: Section 497: Definition and Provisions of this section had defined adultery as one of the criminal offences in which a man had sexual intercourse with a married man, without the permission or comity of the husband. The major details of the law were as follows: Criminalization of the man: the man who committed adultery with a married woman could be tried and sentenced. Women immunity: The immunity applied to the woman who committed the act of adultery was that she could not be punished in this section of the act because she was a victim, not a perpetrator. Consent of husband: In case the husband agreed to the act or condoned it, then it was not termed as adultery. Rights of husband: The husband of the woman had the right to complain against the man of adultery but not the wife when his husband had an extramarital affair. Concerns about Section 497 Section 497 was highly condemned on a number of grounds and these are: Gender bias: The law was regarded as a patriarchal law and discriminatory since it did not give women a chance to complain about adultery or of their husbands owning them as properties. Breach of equality: Legal experts and activists claimed that the law was in breach of the right to equality (Article 14) and right to personal liberty (Article 21) that were enshrined in the



Indian Constitution. Moral policing: The argument of the critics was that adultery is a moral and personal problem and not the one that the criminal law should be applied to and the state was not entitled to interfere into the consensual sexual relations that took place between adults.

### **Supreme Court Judgment: Decriminalization of Adultery**

In September 2018 the Supreme Court of India made a decision in the case of Joseph Shine versus Union of India. They got rid of Section 497. Said that adultery is not a crime anymore. The Court said that Section 497 was not fair because it did not give people rights which is what Article 14 of the law says. It also took away people freedom, which's what Article 21 says. The law was old. Treated women badly like they were things that belonged to someone else. It also made people think that men and women should act in ways, which is not right. The Supreme Court of India thought that adultery laws like Section 497 were not good for women and were very unfair. The Court decided that Section 497 had to go because it was not fair, to women and it was not giving them the freedom they deserve. Marriage is not something where one person in charge of the other. The Court said that marriage is about being equal and working together it is not one person owning or controlling the other. The Court made it clear that marriage is a partnership between two people. Adultery is not, against the law anymore.

### **Impact of the Judgment**

Personal liberty is very important to people. The ruling said that individuals have the right to make their choices without the government getting in the

way. Gender equality is also a deal. The judgment was a win for women because it got rid of a law that was not fair to them. The act of adultery is no longer an offense but it is still a ground for divorce.

### **Social and Cultural Perceptions of Adultery**

In India people have always been really sensitive about adultery. This is because marriage is an important thing to people in India. It is like a promise that you make to each other. What happens in a marriage can affect the family. If someone in the family does something it can bring shame to the family. Adultery is a deal in India because people think that being faithful to your husband or wife is very important. The way people think about adultery has changed a lot since India became independent. Nowadays people are more open to ideas and city life has become more common. Also, women have freedom now and are treated more equally. All these things have changed the way people think about adultery, in India.

In India people have always thought that being faithful to your spouse is very important. This is still true today. For women being faithful to their husbands is especially important because it affects the family's reputation. If a woman is not faithful people will reject her. Her family will fall apart. On the hand if a man is not faithful people often make excuses for him or do not mind as much. Even though the laws have changed many people in India still think that women who are not faithful to their husbands are doing something wrong. This is a problem for women in many parts of the country. Women who are accused of cheating on their husbands still face a lot of trouble from society. Marital fidelity is still a deal in India and women

are often judged more harshly, than men when it comes to marital fidelity.

### **Research Methodology**

This research is a doctrinal. Statutes: Indian Penal Code, 1860 (especially Section 497 and its repeal), Constitution of India (Articles 14, 15, 19, and 21), Judicial Decisions: Joseph Shine v. Union of India, (2018) 2 SCC 189, Relevant High Court and Supreme Court judgments on marriage, adultery, privacy, and gender rights International Human Rights Instruments: International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Commentaries on the Indian Penal Code and constitutional law, Books and treatises on family law, gender justice, and human rights Law review articles, legal periodicals, and academic journals, Reports by the Law Commission of India, Parliamentary debates and historical documents regarding adultery legislation, Scholarly critiques of the Joseph Shine case and related jurisprudence

### **Statement of the Problem**

The idea of adultery has been connected to what people think is right and wrong about marriage and being faithful in India for a time. For a time, the Indian Penal Code, specifically Section 497 was the law that governed adultery. This law treated adultery as a crime in a way that showed the country's fashioned values where men were in charge and women did not have much say in what happened in their marriages. The Supreme Court made an important decision in the case of Joseph Shine v. Union of India in the year 2018. This decision changed the law said that adultery is not a

crime anymore. This evolution is going to affect marriage and societal norms in a way. The way people get married and live together is going to change. Human rights protections are also going to be affected. We need to think about how to protect people's right in the age. Do we need to redefine what it means to be married and what people's responsibilities are when they are married? We should think about this in terms of making sure people have the rights and are treated fairly. Marriage and human rights protections are things that we need to consider.

### **Research Gap**

The Supreme Court made a decision in the Joseph Shine v. Union of India case in 2018. This decision changed the law on adultery. Was a major step forward for individual rights and equality between men and women. However, there is still a lot we do not understand about how adultery affects rights in today's digital world.

### **Research Objectives**

To trace the historical development and legislative intent behind adultery laws in India, especially Section 497 of the IPC.

To evaluate the shift from morality-based penal provisions to a rights-based legal framework emphasizing human dignity and gender equality.

To analyze the adultery from the perspective of human rights jurisprudence in both Indian and international legal frameworks.

### **Research Questions**

How has modernization influenced societal perceptions of adultery in India, particularly with the rise of urbanization, globalization, digitalization and changing gender roles?

What is the gender-specific social, emotional, and legal consequences of adultery for men and women in contemporary Indian society?

### **Scope of the Study**

This study examines at what the law says about adultery in India. It wants to understand how the law has changed over time. The study shows the adultery and how Indian law and international human rights norms.

### **Significance of the Study**

This study is important because it looks at how adultery's changing due to modern times the internet and people caring more about human rights. Even though India does not consider adultery a crime anymore it still has an impact on people's personal lives especially when it comes to getting a divorce and what society thinks about being faithful in a marriage.

### **Limitation of the Study**

This research is not included the empirical data and others as required in this connection.

### **International Perspectives**

In the United Kingdom adultery is not against the law. The way adultery is dealt with is mostly through law especially when it comes to divorce and family issues. In the United Kingdom adultery is when a married person has sex with someone who's not their husband or wife. Adultery, in the United Kingdom is defined as sex between a person and someone who is not their spouse. The main things about adultery in UK family law. The UK says that adultery is a reason to get a divorce under the Matrimonial Causes Act 1973 which applies to England and Wales and there are similar laws in Scotland and Northern Ireland. The

Matrimonial Causes Act 1973 is a law that says adultery is a reason to end a marriage. Adultery is one of the reasons that people can use to get a divorce, in the UK. In the past a husband or wife could file for divorce because the other spouse had cheated on them. The rules for getting a divorce in the United Kingdom have changed a lot. This is especially true since they brought in the no-fault divorce law in 2022. The no-fault divorce law in the UK is a change. A spouse can now file for divorce without having to prove that the other spouse did something like the no-fault divorce law, in the UK allows.

**Adultery-Based Divorce Before No-Fault Divorce-**  
Before they changed the divorce rules a person who wanted a divorce because their spouse cheated on them had to show two things. They had to show that their spouse really did cheat on them. They also had to show that they could not stand living with their spouse anymore because of the cheating. If someone wanted to file for divorce because of cheating they had to do it within six months of finding out about the cheating. If they waited long the court might think that they were right, with the cheating. They had to file the divorce papers or the court would think they accepted the adultery of their spouse the divorce because of adultery. Additionally same-sex couples have a situation. For them civil partnerships and same-sex marriages do not recognize adultery as a reason for divorce. This is because adultery is defined as intercourse, in legal terms. The Impact of No- Divorce that happened in 2022 is important to know. The UK made a change in April 2022 with the Divorce, Dissolution and Separation Act 2020. Under this



system: Couples do not need to prove that someone was unfaithful or give any other reason for the divorce to be approved. The UK introduced no-fault divorce in April 2022 through the Divorce, Dissolution and Separation Act 2020. This means that same-sex couples and other couples can get a divorce without having to prove that someone did something. A husband or wife can just say that the marriage is over and that is it. They do not have to say who is at fault. This law makes it easier for a spouse or couple to get a divorce. They do not have to give a reason like the person cheated on them. This helps to reduce the feelings that can happen when a marriage ends in divorce. A divorce is a thing and this law helps to make the divorce process a little easier, for the spouse or couple.

Civil Implications of Adultery in the UK -In the United Kingdom adultery is not against the law. It can still affect things like divorce settlements and money matters. However, in cases adultery does not have a big impact on money: The courts mainly look at how to divide things and what is best for the family especially when it comes to the children rather than figuring out who is to blame for the end of the marriage. Adultery is not usually the thing the courts consider when they are working out the details of a divorce like who gets what and how the children will be taken care of. The main goal of the courts is to be fair and make sure everyone's needs are met, the needs of the family and the children. So, adultery is still something that can be considered in a divorce. It is not usually the most important thing and it does not always have a big impact, on the financial arrangements. When people get divorced adultery can still be a problem

when they talk about how to divide things. This is because it can make the relationship between the husband and wife very bad. However, adultery does not usually change how property is divided or how money is split between the spouses. Adultery is still something that can affect the settlement discussions, between the spouses. Adultery and Child Custody-when it comes to child custody adultery is not really a deal unless it can be shown that the adultery has hurt the children or the person who cheated is a bad influence on them. The courts in the UK always try to do what is best for the children when they are making decisions about who gets to take care of them and who gets to make decisions for them. This means that even if one parent has been unfaithful the UK courts will still focus on what's best for the children not on the fact that there was adultery. The main thing is to make sure the children are safe and happy. That is what the courts in the UK are looking for when they are making decisions, about child custody and parental responsibilities.

**In the United States** people generally think of adultery as a problem not something you can get in trouble with the law for. Adultery can have big effects, on the law especially when it comes to divorce and fighting over who gets to take care of the kids. Criminal Law- Adultery is not against the law, in states. In the past some states did have laws that made adultery a crime. These laws are not used anymore. Adultery laws have much disappeared. Massachusetts was really the state to make adultery not a crime. They finally took it out of the code in 2020. Before that adultery was against the law in some places in Massachusetts. If someone was

caught, they might have to pay a fine or even go to jail. This hardly ever happened and the law was not really enforced. Adultery was a misdemeanor in some parts of Massachusetts which means it was an offense but like I said it was very rare, for someone to actually get in trouble for it. Massachusetts made a change in 2020 when they decriminalized adultery. Family Law-Adultery is not against the law in parts of the country. It still matters when it comes to family law. This is especially true in divorce cases. Adultery can have an impact, on divorce cases. When people get divorced there are reasons why it happens. Some places still say that if someone cheats on their spouse that is an enough reason to get a divorce. This means the person who cheated might be blamed for the marriage ending.

France is a place where adultery's not against the law anymore. They changed this rule back in the 1970s. Even though adultery is not a crime in France it can still be a reason for getting a divorce. Nowadays people are using no-fault divorce more and more so adultery does not matter as much, in court. In France adultery does not have much of a bad reputation as it does in some other countries that are more traditional. France is a country where adultery is viewed differently.

### **Middle East and North Africa**

In a lot of countries people really dislike adultery, which is also called zina. They think it is very bad. It can get you into big trouble with the law and with people in your community. Some countries, like Saudi Arabia and Iran are very strict, about this. If you commit adultery in these countries you might have to go to jail and others as required.

The Philippines has a take on things. In the Philippines cheating on your spouse is against the law. The law in the Philippines is not the same for men and women who cheat. It is easier for women to get in trouble for cheating than it's for men. This shows that people in the Philippines expect more from women when it comes to being faithful to their husbands or wives. The Philippines still considers adultery a crime.

### **East Asia**

South Korea has an interesting history when it comes to adultery. Until 2015 South Korea actually considered adultery a crime and people who committed adultery in South Korea could even go to prison for it. Then the Constitutional Court in South Korea stepped in and said that this law was not fair to individuals in South Korea. So, they got rid of the law. Even though adultery is no longer a crime in South Korea it can still affect what happens in divorce cases in South Korea.

### **Africa**

In South Africa adultery is not against the law. It can still be a reason for divorce in court. Nigeria has a complicated system when it comes to laws. They have a lot of ways of doing things. In some parts of Nigeria, the rules are based on Sharia law.

### **European Union**

In the European Union having an affair is not against the law. It does not really matter in court unless a couple is getting a divorce. These days people, in Europe are getting divorces without blaming each other so having an affair does not really affect what happens in court. The European Union is seeing more of these kinds of divorces which means that adultery is not as important as it

used to be when it comes to decisions.

Gender Equality is really important. A big part of changing laws has been to make sure men and women are treated the same when it comes to cheating on each other. In countries the old laws about cheating were not fair to women. They were based on ideas about what men and women should do. Women often got punished severely than men. Gender Equality, in these laws is what people are trying to achieve so that men and women are treated equally when it comes to cheating.

### **Analysis, Discussion and Results**

The way India handled adultery in the past was really unfair. The IPC from 1860 was much about men being in charge. If a man had an affair he could get in trouble. The woman was not seen as doing anything wrong. The big decision made by the Supreme Court in the case of Joseph Shine versus Union of India in 2018 was an important moment for India's laws. The Court said that Section 497 was not fair because it went against Articles 14 15 and 21 of the Constitution. These articles are about equality not discriminating against people and the right to life. Adultery is a reason people can get divorced. The decision is based on the values of dignity, freedom and equality between men and women. This is a step towards making sure the law is fair and respects people's rights. It brings law in line with what other countries are doing to protect human rights as seen in agreements like CEDAW and ICCPR. Even though adultery is no longer a crime it is still an issue in cases like when people get divorced. The Puttaswamy judgment in 2017 Now the law is more focused on protecting people's rights to make

their decisions in their personal relationships rather than telling them what to do. The fact that the law no longer considers these relationships a crime also brings India in line, with what other countries are doing, which is to allow consenting adults to make their own choices. In countries that are fair and let people do what they want cheating on your spouse is not a crime. Adultery is still an issue and the laws, about marriage need to change to deal with it in a better way. The idea of adultery is not as clear as it used to be and the laws need to reflect that. Human rights should always be considered when we are making changes to laws. This is especially true when we think about how technology's changing and how it affects the basic freedoms that human rights give us. With new laws women are still not treated equally when it comes to things like adultery. Men and women are not treated the same in situations or in court. The way we interpret laws about money and child care after a divorce is also not fair to women. This is because these laws are still influenced by ideas that men are more important than women. Human rights and the laws that protect them should help us make sure that women and men are treated equally in these situations. Human rights are very important. They should help guide us when we are making changes to personal laws especially when it comes to things, like adultery and divorce. The Indian legal system does not have a plan to deal with cheating in marriage, privacy on the internet and basic human rights. This is a problem that needs to be fixed. The laws about families need to be changed so they are fair and follow the rules of the constitution. The Indian legal system needs to do

something about this because it is very important. The laws, about marriage and family need to be updated so they work well with the legal system and the rights that people have. The issue of cheating in marriage and digital privacy is a deal and the Indian legal system needs to make sure that peoples basic human rights are protected.

### **Findings, Conclusion and Suggestions**

The Section 497 of the IPC had an old and traditional view of marriage, where women were not considered equal, to men. The Joseph Shine Judgment is a change. This decision was a step forward for human rights and equality. It said that everyone is equal and should be treated fairly as stated in Article 14 of the constitution. It also said that we should not discriminate against anyone, which is stated in Article 15. The Joseph Shine Judgment was, about respecting people's dignity and giving them the freedom to make their own choices as stated in Article 21. The court decided that adultery is a matter, not a criminal one. After the Joseph Shine case adultery is not a crime anymore. It can still be a reason for divorce, maintenance and child custody. The technology has changed the way people are closed to each other. Now we have things like adultery emotional affairs and online relationships. The Joseph Shine case said that cheating on your spouse is not a crime. This is a change in the way India thinks about marriage and relationships. The country is moving away from ideas and towards a more modern way of thinking about people's rights. Cheating on your spouse is still an issue, in India and it affects marriages and society in many ways. Marriage is going through a time. Marriage and cheating are

issues. We have to consider things, including why people do what they do and what is going on around them. Marriage is still important. Cheating is a big problem. People who cheat have to take responsibility for what they do. The research shows at how adultery affects marriages and families in India now that it is not a crime anymore. Even though adultery is not a crime it can still be a problem in divorce cases. This research can help make divorce laws and family courts. The research on human rights can help make policies that keep people's privacy safe when there are problems, in a marriage. Human Rights are very important when it comes to adultery and the research can help make sure people's privacy is protected. Public awareness campaigns are very significant. Education and Awareness Programs, like these can really help people understand why education and awareness programs are necessary. Research should be encouraged at the intersection of biology, medicine, psychology, law, and sociology to explore causes and consequences of adultery and develop holistic strategies to strengthen family systems. The conflict resolution should be encouraged in comparison to legal punishment.

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