



Unheard Cries: A Judicial Study On Domestic Violence In India

Author Name- Ishika Patel

Designation- Student

Name of the Department- Amity Law School Amity University, Noida ,Uttar Pradesh, India

Abstract: Domestic violence in the modern India has become much more complex phenomenon involving a digital, algorithmic and systemic part of the violence which exceeds the physical sort of violence. “Invisible wounds”, like digital surveillance, money gatekeeping etc., and isolation in a psychological sense. This paper examines the contemporary judicial understanding of the Protection of Women from Domestic Violence Act (PWDVA), 2005, in this Modern era of 2026 in the context of contemporary socio-legal landscape in India as a country. It assesses the contemporary understanding of the Protection of Women from Domestic Violence Act (PWDVA), 2005 in the present socio-legal order of the country of India in the modern day of 2026 with respect to advancing instruments of coercive control being adopted by the judiciary by the judiciary.

The study explores how this creeping distance between tech-facilitated domestic abuse (such as tech-facilitated coercive control, location tracking, and digital financial starvation) and the current safety nets state responses have created a space for abusive practice, and how the consequences of those current safety nets have been felt by targets. The study takes a look at the increasing terrain between the constitutionally grounded tools of limiting the public space of abuse (Article 14), harming the right of privacy (Article 15), and limiting the scope of freedom of expression (Article 21) and the current state safety nets, and the impact those safety nets have had on the targets. Moreover, it discusses the kid's intergenerational influence in today's intergenerational households that are hyper-monitored and provides an assessment of the evolving function of the decentralized assistive systems and NGO. This is a study which alertly illuminates the operational dichotomy between high aspiration constitutional jurisprudence and institutional shortcomings, which undermine the provision of protection networks, in particular provision with delayed digital forensic support, and points towards immediate policy adjustments that would facilitate the modernization of victim rehabilitation and legal protection in a digital era.

Index Terms – Family Law, Domestic Violence

Introduction-

The context of harm has thus far been defined very narrowly by focusing on physical harm in traditional law on domestic relations, so that the effect of non-physical coercion remains largely untreated. The family or home arena has gone digital and so have domestic violence strategies of control – involving complex digital, non-physical mechanisms - introduced. These new "invisible wounds" are not straight-forward physical injuries but come in with a series of highly planned methods of eroding a woman's psychological independence, privacy online, and emotional balance. Although sometimes domestic terror is simply about a physical injury or an overt act of dowry torture, the new model version of domestic terror has very much turned to algorithmic surveillance, location tracking, digital gaslighting and systemic financial isolation. This change requires a paradigm shift in the approach to the state structures and judicial systems to detect, assess and remedy the emotional forms of spousal cruelty – which do not appear on the physical body. In 2005, the Protection of Women from Domestic Violence Act (PWDVA) was enacted, thus marking an early example of legislative acknowledgement of non-physical harm but boundaries to this are continually being pushed by emerging and developing sociological circumstances. Intimate partner violence is now being perpetrated primarily using technology – such as sharing private data, tampering with the home, and surveillance of digital communications – keeping victims constantly on their back foot and in a state of hypervigilance, and trapped at home. In this paper I will examine the ways in which technology and patriarchy have shaped new lines of domestic violence and the enforcement of traditional proof. It considers that the constitutional order does give a broad-based philosophical framework for the defense of human dignity, however, structures on the ground are structurally underdeveloped and unable to counter such modern and invisible forms of “marital tyranny”.

I. Domestic Violence- affecting women

In the digital era, non-physical forms of domestic violence, including digital surveillance, economic and monetary exploitation, and continual psychological attacks, have devastating impacts on women that have a profound effect on their biological, psychological, legal and social lives. Mental suffering from these modern 'invisible wounds' is often not acknowledged by families, or external forces such as schools, hospitals, job location or the health services themselves. If we consider their lives from a clinical standpoint, victims of tech-facilitated coercive control and emotional terrorism are constantly on guard for potentially dangerous contacts and environments, their personal space and profiles are being watched, and their communications are being monitored. It induces a state of chronic survival which causes a mental health crisis – resulting in high prevalence of Complex Post-Traumatic Stress Disorder (C-PTSD), clinical depression, panic disorders, and generalized anxiety disorder. The frequent psychological shifts, sometimes caused by digital abuse – whereby a difficult partner can turn on or off lights, change music, and even introduce new data into Google’s answers to make the victim feel mad or unclear about how real and healthy she is – keep her wavering somewhere between reality and paranoia, making her decisions and cognition very difficult. Mental and emotional distress is only a small part of the devastation it brings; the ongoing psychological stress also can have a direct impact on a woman's physical and physiological health. Prolonged high blood levels of stress hormones, such as cortisol and adrenaline, from an overly stressful and "hyper monitored" home environment results in serious psychosomatic diseases. Those women who are abused on a regular basis can have permanent fatigue, chronic migraines, significant gastrointestinal problems, fibromyalgia, and weak immune systems resulting in the possibility of secondary infections. Moreover, most watched nights and

the emotional harassment led to chronic sleep deficit that is extremely detrimental towards cellular regeneration and cognitive lucidity. The physiological changes experienced over time result in cardiovascular complications, premature physical aging and an overall structural weakness regardless of whether or not the victim has been physically battered at least once. Socio-economically, such unseen wounds utterly strip a woman of her ability to be involved in Family or in the Public forum, to advance in a career and to earn a livelihood for her and her dependents. Digital tracking, monitoring emails, and mandating financial "gatekeeping" by an abuser is an extremely damaging blow to a victim's professional life. The emotional roller coaster leaves them so burned out that they lose their ability to focus, have a lot of absences, the efficiency at work is diminished, and they may end up leaving their jobs or being fired, even among high-skilled females. This leaves her increasingly dependent on the man who commits the abuse, is less effective at her job, gets fired from her job, which makes it harder for her to leave, etc. Moreover, the deliberate isolation which the perpetrator inflicts on her (e.g. interfering with her access to social media, isolating her from friends and family) deprives her of her external social networks, thus reducing her to a total state of marginalization, isolation and structural captivity within the framework of the domestic abusive ecosystem.

II. Impact of Domestic Violence on children

Situational domestic violence, whether it's physical or not, can create hurt, dysfunction and harm on a systemic level for children, even if they are not the direct victims. Today's kids are not mere marketers, but active watchers of complicated emotions, surveillance via tech devices, and financial deprivation. An unstable household has a pernicious effect on a child's psychological health. If this chronic stress is transmitted from generation to generation, children raised in these hyper-monitored environments normalize the use of violence and/or trauma. They learn healthy expectations of being intimately watched, manipulated, and under control, which culminates in them doing the same in their grown-up relationships. Cognitive and developmental effects of subjecting a person to this covert conflict are deep and lasting. A child's brain is in 'fight or flight' when there is constant anxiety, gaslight and hostility at home. Because of this chronic toxic stress, noticeable cognitive delays, attention deficits, and learning underachievement occur and affect brain plasticity. This kind of environment leads kids to have trouble retaining information, learning language, and problem-solving, as their mental resources are all consumed trying to cope with the emotional environment at home. In addition, this trauma will often manifest itself as issues within the behavior, such as bedwetting, chronic sleep disturbances, nightmares, and physical complaints such as constant headaches, stomach aches, and other physical pains, which are also a direct physical expression of internal emotional pain. These children have a large load of unresolved guilt, fear and confusion that not only affects their relationships at home, but also in the outside world. They often take their parents' problems on board, thinking that they must be at fault when Mom or Dad is unhappy or angry and, equally, when Dad's angry. They feel they have not done enough, that they are no good, and they have low self-esteem. This emotion is usually expressed in two separate ways, externalized aggression or internalized withdrawal. Some kids turn to being really aggressive, defiant and engaging in bullying with other kids as a substitute for the control they experience in their families. Many others isolate themselves from socializing fully, suffering from severe social anxiety, mutism and loss of trust in others and the broader social world. This shows children that they are not safe, and thus they miss out on enjoying a healthy childhood and have emotional deficiencies carried forward into adulthood.

III. Legal framework relating to domestic violence A-14, A-15, A-21

Domestic harassment, especially with regards to electronic harassment and emotional abuse, is rooted in the constitutional structure of India and has its roots. Today, the concept of spousal cruelty is not only understood in terms of specific criminal laws, but also of general human rights. The basic principle of this approach is article 14, which ensures equality before the law, as well as equal protection of the laws. Article 14 works within domestic relationships as a crucial protection against structural and systemic power imbalances. Traditionally, private family affairs have been left to private, family solutions, therefore permitting unhelpful domestic setups. The modern understanding of the Constitution of Article 14 ensures that a woman does not cease to be a citizen and features equal citizenship. Today the understanding of Article 14 of the Constitution ensures that the woman does not lose her position as a citizen after marriage and features equal citizenship. The law extends into the private sphere to reverse the imbalance resulting from financial control, emotional exploitation and electronic control of women providing them with equal protection of non-physical bodies.

Article 15 of the Convention makes a specific mention of the ban on discrimination on the basis of gender, thereby reinforcing this protective measure. Under Article 15(3) the constitution has emerged as a force of great strength because of its greater awareness of the specific disadvantages of women in the history and structure of the patriarchal family. The state can be empowered to provide for special provision for the women to actively participate in order to reverse the gender inequality in a systematic way. The Protection of Women from Domestic Violence Act (PWDVA) is an expression of this constitutional requirement. The drafting of women-specific civil remedies, like immediate protection orders, the right to live in shared households, and monetary relief, are warranted under Article 15(3). In today's digital world this article helps law reformers catch up and develop new mechanisms to respond to new forms of gendered abuse including stalking online, being tracked digitally, and the use of personal data in a relationship by a stalker.

The most important instrument of the constitution to deal with these 'invisible wounds' is Article 21, which provides for the Right to Life and Personal Liberty. In a broad sense, it has been held justice by the Indian legal system that the right to life is not merely physical but also encompasses the enjoyment of life with human dignity, personal autonomy and mental peace. Article 21 is being violated in that direct attack of the mental dignity and mental privacy of the victim is made in a manner that is not physical, but rather through constant surveillance in the digital space, in having a smart home, or with constant emotional manipulation. Under domestic surveillance and a constant state of fear and hyper vigilante, women lack a safe environment from a cruel world which is a violation of their rights. State has been obliged to take action to protect dignity of victim as a result of the inclusion of protection against domestic violence directly connected with Article 21 which makes it a serious violation of basic constitutional rights, and not just a problem between two individuals.

IV. Nature and Forms of Domestic Violence

The prevalent pattern of today's modern domestic violence has changed from sudden outbursts of physical violence to an orchestrated engine of psychological surveying. It is not force that is used, but rather coercive control, a series of behaviors that are used to systematically take a victim's autonomy, self-worth and personal freedom. This violence is on-going, rather than sporadic; it sets the tone for a negative home environment and causes the victim to be constantly aware of and alert to potential violence. The abuse through these methods is extremely concealed, and they do not leave any visible marks, which make the abuse difficult to prove under normal legal practice. This act of brutality happens in a tactical and psychological manner, slowly and slowly destroying a victim's sense of self and leaving her utterly reliant on the abuser.

Forms of Non-Physical Abuse are:

- **Verbal Degradation and Emotional Abuse –**

Is when a pattern of hurtful public or private insults, name-called, constant criticism, etc., are relentlessly used with the purpose of destroying a woman's self-esteem. They often comment cruelly on the victim's body, her intelligence and capability as a mother, and make false allegations as to her character or fidelity. It also entails extreme emotional manipulation, e.g. the abuser will tell the victim, if he doesn't do what he wants, he will end his life, hurt himself or move out with the kids. This consistent emotional attack makes victims feel insecure, unwanted and unable to ask for assistance.

- **Techno-surveillance and control –**

In the era of personal technology, a man utilizing digital means has now got the capacity to track and monitor any and all aspects of a woman's life leaving her virtually trapped in a digital prison. This includes every deletion of spyware placed on her phone, tracking where she is in real time with GPS, and asking for her security codes, emails and personal social media passwords. Digital gaslighting also occurs when the perpetrator manipulates smart-home technology (lights, locks, thermometers) remotely or deletes or changes shared online calendars to make the victim question herself and her sanity. This constant tracking by a digital device means that there is no privacy, revealing any location the victim is in and will feel safe only when offline from the device.

- **Psychological isolation and gaslighting –**

This is a strategy to keep the victim cut off from other people in their life, including from the outside world, so she becomes solely reliant on the abuser for emotional and social help. The victim is systematically denied access to her friends, family, and the community. This isolation is compounded by gas lighting which is a tactic used by abusers that includes denying what occurred, drastically changing the facts, and altering the victim's perception of reality to the point of making it possible for her to believe she is mistaken. The victim is cut off from her support systems and questions her own sanity and logic and is profoundly ensnared in the abuser's world.

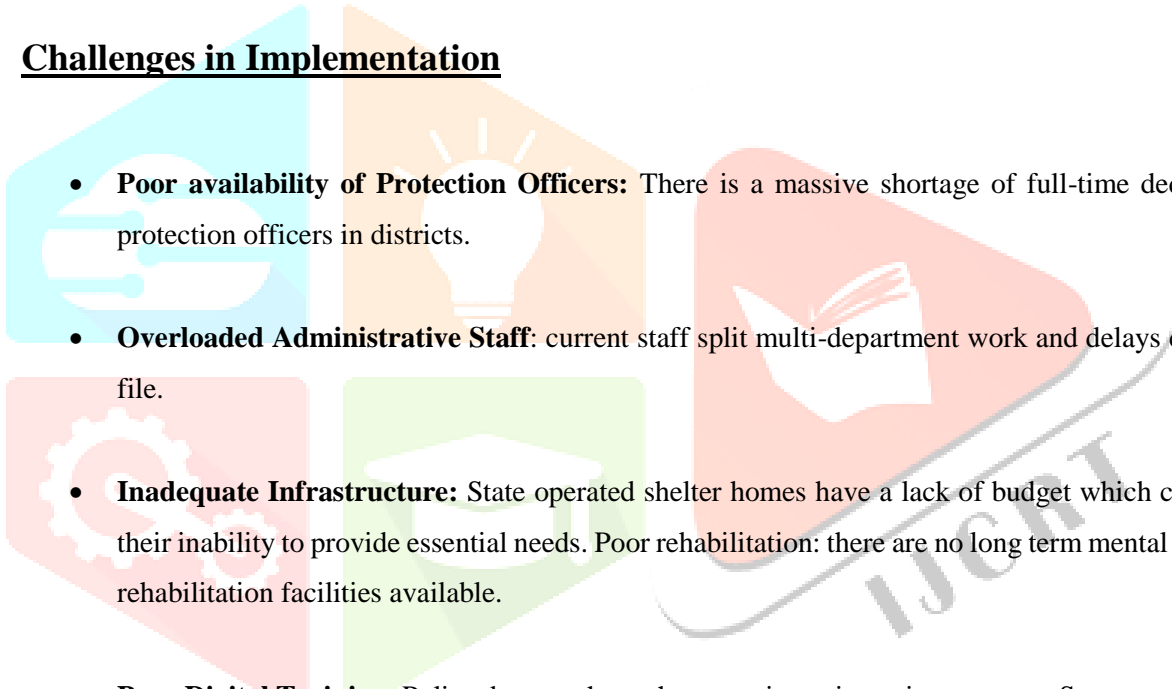
- **Economics and Finance Gatekeeping –**

Economic abuse can be a subtle form of control that ensures a woman is taken away from her means of livelihood to keep her under control. This includes controlling her own income, or even withholding it, not letting her access bank accounts and/or making her provide digital receipts for every single bit of expenditure. Women are also denied chances to better their financial condition by preventing them from working, from going on job interviews, or from going to school. Furthermore, this form of marriage incorporates the abstraction, or sale, of his/her stridhan, and of her personal matrimonial property and marriage gifts, which results in her having none of her own money, no independent savings, and no means of paying for housing or legal representation in case she leaves.

V. Importance of Financial independence for women

The greatest structure weapon that a woman can use to stabilize her position in a destructive family situation is financial independence. Complete economic dependence robs a victim of agency and turns a domestic environment into a place of forced compliance that requires her to suffer from intense psychological and technological entailments to achieve the most necessities to survive and provide for herself and her children—housing, safety, and protection. Without a wage of his own or individual bank accounts, the prospect of fleeing an abusive partner is a very real possibility of homelessness, leaving her without any income, and not having money to pay a lawyer while the situation unfolds. Thus, financial independence is not only a sign of individual development but also an essential instrument that helps to free people from poverty. As an independent woman, maintaining autonomy in her career, creating her own savings and ensuring absolute control over her own stridhan (personal matrimonial property) creates the mobility and physical means for her to reject the structures of abuse, escape from abusive environments, and build her life anew on her own terms with safety and dignity.

VI. Challenges in Implementation

- 
- **Poor availability of Protection Officers:** There is a massive shortage of full-time dedicated legal protection officers in districts.
 - **Overloaded Administrative Staff:** current staff split multi-department work and delays cases time to file.
 - **Inadequate Infrastructure:** State operated shelter homes have a lack of budget which contributes to their inability to provide essential needs. Poor rehabilitation: there are no long term mental and physical rehabilitation facilities available.
 - **Poor Digital Training:** Police does not have the expertise to investigate current Spyware and Location Tracking.
 - **Lack of a tech infrastructure in Family courts:** Prevents verification of evidence of "Digital Forensics.
 - **Judicial Backlogs:** The backlog of cases in courts extends into months and years! Delayed Interim Relief: In reality statutory 60-day timelines are not being met for monetary reliefs which are urgent.
 - **Wasted Trial Processes:** Victim has money and patience used up to fight the battles that can only be won in court. Grassroots Police People Do Not Have Empathy Training In Relation To Domestic. However, private Dispute Labeling occurs frequently where the severity of psychological abuse is minimized as only a minor slip up between two people.

- **Caught-up Family Reconciliation:** Officers unduly coerce defendants to oppose charges to maintain integrity of the family.
- **Unavailable Legal Aid:** Legal assistance from the state is often not free or very cumbersome to access. Lack of rural awareness: Women in remote areas are totally unaware of their legal rights. Poor Inter-Agency Coordination: Slow dissemination of information between police, medical centers and Courts in emergency.

VII. Role of NGOs and support Services

Non-Governmental Organizations (NGOs) and civil society support services are crucial assets in closing the gap between ideas and attitudes of progressive domestic violence legislation and the lived experiences of people subjected to violence and abuse. The NGOs are agile, instant lifelines for women fleeing abusive setting as the state machinery is often bureaucratic and institutionalized, meaning that it is slow. These groups address domestic violence not just through prosecution but with a holistic perspective that sees the whole person and strives to support a victim's immediate physical and psychological safety along with long-term socio-economic recovery. Domestic abuse means a lot of things, in today's world it also means digital surveillance and psychological entrapment and that's where the special interventions of NGOs play a pivotal part in modern rehabilitation of the survivors. On the ground of disaster management, NGOs offer frontline immediate emergency assistance in a non-structural manner structured to be relevant to traumatized populations. They maintain helplines that are confidential and available 24 hours a day, and are the initial resource for women in danger to receive immediate counseling and safety advice. Once a woman or man recognizes that they are being abused and decide to leave their home, NGOs intervene to provide immediate physical security: independent safe houses and shelter homes so that victims can leave the place of harm without their perpetrators being there.

Moreover, the organizations operate a variety of free community clinics, assist the women survivors with the overwhelming, legal jargon involved in the Protection of Women from Domestic Violence Act, accompany women to police stations and advocate for them in court pro-bono, free of charge. In addition to immediate rescue, the need for support services is paramount for assisting survivors to become independent in the long-term. Understanding that financial control has become one of the main areas of abuse, targeted livelihood programs, skill development through vocational training and financial literacy workshops are initiated to enable women to develop independence in managing their finances. They also help to treat “invisible wounds”—conditions such as depression, anxiety, complex trauma and more through continuous and professional mental health counselling and support groups. On a macro level, civil society organizations are involved in advocacy in the Community, gender sensitization exercises with local law enforcement as well as awareness raising exercises. Organizations are involved in social consciousness raising and defying social norms in order to remove the taboos around family violence, replacing victim with blaming responsibility for perpetrators.

VIII. The Family Court mediator's role in pressuring victims to compromise

One of the key structural conflicts in India with respect to how non-physical domestic violence is being processed is the reliance of mediation in the contemporary Indian family court. Judicial economy and the maintenance of the traditional household model are used to "catch" family court mediation cases, with judicial personnel now routinely using mediators to "defuse" domestic abuse by having the parties solve their differences a more informal manner. The recent introduction of mediation as an obligation to domestic violence situations creates an extreme power imbalance where it is more effective when both parties are on more level terms, as is the case with commercial or property disputes. Many times the mediator's duties to "save the marriage" are in direct conflict with the victim's right to a safe environment where no harm and wickedness occur when perpetrators employ covert methods of abuse including digital, threats and pressure of any sort, psychological degradation, or a multitude of other subtle forms. Tend to confuse psychological terror carried out over long periods of time with everyday "brushes" and then, after the victim has sought help for separation or protection, attributing the request as "overreacting", making "counselling" or trying to "get along" seem like viable options.

It is hiding such an ingrained and implicit bias in institutionalization towards reconciliation believing in the continuity and stability of the family, which still outrank the woman's safety and mental dignity for the individual. The use of high-pressure tactics by mediators who are generally not psychologically trained in trauma-informed strategies or in coercive control techniques by these means is common practice and routine by mediators for compelling survivors to sign "compromise" documents.

Such strategies involve prosecuting the victim because the Indian system of justice will take decades to progress the case, stripping his she of financial resources by burdening her and her family with the costs of a long court process and socially isolating her, as has been the experience for him. Mediators also tend to direct the moral responsibility towards the victim, employing guilt techniques based on the children's place in society from now on, or her social position attributed to her falsely. Also, mediators often shift the moral responsibility onto the victim, and use guilt tactics based on the children's future place in society, the victim's own social reputation etc.

This setting puts the invisible wounds of the trauma altogether to null, because the victim must negotiate face-to-face with her abuser, and in the mediation chamber she suffers hypervigilance, psychological collapse, and secondary trauma from experiencing the mediation all at once. Resistance to this imposed mediation model is only partly structural in nature, in that it fails to account for the actuality of technologically and economically captive conditions all too present. With a mediator forcing her to accept a compromise – to go back to the shared house under a typical mutual resolution – the law practically returns her to a virtually-enclosed prison. But unenforceable laws, combined with the absence of an authoritative order to not cross a specific threshold, allows the abuser to quietly tweak how he terrorizes his victim, e.g., he silently upgrades spyware apps, changes how his "smart home" is accessed, or improves orders on the UPI system's digital financial watchdog. It is extremely rare for an agreement that has resulted from family court mediation to contain any provisions around

electronic stalking, electronic privacy breaches or psychological gaslighting. As a result, the formal legal process is used by the abuser to process settlements that leave the woman without legal protections and when that happens, she's thrust back into a marital environment that inexorably crushes her mental independence and constitutional liberties.

IX. **Court Orders for Protection of Women's Safe Housing & Matrimonial Privacy**

The judgment in granting a woman a safe home and marital privacy signals a vital movement in constitutional development in responding to “non-physical” domestic abuse. For decades the private matrimonial home was used as an arena within which state mechanisms abated in their duties to intervene in its care, and women were left exposed to unseen cruelties of the home. The Protection of Women from Domestic Violence Act (PWDVA) 2005 and the law before it recognized the devastating consequences of displacing a woman from her home or denying her access to housing, as a form of economic and psychological abuse. If a woman is threatened with eviction or locked out by her abuser, she has to deal with an immediate financial crisis and social isolation. The Indian judiciary in recent years has done much to affirm the right of a woman to live within a secure, shared family, which has come to be seen as a manifestation of her Fundamental Right to life with dignity under Article 21 of the Indian Constitution. Secure housing is no longer considered a privilege of marriage, but a legally required protection against the abuser having homelessness as a way of total control. This law, however, has developed greatly so as to address the shifting strategies of tech-savvy abusers of a more successful nature to circumvent physical eviction. At present, a woman's life is being led in a household where the perpetrators may try to rattle her with the help of the technology and push her out of the house or destroy her peace of mind. This way is manifested in the serious violation of matrimonial privacy-the abuser puts the house on a platform of constant surveillance. Using hidden cameras and listening to others' Wi-Fi routers, tracking Internet activities and controlling smart-home devices such as connected devices with lights, thermometers or locks, perpetrators create a disorientating and intimidating effect on the victim. This ongoing monitoring can form a virtual "trap", leaving the victim feeling unsafe and held hostage even in her own home. These transparent maneuvers can now be understood from the judgement of higher courts which have broadened the scope of 'safe-house' to include electronic safety and privacy, too, and hold that 'domestic surveillance' constitutes a gross intrusion into a woman's 'mental dignity' and 'right to privacy'. Modern court orders, therefore, are adapting to impose physical and virtual limits in the common residence of conjugal family that will aim to shield survivors from continued psychological horror.

Judges in issuing protection and residence orders are increasingly departing from the usual rules which prohibit physical eviction. New judicial decrees codify specific orders for removal of spyware from the family-controlled devices, provision of password to any shared home network and prohibition of all remote electronic surveillance.

The judiciary is actively challenging the systems of digital and emotional entrapment that leave victims continuously in a state of fear. The judiciary is challenging systems of digital and emotional entrapment that keep victims in a constant state of fear. The new court orders, which change with the times, keep the home a safe haven rather than a modern-day cloak of invisibility for those who wield mental and physical power over women and safeguard women's mental autonomy and physical safety.

X. Interpretation of Emotional and Psychological Cruelty by Higher Courts

Indian law on matrimonial disputes has been drastically changed from a paunchnic-based concept of harm to a progressive concept of 'invisible wounds'. Past legislation and decisions by courts in cases under personal laws and criminal code narrowly have defined cruelty mainly in terms of physical violence or physical injury, or in terms of explicit and severe harassment in connection with dowry. Narrow understandings have been systematically undone by courts at higher levels who have found mental cruelty, in most cases, to be a separate, actionable wrong, and in some cases, to be even more damaging than physical battery. The Supreme Court and other High Courts have in a series of expansive judgments held that the cruelties in the mental and emotional field clearly infringe upon the right to dignified, healthy and free living guaranteed under the Article 21 of the constitution. The court has turned its focus from outward, physical abuse to the cumulative effect of a vicious campaign on the victim's mentality, thus giving a broader perspective on the concept of 'cruelty' that includes abstract terror too. With the addition of more recent conceptions of emotional cruelty, the jurisdictions superior to the apex court have interpreted the legal meaning of the term to include insidious and psychological forms of emotional hurt that take place at home within Indian society. The judiciary has now recognized the all-permeating and persistent patterns of degrading a woman, making false allegations against her, humiliating her in public or in private, torturing her by constantly humiliating her as severe forms of matrimonial cruelty. Moreover, judges have noted that the denial of children, threats of suicide and self-harm, and the imposition of strict social isolation, are all planned choices which can be made to weaken a woman. Higher courts have emphasized that the injury assumed to be mental is not necessarily so from one isolated incident, but is rather one of a pattern of conduct which creates an atmosphere of hostility within the home.

The judiciary, through this process of creating this sense of unhappiness, self-worth issues etc., have made it abundantly clear that, the violation of mental peace and self-worth of those females by this pattern of behavior, is a blatant violation of their human rights, irrespective of whether they face any form of physical assault. Furthermore, understanding has evolved at a higher level to respond to the modern forms of psychological abuse in relationships arising from new technology. The judiciary is increasingly recognizing the practice of tech-facilitated coercive control—including hacking into personal accounts, using sleuthing GPS to see where a victim is placed, and spy-software such as Bother ware or similar recording software—as a form of emotional abuse that damages victims in invisible, but nevertheless serious ways. Courts have decided that digital tactics erode personal privacy and mental health as a systematic process of digital 'surveillance' means a victim is constantly reminded they are on guard all the time.

These new forms of control were suddenly introduced within the scope of the law, and define cruelty, bridging the divide between real and virtual worlds. This progressive outlook will keep the law as a strong weapon against all tyrannies in marriage, and will offer a solid legislation which safeguards the mental dignity and personal security of the woman in today's digital world.

Conclusion

To sum up, the development of domestic violence seems that these "invisible wounds" in modern India, like internet, smart home, UPI financial surveillance, and forced isolation are affecting human life as well as physical violence. The progressive understanding of the Protection of Women from Domestic Violence Act, 2005, in conjunction with the constitutional framework of Articles 14, 15 and 21 of the Indian Constitution shows that the Indian law system can actually recognize situations of non-physical abuse as infringement of fundamental human rights and mental dignity. Judicial rulings have made good progress on elaborating the meaning of a safe household and matrimonial privacy to signal that a home must provide safety and refuge, not a hidden and electronically supervised prison. But there is a huge disconnect between the progressive legal concepts and what it will take to get those implemented. The reality of the justice path is not just starkly resource deficient, it is also plagued by lack of technical skills in law enforcement and infuriatingly embedded inconsistencies in male attitudes towards women. Women are frequently coerced back into situations of constant psychological and technological entrapment simply to "compromise" under the pressure of the "family court" and the mediators working in it. In addition, the lack of digital forensic support to prove electronic evidence can leave victims structurally vulnerable and without anything in the family court. In short, to effectively end domestic violence and to address the invisible suffering requires a shift in the institutional focus from survival to recovery tech-sensitized. Real justice can be delivered only if the progressive judicial decisions are followed by expeditious fast-track proceedings, a strong support structure, and gender-responsive enforcement. In the future, technology companies have to be built in a 'safety-by-design' and state has to close the digital divide to ensure that legal safety aids are available to everyone. Women's rights to financial autonomy, digital privacy and mental tranquility cannot be compromised, it must be embedded in the constitution so that all survivors enjoy a fully safe, independent and dignified life.

References

https://www.indiacode.nic.in/handle/123456789/2056?view_type=browse&sam_handle=123456789/1362

<https://indiankanoon.org/doc/91938676/>

<https://indiankanoon.org/doc/1942971/>

<https://indiankanoon.org/doc/305776/>

<https://indiankanoon.org/doc/179648510/>

<https://ncrb.gov.in/en/crime-in-india-table-additional-table-and-chapter-contents>

<https://ncw.nic.in>

<https://wcd.nic.in>

<https://www.unwomen.org/en/what-we-do/ending-violence-against-women>

<https://www.unicef.org/protection/violence-against-women-and-girls>

<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

<https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/domestic-violence/>

<https://www.hrw.org/topic/womens-rights/domestic-violence>

<https://scholar.google.com/scholar?q=technology+facilitated+domestic+violence+india>

<https://scholar.google.com/scholar?q=psychological+abuse+domestic+violence+india>

<https://scholar.google.com/scholar?q=digital+surveillance+against+women+india>

<https://www.ijcrt.org>

<https://main.sci.gov.in>

<https://www.livelaw.in/tags/domestic-violence-act>

<https://www.researchgate.net/search/publication?q=domestic%20violence%20india>

