Age of consent - II

Why in news?

The Supreme Court has struck down an exception to Section 375 of the IPC, dealing with the offence of rape.

What is the case about?

- The exception clause in Section 375 of the IPC had long been a controversial one.
- Under it, intercourse or sexual act by a man with his wife, not below 15 years, is not rape.
- The Supreme Court has struck down this exception, and now a case can be registered against the husband on the girl's complaint.
- Notably, the centre's stance was in support of the exception, as marriage of minors is an old custom still practised by many social groups.
- It said criminalising the consummation of a marriage union with a serious offence such as rape would not be appropriate.

What is the concern with Sec 375?

- The exception clause in Sec 375, IPC stands in contrast to the following:

1. Criminal Law Amendment Act, 2013 raised the age of consent for sexual intercourse for girls, from 16 to 18 years.
2. Protection of Children from Sexual Offences Act, 2012 considers sex with children, those below 18, as rape.
3. Prohibition of Child Marriage Act, 2006 and Juvenile Justice Act, 2015 also define children as those below 18 years.

- The exception works as a disadvantage to a married girl child as against an unmarried girl child.
- It deprives them of legal protection against forced sexual intercourse.
- And is also violative of the right to life of the minor guaranteed in Article 21.

What lies ahead?

- The recent SC judgement has prioritised the rights of an adolescent above

the social practises.

- However, it has restricted itself to the reading of Sec 375, IPC, but the larger issue of marital rape of women above 18 years is still unaddressed.
- Resolving this would go a long way in ensuring the rights and choices of women in their private space.

Source: Indian Express

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