# Revisiting Adultery Law

## Why in news?

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The Supreme Court has decided to re-examine the offence of adultery as dealt in Section 497 of the Indian Penal Code.

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## What are the contentious provisions in Section 497?

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- Section 497 of IPC criminalises the offence of adultery.
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- It punishes the “outsider” who breaks into the matrimonial home through illicit relationship with one of the spouses.
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- Contentiously, only the erring man is liable to be punished for the offence.
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- The provisions give only husbands the exclusive right as an aggrieved party to prosecute the adulterer in a case involving his wife.
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- However, a similar right has not been conferred on a wife to prosecute the woman with whom her husband has committed adultery.
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- Also, the provision does not confer any right on the wife to prosecute her husband for adultery.
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- Further, if the husband of the woman gives his consent for the sexual affair with another man, no offence lies.
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- The law also does not take into account cases where the husband has sexual relations with an unmarried woman.
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## What are the concerns?

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- The provisions grant relief to the wife by treating her only as a victim going by the wide spread societal presumption.
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- There are questions as to why the prosecution under Section 497 completely dependent on the husband's word.
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- So much so that a woman can enter into an adulterous relationship if her husband consents.
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- Section 497 demeans a woman to the extent of her being considered the husband's "commodity".
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## What was the court's earlier stance?

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- A three-judge bench had, in 1985, dismissed the argument that Section 497 was discriminatory.
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- The judgment said a wife could always initiate civil action against her unfaithful husband.
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- The court agreed that “a man seducing the wife of another” was the most seen and felt evil in society.
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## What is the significance of SC's move?

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- Responding to a PIL, the SC had issued a notice to the Centre saying Sec 497 appeared to be “archaic” and not gender-neutral.
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- The decision of Court to re-examine the offence is an admission that it had earlier gone wrong in denying the discriminatory nature of the law.
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## Source: The Hindu

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