# SC: Consensual Sex in Failed Relationships Is Not Rape

**Prelims:** *Current events of national and international importance | Polity*

## Why in News?

*The Supreme Court held that consensual sexual acts within a relationship cannot be retrospectively classified as rape solely on the basis that the relationship later ends.*

## Key Observations of the Supreme Court

- **Differentiation between consent and subsequent regret:**
  - Consent procured through deception is distinct from regret experienced after consensual intimacy when a relationship concludes.
  - Regret arising from a failed relationship, in isolation, does not transform consensual sexual acts into rape.
- **Prohibition of retrospective criminalisation:**
  - Physical intimacy occurring within a consensual relationship cannot subsequently be classified as rape solely due to the deterioration of the relationship.
- **Safeguards against the misuse of criminal law:**
  - Treating every failed relationship as a rape case undermines the gravity of the offence and results in stigma, harassment, and injustice for the accused.
- **Imperative to protect genuine victims:**
  - Rape remains an under-reported crime that infringes upon women's bodily autonomy and dignity.
  - Authentic cases involving sexual assault, coercion, or manipulation of consent must be pursued with rigor.

## Legal Provisions

- **Bharatiya Nyaya Sanhita (BNS), 2023 Section 63** – Defines rape.
- **BNS Section 64** – Prescribes punishment for rape.
- **BNS Section 69** – Deals with sexual intercourse by deceitful means or a promise to marry without the intention to fulfil it, where the act does not amount to rape.
- **Article 21 –** Protects the right to life and personal liberty, including dignity and bodily autonomy.

**Reference**

The Hindu | Supreme Court verdict on Consent



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