



Government On Adultery Law

The central government has contended in the Supreme Court (SC) that Section 497 of the Indian Penal Code (IPC) which deals with adultery should remain a criminal offense.

- It submitted in the SC that striking down the penal provision of adultery would go against Indian ethos and destroy the institution of marriage.
- It told the top court that Section 497 was enacted so as to safeguard the sanctity of marriage and diluting it would be detrimental to matrimonial bond.

Background

- The Constitution Bench of SC is scheduled to decide whether the provision of adultery in the IPC treats a married woman as her husband's "subordinate" and violates the constitutional concepts of gender equality and sensitivity.
- The petition seeks to amend the provision to make men and women equally liable for the crime of adultery.
- It will consider whether Section 497 treats the man as the adulterer and the married woman as a victim.
- The bench will also examine why the offense of adultery ceases the moment it is established that the husband connived with or consented to the adulterous act, i.e. the question of a married woman being a mere "property" of her husband or a passive object.
- Earlier in 2017, the Supreme Court observed that the section 497 is archaic.

Section 497 of the IPC

It provides that whoever has sexual intercourse with the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offense of rape is guilty of the offense of adultery and shall be punished. In such case, the wife shall not be punishable as an abettor.