

Supreme Court ends patronising-patriarchal adultery law



The Supreme Court has junked the 158-year-old patronising and patriarchal adultery law by stating that "husband is not the master of the woman" and the act of adultery is no longer a crime, but it remains a ground for filing divorce.

The adultery law, or specifically Section 497 of the Indian Penal Code criminalised and punished a man who has affair with a married woman "without her husband's consent" with five years of imprisonment. While the law forbade the women from being punished and "protected" them, but it was paradoxically skewed against woman in an adulterous relationship to have consent from her husband, treating her as a property of husband. The law was reviewed by a five-justice bench on the base that it "denuded women from making choices".

The apex court found this Victorian adultery law as arbitrary and testosterone-etched that treats women as "stolen property", and decriminalised the adultery law in India. Junking the Section 497, the 5 justice bench of Supreme Court said that "It's time to say the husband is not the master of the woman. Adultery cannot and should not be a criminal offence." While adultery is no more a criminal offence, like domestic violence is, but it still remains a ground for filing divorce for both the man and the woman.

At the heart of the adultery decriminalisation verdict is to remove the offensive notion of a wife as chattel, or the husband's personal property. However, some experts believe that decriminalising adultery was actually an anti-women decision that will give "license to people for having illegitimate relationships". These experts believe that instead of decriminalising Section 497, the court should have made it gender neutral ? which means it will be treated equally, criminalizing the act of adultery for both men and women.