



Should adultery be criminalized?

## Description

### Theme:

- In September 2018, Supreme Court struck down section 497 of IPC (Indian Penal Code), which deals with adultery. This move received support and criticism as well. People are debating whether adultery should be a criminal offence or not.

### Why adultery was decriminalised in India:

- There are several loopholes in Section 497 of IPC (Indian Penal Code). The main loophole is that it punishes only men that commit adultery, and women are treated as victims and innocent. This is discriminatory on the basis of gender.
- And another important loophole is it considers a woman as the property of her husband. This law states that a man can file a case on the person that has an illicit affair with his wife, without his permission.
- This law punishes only those who have an illegal relationship with married women. If a married man has an affair with an unmarried woman, he cannot be punished under this law.
- This law interferes with personal lives.
- Considering all these reasons, the Supreme court struck down the 158-year-old law by stating that adultery is a civil wrong and should not be a criminal offence. However one can opt for divorce if his/her life partner commits adultery.

### In Favor “ Yes “ Adultery should be criminalized:

- Deceiving and cheating are punishable by law in India under section 420 of IPC (Indian Penal Code). Adultery is nothing but cheating a life partner. The other person in the relationship goes through a lot of trauma, and hence adultery should also be punished.
- If one commits adultery, the marriage is already broken and hence it threatens the institution of marriage. It’s very important to protect the purity of marriage institutions in society. And hence adultery should be made a criminal offence.

- Fear of law can deter people from committing adultery.
- To protect the moral values of society, we should take the help of the law.

### **Against – “ No – Adultery should not be criminalized:**

- If people are punished for adultery, there will be very slim chances of reconciliation. People do mistakes, and a lot of couples have had a happy life after going through a rough phase of adultery with the help of counselling and understanding. punishing and sending the person to jail will only increase hate and anger.
- Families will be broken if one of the parents sends the other one to jail. It creates a lot of mental trauma for the children involved.
- Punishing people under adultery law impacts their reputation forever. They will be labelled as a cheater and will have a tough time living a happy and faithful life.
- Law was there until recently, but there are many illegal affairs in the country. So, the law couldn't succeed in reducing the number of adultery cases.
- Law should not interfere in personal lives.

### **Conclusion:**

If adultery is a punishable offence, both men and women that commit it should be punished. However, it is much better if the law doesn't interfere with personal lives. Fear of law cannot bring love to a life partner. It is much better to come out of a loveless marriage than to send the adulterer to jail with the hope that their relationship will be back to normal.

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### **Your Turn!**

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