

ADULTERY

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Introduction

Adultery is sexual relationships with someone other than his or her spouse. In previous year if any man had sex with married women, without taking permission from of her husband, then he had committed a crime. Extramarital affair is not a criminal offence in India anymore. The country's Supreme Court on (sept. 27-18) struck down a colonial-era law that prescribed a maximum imprisonment of five years to men for adultery. and, the offence still remains a valid ground for divorce.

Before the new law made on adultery, adultery is criminal offence. Section 497 of Indian penal code (IPC) deals with adultery –

Whoever has sexual intercourse with a person who in and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with jail or either description for a term which may extend to five, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

This is essentially saying that if a man's property is defiled by another, the man can punish the offender – the women here is reduced to mere property. This was reinforced the case of *Sowmithri Vishnu v. union of India* – where Sowmithri, whose lover was prosecuted for adultery, contended that the law was gender biased. Nevertheless being an equal party in the offence, the women was a 'victim' she was exempt from punishment, as a child would be, suggesting that the women committing adultery is weak of rational thought and therefore has no agency.

Reason for adultery:

1. **Early marriage** – early marriage is one of the reason for adultery. The people who got married early are most likely to get bored sooner and indulge in extramarital affairs. The excitement of dating and romancing comes naturally to most women and if they miss it, they are most likely to find it where they can.
2. **Emotional disconnect** – with the passes of time partners may become emotionally disconnected. In the most marriage are arranged by parents, there is no emotional connection right from start. Couple realize that they are not getting enough of what they expect emotionally from their partners and that's when someone come in and shares your

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views, gives importance to your dreams and aspirations, relates to your feelings and you find yourself falling head over heels for that person.

3. **Stress and frustration** – one of the partners became very busy in family and begin to ignore the needs and feeling of the partner which lead to stress and frustration in the other partner there are many other reason for one of the partners to be depressed in their marriage. Falling for anybody else becomes only easier in these circumstances.
4. **Lack of interest** – you have all the facility of life and yet not find peace within. While one of you could be brimming with life and excitement, the other might be at a lack of it. If they find someone who is exciting, shares common interest with her, complaints her for her looks and ambition, she fall hard for her.

In such a situation, we may introduce men to the truth of the life. Adultery may be seems like an easy way to ignored a troubled marriage, but in reality, in will increase the complication in your life. Instead of having in an extra marital affair and complicating relationship equation, why not addressing the actual problem in your marriage.

. Section 497 punished a married man for having sex with wife of other man. However, the sexual act is exempted from punishment if it is performed with the permission or connivance of the husband of the other woman. Also, the provision exempts the wife from punishment, and states that wife should not be even treated as abettor. The judgment of CJI Misra held that Section 497 violated a woman's right to dignity, resulting in infringement of Article 21 of the Triple Talaq case. The Court however clarified that adultery will be a ground for divorce. It was also mentioned that if an act of adultery leads the aggrieved spouse to suicide, the adulterous partner could be prosecuted for abetment of suicide under Section 306 of the IPC. The judgment also struck down Section 198(2) of the Code of Criminal Procedure, as a consequence of striking down of Section 497 IPC.

The Supreme Court has struck down 158 year old Section 497 of the Indian Penal Code, which criminalizes adultery, as unconstitutional. "Any provision of law affecting individual dignity and right of women invites wrath of constitution

Conclusion –

If someone feels that they are not being emotionally or physically compatible and that there could be someone else who could take that place and are fine with it, that should make it completely acceptable for the society at well. Extra marital affairs are wrong since they involve lying, manipulating, dishonesty, cheating, and giving your time and attention that you should be giving to your family to someone who has no right to get it from you. It is ethically wrong and there is no advocating that. Bu if the couple is in an open marriage and one or both of you have the consent from your partner to indulge in affairs, there is nothing wrong about it. Else, rather than playing around with someone's emotions, the better thing is to call the marriage off and get into the relationship you desire.