

Adultery

Adultery is defined under law as a consensual physical correlation between two individuals who are not married to each other and either or both are married to someone else. The actual definition of adultery may vary in different jurisdictions but the basic theme is sexual relations outside marriage. Adultery, also known as infidelity or extra-marital affair is certainly a moral crime and is thought-out a sin by almost all religions.

The western world and particularly few western countries like Finland, Belgium and Sweden doesn't treat adultery as a crime but the Indian jurisdiction considers adultery as a punishable and heinous crime. The union of marriage has a spiritual, communal and lawful authorization in India. Hence, a sexual liaison that flouts this sacred bond implies rebelliousness with common customs. It is a breach of trust as well as infringement of the holy marital promises, conscientiously and ethically held to be revered and does carry a punishment under the decree.

Adultery in the realm of crime: In India, adultery is considered as an offence and is punishable under Section 497 of the Indian penal code. The rule comes under the criminal law of India and has been placed in chapter XX which is related to offences pertaining to marriage. The law as stated in the Indian Penal Code, 1860, is as follows: -

Section-497- Adultery: “Whoever has sexual intercourse with a person who is 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 imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case, the wife shall not be punishable as an abettor.”

Section-498- Enticing or taking away or detaining with criminal intent a married woman: “Whoever takes or entices any woman who is and whom he knows or has reasons to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

Adultery may not be a serious crime but it does play chaos in the lives of the people concerned. Our Indian society is more conserved and expects faithfulness and loyalty of an individual towards his or her spouse. A person who is committing an adulterous act is always aware of the verity that he or she is violating the basic norms of the institution of marriage and that of the society and credibility and trustworthiness is being targeted. Adultery may not seem to be gravest of crimes but it does bring out some of the direst consequences. The individual committing adultery is always conscious of the fact that if somehow his/her partner will come to know of his/her liaison, he/she won't take it calmly, indeed that person will have to face a lot of wrath and criticism by the family as well as the society. To be vigilant against such a result, the felonious party may instigate a fierce attack against his/her partner, resulting in a critical fault such as abduction or even murder. Considering Indian laws and the scenario of our society, adultery is definitely a crime in India.