

Shocks and horror India's adultery law is 'staggeringly sexist' (evaluation without power politics culture in private pharmacy institutions in India)

Abstract

Age disparities usually focus on either the rational choice model or the analysis of demographic trends in a society. The rational choice model suggests that people look for partners who can provide for them in their life, as men traditionally earn more as they get older, women will therefore prefer older men. This factor is diminishing as more women enter the labor force. The demographic trends are concerned with the gender ratio in the society, the marriage squeeze, and migration patterns. Another explanation concerns cultural values the higher the value placed in having children, the higher the age gap will be.

Volume 2 Issue 6 - 2018

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Received: October 05, 2018 | **Published:** December 18, 2018

Introduction

Section 497 of the Indian Penal Code, the law that deals with adultery, is so astonishingly absurd that it would be hilarious if it weren't outrageous. Adultery is a great subject for books and movies. It bristles with possibilities of love, lust, jealousy, fear, rage and so on. And it has huge potential for drama for tragedy or even the darkly tragic comic. In India, though, adultery, looked at from the legal standpoint, verges on comedy.^{1,2} Section 497 of the Indian penal code, the law that deals with adultery, is so astonishingly absurd that it would be hilarious if it were not outrageous. Section 497 criminalises adultery a legal stricture that most civilised countries dispensed with years ago. It also puts the burden of guilt on the man who is in an adulterous relationship. The woman in question is considered innocent. Naturally, men feel that this is unjust and that both parties the man and the woman should be held equally liable for the act. They have a point. However, the beauty of this dinosaur legislation (it was instituted by the British in 1860) is that it manages to be anti-women even while it appears to be throwing a protective arm around them. By assuming that the adulterous woman is blameless, it infantilises her, as though she were a helpless plaything in the hands of her home-wrecking lover. It is a brilliant, curveball piece of sexism, which happens to be unfair to men as well. But there is more. The law says that if a man has sexual intercourse with another man's wife 'without the consent or connivance of that man' he will be held guilty of adultery.^{3,4} This is really another way of saying that a wife is her husband's property and, if he sanctions it, some other man can go ahead and have sex with her. Also, while a man can bring charges against his wife's paramour, the law does not grant the same privilege to a wronged wife. If her husband cheats on her, she must lump it she can sue neither him nor his lover. In other words, both the crime and its punishment can only be initiated by men. In the eyes of the law, women adulterous or aggrieved, faithless or furious are entirely without agency. Hence, Section 497 is absurd not merely because it criminalises adultery, which is an act between two consenting adults. It is also a horrendous example of gender discrimination, and one wonders how it continues to survive in our statute books at a time when the powers that be are tireless in trumpeting their support for

'women's empowerment'. But survive it does, having weathered multiple attempts to get it struck down in different courts around the country. In fact, the Supreme Court is currently hearing a petition challenging the constitutionality of section 497. Throwing its weight behind the antiquated law, the government submitted an affidavit to the court, stating, 'Adultery should remain an offence. Diluting adultery law will impact the sanctity of marriages.' When will we stop hearing these homilies about the 'sanctity of marriage'? And their implied sermon that we need to put up with all sorts of injustices for its sake? The same old shibboleth is also cited each time there is a demand for a law against marital rape. You can't criminalise a man who rapes his wife, so goes the argument, because marriage is a sacrament. So the husband enjoys impunity, the wife has no rights over her body and it's all said to be for the good of their sacred marital bond.^{5,6} The point is that the law should punish violence and coercion not acts of free will between two consenting adults. And, no matter where adultery figures in your moral universe, it is undoubtedly a consensual act. The Supreme Court has also been hearing a plea to decriminalise gay sex. After years of moral panic and pusillanimity on the part of the executive and the judiciary, it now appears that the LGBTQ community may finally get their human right.^{7,8} This raises the hope that the apex court will hand out a progressive judgment on Section 497 too. In a modern society there is no place for a law that criminalises adultery and is staggeringly sexist to boot.⁹

Conclusion

The couples with the best chance are those where a man with a superior education, arrogant marries a beautiful woman who is five or more years older than himself. Acquire sufficient knowledge for healthier life. Interested couple can choose vegetarian food and avoid on violence, abuse and global security. Healthy food makes life meaningful.

Acknowledgments

This study has been guided by under supervision and guidance of Renowned Laboratory Scientist Respected Dr. Ramesh Paranjape'

Retd. Director and Scientist 'G' National AIDS Research Institute India. I express my sincere gratitude towards Respected Sir' for motivation and being great knowledge source for this research.

Conflicts of interest

The authors declare no conflict of interest.

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