

# DECRIMINALISING ADULTERY: CENTRE SEEKS CLARIFICATION

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Adultery is a cause of deep pain in the family. Families are torn asunder by adultery, Justice K.M. Joseph said while heading a Constitution Bench on Wednesday.

“Everybody is ultimately dependent on the family as a unit. The integrity of the family is based on the faithfulness each spouse expects of the other,” Justice Joseph observed.

A five-judge Bench, headed by Justice K.M. Joseph, is hearing an application filed by the government seeking a clarification as to whether the 2018 judgment of the Supreme Court decriminalising adultery in the Indian Penal Code (IPC) would affect action taken under Armed Forces laws against officers who indulge in adultery with their colleagues’ wives.

The Centre approached the Supreme Court after the Armed Forces Tribunal (AFT) started dismissing cases of misconduct against officers after the Joseph Shine judgment in 2018.

Additional Solicitor General Madhavi Divan said unlike the IPC offence of adultery under Section 497, which is based on patriarchal notions, the Armed Forces take action for misconduct even against women officers. “The Armed Forces law is completely gender-neutral,” Ms. Divan said.

The Bench asked the government whether it would want to withdraw the application and challenge a particular case rejected by the AFT. The court listed the case on December 6.

Govt. approaches SC after Armed Forces Tribunal dismissed cases of misconduct against officers

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