



Editorial

Changing Laws, Unchanging Values

Time immemorial, India is rich in its culture and social practices. The people here are known for their beliefs, social values and traditional engagements, may it be in an individual level or a group or a community at large. But today the people's mind-set is changing, in turn they are adopting to the existing or changing culture of the world. Today, the social reforms are on the card. Though this change in current scenario in the context of world culture is necessary, it is accepted only if it adds values to the existing practices in the society. In view of these changing aspects of society, the recommendations to the change in the law are surfacing out. The people of the country are in favour of legal reforms. In this context, the recent judgements of honorable Supreme Court of India are best examples vis decriminalising homosexuality (Sec 377 of Indian Penal Code) and decriminalising adultery (Sec 497 of IPC).

Supreme Court decriminalised homosexuality on 6th September 2018 by announcing that the application of Section 377 IPC to consensual homosexual sex between adults was unconstitutional, irrational, indefensible and manifestly arbitrary. But it further clarified that the Section 377 IPC remains applicable to acts relating to sex with minors, non-consensual sexual acts, and bestiality. This step of the apex court widens the ambit of individual autonomy, intimacy, identity and decisional privacy which are protected fundamental rights. Also the verdict eliminates the stigma of LGBTI (Lesbian, gay, bisexual, transgender and intersex) community along with legal and social difficulties they were facing.

The existed adultery law (sexual intercourse of a man with a married woman without the consent of her husband when such sexual intercourse does not amount to rape) was considered by men as gender discrimination as women cannot be prosecuted according to the law and women considered it as anti-feminist as it treats women as the property of their husbands. On 27th September 2018, Supreme Court of India decriminalised adultery law considering it unconstitutional because it "treats a husband as the master".

As the society is changing, just decriminalizing these sections of Indian legal system is sufficient. The effective implementation and in-depth awareness about these laws is must to aid to the peaceful society.

Change is essential and should be accepted when it comes with unchanging moral values which are much needed for the betterment of the mankind.

Dr Shankar M Bakkannavar
Editor – in – Chief