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Impunity of Marital Rape: A Critical Analysis of Existing Laws and Regulations

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ABSTRACT

Marital Rape is one of the most sensitive issues in India which is subject to constant debate and controversy. In India, specifically in Hindu law, marriage is a sacrament bond which provides rights to the spouses to cohabit legally, ethically, along with social sanctity for procreation. However, consent remains at stake when it comes to sexual intimacy in such a pious obligation.

*National Family Health Survey and United Nations Population Fund have conducted survey which has highlighted the plight of marital rape in India. India doesn't have any proper legislation which could penalize such a silent rape. There had been several instances when the bill for penalizing marital rape got tabled in Parliament but couldn't see the ray of hope of getting it passed. However, the Judiciary put an effort to enhance the age of wife from 15 years to 18 years under section 375 of IPC, 1860 by virtue of the landmark case *Independent Thought v. Union of India (2017) 10 SCC 800*. The plight of married women falling in the category of 18 years and above remained to be unaddressed. The irony for Indian women is that though being a part of the largest democracy, they are unable to get any remedy for this act. Even though there were changes brought in the major criminal laws of the country in 2023 where the government had an opportunity to address the plight of married women, but they failed to do it yet again. There is a pressure on Indian women known as "domestic obligation", in the family. In such a scenario having consensual sex in marriage stands to be a misnomer. Wife objecting to having sexual intercourse with her husband becomes an issue of ego for the man. This happens as it is presumed that the wife consented to sex at any point of time as soon as she tied a marital knot with her husband. This is quite not picking the standards of Fundamental Rights enshrined under Indian Constitution where it compromises with the women's bodily dignity. Even the framers of law in India, have denied legislating over such an issue by saying that it can create an imbalance in the Indian families, which can also give a drastic change to the legal plethora. Other than this, there also exists a problem of the issue being proved or disproved in the court of law. This concern has rapidly become a part of an everyday discussion and hence a contemporary issue which we will attempt to do justice by covering in this paper.*

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Keywords: marital rape, patriarchal, mental health, gender equality, bodily dignity, consent, discrimination against women.

I. INTRODUCTION

“She is determined and differentiated in relation to man, while he is not in relation to her; she is the inessential in front of the essential. He is the Subject, he is the Absolute – she is the Other”³

Marital Rape like any other sexual assault is considered as a more private offence rather than social issue. If we breakdown the term marital rape, it consists of two words - marriage and rape. The most important aspect while working any case related to the offence of rape is the issue of “consent”. Consent has been defined under the IPC⁴ and now the Bharatiya Nyaya Sanhita, 2023⁵ (hereinafter to be referred as BNS) as *“an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act, provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.”* In cases of rape, except in certain conditions, the burden of proving lack of consent falls on the prosecution. Thus, it becomes extremely difficult for the victim to first go through such a horrific incident and then re-live the same while proving that she did not consent to it. The question of consent becomes even more difficult when the said offence is being claimed to have been committed by the man who is married to the victim.

The concept of marriage is different in cases of various personal laws in India, but one common factor that exists for all of them is the consummation of marriage whether for procreation of children or not. In Hindu Law, a marriage is even considered to be a bond of seven lives which should not be broken in any case. It is not denied that laws related to divorce and separation exist, but the kind of prejudice attached to this concept makes it difficult for the woman to raise a voice for her.

Thus, marital rape may be referred to as an act of forceful sexual intercourse by a husband with the wife. Through this paper, we will try to relate these two concepts together and give an answer to the questions that have been in everyone’s mind - “How do we prove the offence of marital rape? This is an alleged offence by a husband on a wife, in a closed room. Whose word

³ SIMON DE BEAUVOIR, *THE SECOND SEX* (1ST EDN., 1949).

⁴ Indian Penal Code 1860, ss 375 Explanation 2.

⁵ Bharatiya Nyaya Sanhita 2023, ss 63 Explanation 2.

should be given a preference - the husband or the wife?"

II. HISTORICAL PERSPECTIVE OF MARITAL RAPE IN INDIA

When we look back at the history of rape in India, it was not even considered to be an offence against the woman's body. It was recognized to be an offence against the father or the husband of the woman. The actual victim of the offence of rape was looked at just as an object or a property which had been damaged by the offender. It was the father or the brother who received damages upon the offence of rape. After the introduction of the IPC, the offence of rape was given a proper and much needed recognition of being an offence against the human body and the woman's dignity. Though the explanation of the offence of rape has existed in the IPC and now in the BNS for more than 150 years now, its loopholes could be clearly seen through the various judgements given by the Hon'ble Supreme Court and High Courts. For instance, when the Hon'ble Supreme Court of India pronounced the debatable and unreasonable judgment in the case of *Tukaram v. State of Maharashtra*⁶ (famously known as the *Mathura Rape Case*) by stating that *since there were no injuries on the body of the victim, it indicates that the sexual intercourse was consensual*, this case brought in a lot of controversies and questioned the reasoning skills of the judicial system in India.

It was only in the year 2013, when after the horrific incident of the Delhi Rape Case, the rage of the public led to the amendment of the IPC. The offence of rape was given a new and broad meaning via The Criminal Amendment Act, 2013. Even after broadening the horizons of the offence of rape, marital rape has always been kept out of the picture with only two exceptions as mentioned under Section 63 and Section 67⁷ of BNS. Only when a married woman is under the age of eighteen, sexual intercourse with her is an offence of rape as per Section 63 of BNS, or when a husband has sexual intercourse with his wife during separation, without her consent, it is an offence of rape.

Discrimination against women has been occurring since times immemorial, essentially due to the ideological leaning and ideological constructions of the society who believe that women are to behave in a certain manner and they are to perform only certain functions.⁸ For instance, the employment of women in large numbers in particular kinds of jobs because women have been

⁶ *Tukaram v. State of Maharashtra*, AIR 1974 SC 514.

⁷ Sexual intercourse by husband upon his wife during separation: Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

⁸ Palak Jawa, *Acid Attack on Women: A Study of One Stop Centres In New Delhi*, Dissertation submitted in part fulfilment for the requirement of the Degree of LL.M, (2019)

stereotyped and it has been assumed that there are certain jobs specially for women, like staying back and taking care of the family.⁹ This discrimination is also a result of another assumption where it is believed that men are stronger than women and hence have the right to show dominance, even if it is inside closed rooms. Another construction which has been made through the patriarchal leanings of the society is the one that may be understood with the help of the very famous Doctrine of Coverture¹⁰ as described by William Blackstone. It states that “by marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything.”¹¹ These constructions, especially with respect to marriage in the Indian society, have led to the issues like marital rape. The consideration of marriage as a sacrosanct and pure relationship in India makes it difficult for the woman in this relationship to speak up against the husband. The development of the society and the values have been given to a woman in the Indian culture in a manner that she is trained to remain suppressed and not raise a voice against the wrongdoing of the society, let alone be that of her husband. This leads to the belief that it is her obligation to keep the man satisfied and to never say no to any sexual activity that the husband would want to have in a marital relationship. On the other hand, the belief of the husband of being the “man” of the relationship has led to him never even considering the option of consent in any sexual activity inside a marriage. All these together has led to a belief that the curtain of the marriage should not be pierced by, and outsider and marital rape should not be treated as an offence under the BNS. Through this paper, we will attempt to suggest a way where the issue of public space vis-à-vis the privacy of marriage may be taken into consideration while dealing with any complaint of marital rape.

III. THEORY OF FEMINISM AND CONSENT: JOURNEY OF MARITAL RAPE

A Journey of Marital Rape through Jurisprudential Notion expresses the feminist's views on rape and marital rape. The entire issue of marital rape is closely linked with the waves of feminism, and here comes the important part of theory of feminism.

In Catherine MacKinnon's book titled as “Toward a Feminist Theory of the Government”. MacKinnon suggests that laws, particularly laws related to rape and sexual harassment, are a consideration of male dominance.”¹² The right to sexual intercourse is not an inherent right in

⁹ Partners for Law in Development, *CEDAW: RESTORING RIGHTS TO WOMEN* (2004) at page 46.

¹⁰ William Blackstone, I Commentaries on the Laws of England 442 - 445 (1765).

¹¹ *Ibid.*

¹² Catharine A. MacKinnon (one of the US' leading feminist scholars, a lawyer and an academic).

marriage, for such a right defeats the very concept of equality under Art 14 and human dignity. Under Art 21 of the Indian Constitution. Consent must be arrived at by both the husband and wife afresh each time. It is crystal clear that all intercourse should be as agreeable as possible as to both parties. Eliza Duffey, a 19th century feminist insisted that, upon the right to self is based on all the happiness that can possibly be found in marriage.

Feminists' ideologies have a common point on equality between a man and a woman which is not uniform. There are basically five schools of feminism.

1. Traditional/Liberal Feminism

It establishes the equality of rationality that men and women should be treated equally.

2. Difference of Opinion

The second idea identifies that there exists a difference of opinion between men and women. Men prioritize rights and logic whereas women on the other hand give importance to relationships. This school focuses to give importance to the inbuilt nature of women i.e. her care, concern and sacrifices which is generally underrated.

3. Theory of Superiority

This school focuses on social equality. It presumes the male domination and lack of balance of power, so it calls for abandoning of customary unequal practices and establishing a society where both the gender co-exists without dominance of any of them.

4. Radical /Dominant Feminism

This school is somewhat similar to the cultural school of thought, as they also stand against the inequality faced by the women, and they also encourage abolishing the traditional philosophies, which were made from male point of view. and consider man to be superior.

5. Post -Modern Feminism

Postmodern feminists emphasize the importance of self-definition and self-expression and seek to raise awareness about the experiences of marginalized women. They believe that women have diverse experiences of gender that are shaped by various intersecting social identities and power relations. Additionally, postmodern feminist legal theorists reject both the liberal equality theory that advocates for treating women the same as men and the difference theory that posits that women are inherently different from men. Instead, they call for a more nuanced approach that considers the complexities of gender and its intersection with other social identities.

The laws used to provide absolute immunity to husbands in cases of marital rape, solely based on the marital relationship. However, women activists in America started advocating for the criminalization of marital rape in the 1970s, to achieve equal protection for women. They argued that wives were often treated as mere property under the guise of marriage. This view of women as property had been prevalent in 19th century feminism, but it differed from Pateman's idea that wives were sexual subjects rather than mere objects of ownership. Pateman argued that husbands had economic, political, social, and physical control over their wives, who were often treated as domestic slaves. The legal discourse of the 19th century focused on women's empowerment and equality. It also explores the impact of global feminism in India and the legislative changes that have been made to address the issue of marital rape.

Feminist legal theory emerged as a new approach to understanding the law's role in perpetuating gender inequality. One of the key ideas to emerge from this field is the use of hedonic jurisprudence to demonstrate how women's experiences of assault and rape are a product of laws that treat them as inferior to men. By using examples, feminist legal theorists argued that these scenarios not only describe possible events but also reflect the reality of what has occurred. This approach highlights how the law ignores women's interests and undermines their existence.

IV. MARITAL RAPE: AN INDIAN STANDPOINT

Looking at some cases and the history of judgment on the intense injury by the husband on the wife. In the case of *Queen Empress v. Haree Mythee*¹³ it was determined that within the case of a marriage, the law of marital rape doesn't apply between husband and wife after the age of fifteen years. In this case, the husband was guilty under section 338 of the Indian Penal Code, 1860 for rupturing the vagina of his eleven years old wife inflicting an injury resulting in her death.

In *Emperor v. Shahu Mehrab*¹⁴, the husband was guilty below section 304A of The Indian Penal Code for inflicting the death of his minor wife by rash and negligence act of sexual activity along with her.

In *Saretha v. T. Venkata Subbaih*¹⁵, the Andhra Pradesh High Court held that there can be no doubt that a decree of restitution of conjugal right enforced offends the inviolability of the body and mind subjected to the decree and offends the integrity of such a person and invades the

¹³ 1891 ILR 18 Cal 49

¹⁴ AIR 1917 Sind 42

¹⁵ AIR 1983 AP 356

marital privacy and domestic intimacies of a person.¹⁶

In *State of Maharashtra v. Madhukar Narayan Mardikar*¹⁷, the Supreme Court referred to as the right to privacy over one's body. It was set that a prostitute has the right to refuse sexual activity. All stranger rapes are criminalized and every female, aside from wives, are given the right of privacy over their bodies thereby envisaging the right to withhold consent and refuse sexual intercourse. The difficulty is that it's been accepted that matrimony is sacred. Instead of making the wife worship the husband's every need, particularly sexual, it's supposed to flourish, mutual respect and trust. Its far more traumatic being a victim of rape by somebody familiar, a friend, and worse to have to cohabit with him.

The Hindu Marriage Act 1955, which governs Hindu marriages in India and The Special Marriage Act, 1954, which governs marriages between individuals of different religions or those who do not wish to follow traditional marriage customs, also does not specifically address the issue of marital rape.

The Indian legal system has provisions to penalize perpetrators of rape under Section 64 of the BNS. However, the issue of marital rape lacks specific laws for its prevention. While Section 63, Exception 2 of the BNS offers some protection to victims of marital rape, it only applies in cases where the wife is below the age of 18. This age limit was established by the Supreme Court of India in the *Independent Thought v. Union of India*¹⁸. This means that if a husband engages in sexual intercourse with his minor wife, he can be prosecuted for rape, but if the wife is an adult, no such protection exists. Therefore, while there are some limited provisions for the protection of victims of marital rape in India, there is no comprehensive protection against this heinous crime.

Situation Prior To The Independent Thought vs Union of India¹⁹

Age of woman (below 18years) + sexual intercourse = RAPE

Age of wife (15years-18years) + sexual intercourse by husband even if its brutal = NO RAPE

¹⁶ T Sareetha vs T. Venkata Subbaiah: Remembering a Revolutionary, available at: <https://www.legallyindia.com/blogs/t-sareetha-vs-t-venkata-subbaiah-remembering-a-revolutionary-decision#:~:text=Justice%20Choudary%20held%20that%20E%20%9Ca,at%20the%20heart%20of%20the/> (last visited on 20th June, 2024)

¹⁷ AIR 1983 AP 356

¹⁸ *Independent Thought v. Union of India*, 2017 10 SCC 800.

¹⁹ *Ibid.*

Situation Changed after Independent Thought vs Union of India²⁰

Age of wife below 18years + sexual intercourse by husband = Rape
 Age of the wife above 18years + sexual intercourse by husband = NO RAPE

The single illustration, where the marital rape was recognized is in the case of separation between husband and wife under section 67 of BNS. No effort has been made to cover up even the right of a married woman to explore her physical or sexual autonomy²¹ under the Indian Legislative system.

The 156th and 172nd Law Commission Reports have dealt with it but in a bit different manner.

156th Law Commission Report 1997 - hesitance to raise the age for wife from 15 years to 18 years in the Exception to S-375 IPC²²

172nd Law Commission Report 2000 - the expunction of the exception to Section 375 IPC is unnecessary as it may amount to excessive interference with the marital relationship. However, the Commission recommended that the age limit for the wife be raised to 16 years from the existing 15 years.

It is crucial to criminalise marital rape to protect women in India and their rights as equal citizens. Unfortunately, many do not consider Marital rape as a crime and believe that husband has the right to sexually abuse their wife.

Some argue that criminalizing marital rape could undermine the institution of marriage and

²⁰ *Ibid.*

²¹ Another peculiarity of Indian law is the provision for decree of restitution of conjugal right's embodied in s. 9, Hindu Marriage Act, 1955. In *T. Sareetha v. Venkata Subbiah* (AIR 1983 AP 356), the Andhra Pradesh High Court declared it unconstitutional and violative of the fundamental right of personal liberty and privacy. But the Apex Court upheld the validity of s. 9, Hindu Marriage Act, 1955 in *Saroj Rani v. Sudarshan Kumar* (AIR 1984 SC 1562) and totally ignored the effect such a decree can have on an Indian woman, who under the threat of judicial and social pressure and financial dependence may well be forced to go back to the matrimonial house and because of her vulnerable position in it, be forced to have sex and live a life of misery in an atmosphere she obviously abhors.

²² Law Commission of India, "172nd Report on Review of Rape Laws" (2000), para 3.1.2.1.

therefore Indian law does not currently consider it a crime. However, the reasons for this are not clear, and it is important to consider whether legal reforms could lead to a shift in societal attitudes towards marital rape.

If marital rape is no longer an exception to the law that criminalizes rape, women will have the option to report such a crime, and this could lead to greater empowerment and equality within marriage. Changing societal attitudes will require a change in mindset, but progress can only be made if action is taken.

It is important to recognize that the institution of marriage cannot be used as a defense in cases of rape. Failing to criminalize marital rape will cause greater harm to women than any harm caused to society by destabilizing the institution of marriage.

V. MARITAL RAPE: A COMPARATIVE ANALYSIS

In 1976, South Australia became the first common law jurisdiction to criminalize marital rape by repealing the common law immunity. In contrast, Britain did not have a codified immunity for marital rape and relied on judicial interpretation to soften it over time, particularly in cases where the parties were divorced or separated. It wasn't until 1994 that Britain abolished the immunity by codifying it into law.

Starting in the 1970s, advocates for women's rights began to challenge the marital rape exemption, arguing that it was a violation of women's bodily autonomy and a form of domestic violence. It wasn't until 1984 when the New York Court of Appeals became the first court in the United States to overturn the marital rape exemption, declaring that a husband could be prosecuted for raping his wife²³. This decision spurred similar challenges and reforms in other states, and by 1993, all states had repealed the full exemption. However, some states still provided partial immunity for certain sexual offenses, such as when the perpetrator and victim were married or in a domestic relationship.

Overall, the repeal of the marital rape exemption represented a significant victory for women's rights and highlighted the need for legal reform to address gender-based violence and inequality. As of 2021, all 50 states in the US have removed the marital rape exemption, which means that husbands can be prosecuted for raping their wives in all states. The exact dates of when each state repealed the exemption may vary, but as of now, all states have removed this immunity.

Marital rape was criminalized in the United Kingdom in 1991 with the enactment of the

²³ *People vs Liberta*, available at https://www.law.cornell.edu/women-and-justice/resource/people_v_liberta. (last visited on 26th June, 2024)

Criminal Justice and Public Order Act, which made it an offense for a husband to rape his wife. Prior to this, there was a common law principle that a husband could not be charged with raping his wife.

Presently, marital rape is a criminal offense in the UK, and the law applies to all marriages and civil partnerships. The Sexual Offences Act, 2003 sets out the legal framework for prosecuting cases of marital rape in the UK. The Act defines “rape” as the “non-consensual penetration of the vagina, anus, or mouth with a penis”. This includes cases where the victim and perpetrator are married or in a civil partnership.

The UK government takes the issue of marital rape seriously and has implemented policies and initiatives to address the issue. There are also organizations and support services available to aid the victims of marital rape.

VI. RECOGNITION OF MARITAL RAPE IN INDIA

Women have been provided the right against rape, but when the perpetrator is her own husband, with whom she shares the marriage vows such protection is taken away by the legislators. Although India is a country of sacrament and traditions, but issues related to rape within marriage are increasing day by day. Time has come to solve the problem related to marital rape.

A quote extracted from writer Bertrand Russell’s book *Marriage and Morals* – “*Marriage for a woman is the commonest mode of livelihood, and the total amount of undesired sex endured by women is probably greater than in prostitution.*”²⁴

The act of marital rape violates the dignity of women in several ways, including:

- i. **Infringement of bodily autonomy:** Marital rape violates a woman's right to control her own body and make decisions about her sexual life. It disregards her consent and imposes unwanted sexual activity on her, which can cause physical and emotional harm.
- ii. **Violation of human rights:** Women have the right to live with dignity, free from violence, coercion, and discrimination. Marital rape violates these fundamental human rights, denying women the respect and autonomy they deserve.
- iii. **Reinforcement of gender inequality:** Marital rape reinforces the idea that women are inferior to men and that their bodies are objects that can be used for men's sexual pleasure. It perpetuates gender inequality and undermines women's agency and autonomy.

²⁴ Russell Bertrand, *Marriage and Morals*, p 133.

- iv. Psychological trauma: Marital rape can cause significant psychological trauma, including depression, anxiety, and post-traumatic stress disorder (PTSD). It can also damage the trust and intimacy in a relationship and have long-term effects on a woman's mental and emotional well-being.
- v. Lack of legal protection: In many countries, including some developed countries, marital rape is not recognized as a criminal offense. This lack of legal protection reinforces the notion that women's rights are secondary to men's and denies women the justice they deserve.

Overall, marital rape is a serious violation of women's dignity, autonomy, and human rights. It is essential to raise awareness about this issue and work towards ending it by providing legal protection and support for victims.

A change in rape law should be welcomed, as it is necessary for the betterment of society. Criminalizing marital rape aims to establish the idea of clear sexual consent, not to unjustly imprison men. The idea of considering marriage as a license to rape is unacceptable. Marital rape is not an isolated incident; it can occur repeatedly throughout a person's life and leave a lasting negative impact. Despite being prevalent as a social problem, the concept of marital rape has historically been kept under a veil of secrecy, with stakeholders remaining silent. This concept is ill-suited for our society, where husbands' actions are often unquestioned by their wives. The history of marital rape being considered an exception is rooted in ancient patriarchal ideologies that excuse male dominance over women. Women have been conditioned to accept this type of behaviour - first under their father's dominance, then their husband's, and finally their son's - and rejecting it brands them as not "good" women who society can appreciate.

At present, there is a pressing need for the Indian legal system to reform its rape laws to create a safer society for women. This includes addressing the issue of marital rape, which has often been overlooked. Though there exists an option under the Protection of Women against Domestic Violence Act, 2005 and Section 85 of the Bharatiya Nyaya Sanhita, 2023, the effectiveness of these laws remains questionable. Given that marital rape falls within the domestic sphere and represents an extreme form of domestic violence, it is crucial that we ensure that legal remedies for domestic violence in India cover this issue as well.

VII. SUGGESTIONS: NEED OF THE HOUR

There are two kinds of problems which arise with respect to marital rape being offence under the BNS. One, that the concept is antithetical to the concept of marriage in the Indian legal system and second, as it has been established time and again that the offence is difficult to prove

in the court of law, the question then arises as to how to conclude. As far as the first problem goes, the question that occurs is that on one hand we have mental cruelty as grounds for divorce, which has been explained by Supreme Court to include *unilateral decision of refusal to have intercourse for a considerable period without any physical incapacity or valid reason*²⁵, and on the other hand forceful sex is being claimed to be marital rape. This results in a complex situation for the court to conclude, especially when no injury can be found on the woman's body at the time of the alleged offence.

Both situations may be resolved by dealing with marital rape in two ways - one where alleged marital rape is accompanied with an injury and the other where alleged marital rape is not accompanied with any injury. In case of the former, the allegations which have been leveled by the victim are backed by the medical report which could duly prove and establish the allegations and could further the investigation as well as the trial based upon material evidence. In the case of the latter, the major hurdle which follows are also two fold, first such allegations with no injury may not be a false prosecution initiated when an argument went wrong in a matrimonial relationship and secondly, we may also have to look into the rehabilitation and counselling of the victim where there might not be an injury to indicate towards the allegations as claimed but such victim shall also not be left without any opportunity of being heard or without being given an opportunity to seek justice. In case of the latter wherein the allegations are not accompanied with any physical injury, in such a scenario we suggest that the alleged act may not be treated as a criminal offence but be read in favour of the woman for her to separate herself from the husband and initiate the divorce proceedings and a preliminary enquiry may be made to determine the authenticity of the alleged act. For conducting this preliminary enquiry, a statue may be put in place to formulate a commission *pari materia* to that of a Child Welfare Committee²⁶ consisting of members like psychiatrists, members of the State Women Commission, members of State Legal Services Authority, Senior Police Officers, Judicial Officers and/or others. The functions of the committee should be such that the Sensitization and training of personnel related to marital rape be done in a way that a victim does not feel re-victimized in the entire process. The forum or committee should be trained to provide any and every assistance possible to the victim while looking into the matter at hand. The establishment of such a committee shall be in favour of both the victim as well as the husband.

The suggestions would be a step towards the impunity of marital rape in the Indian legal system and would create a better jurisprudence for the lawmakers to intervene in the penal statutes

²⁵ *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511

²⁶ The Juvenile Justice Act, 2015, S. 27.

towards positive reinforcement of rights of women while balancing it out with penalising such acts which happen behind the eternal and pious institution of marriage.
