
MARITAL RAPE - A BLOT ON SOCIO-LEGAL MACHINERY

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Abstract:Recent times have led to a lot of debate on considering marital rape or spousal rape at par with the stranger rape and to build same fences of protection for a wife as that for every other female. International laws such as convention on elimination of discrimination against women and declaration on elimination of violence against women have built up a platform to protect the wives from sexual assaults inflicted by their husbands and partners. India being a signatory to such conventions and declarations has not yet moved further in this direction. Our law is still stagnant with regards to the provisions of marital rape. We have proceeded to protect women in all forms, but wives. Our criminal law comes from the commonwealth laws and was designed by the British legislative. But the great irony is that they have criminalized marital rape and we are still waiting for some incident which would agitate the crowd and force government to make a law.

This paper deliberately talks about various countries and their law regarding marital rape. It illustrates various examples in the light of marital rape as a crime, occurring in various parts of the world. Then it traces out the history of marital rape and the change thereafter at the international level. It then moves further in finding the Indian legal provisions and prevailing practices in this concern. Comparing the Indian scenario with the international platform, the paper moves to find out the lacunae in our legal system and thereafter suggests some recommendations to be carried out to protect the interest of wives without infringing the strong bonds and fundamentals of marriage.

Introduction: Violence defined: Violence means physical force used so as to injure, damage, or destroy; unjust or callous use of force or power, as in violating another's rights, sensibilities etc and the harm done by this; great force or strength of feeling, conduct or expression, vehemence, fury; intense, often devastatingly or explosively powerful force or energy, as of a hurricane or volcano.

This can have many various dimensions depending upon the perspective of the person, for instance narrow or the wider interpretation.

In a narrower connotation, violence signifies an act carried out with the intention or perceived intention of physically hurting another person or it is the use of force or constraints to cause harm by commanding obedience to a required set of social or moral values.

In a broader sense, violence is a coercive mechanism to assert one's will over another, in order to prove or feel a sense of power. And it is a means to demonstrate power, authority or superiority in the general societal structure. Having looked at both narrow and broad perspectives of the term violence, it becomes evident that narrower definition misses out on many fronts and this asks for a more holistic view of violence and urge to decide its circumference in a more comprehensive way.

Thus from above definitions, it can be concluded that in a broader sense violence should include not only physical hardships caused to another but it encompasses various acts like causing humiliation, subjugation, suffering, socio-economic injustices, meting out behaviour which falls much below the accepted norms of human dignity etc. to vulnerable sections of the society.

In this sequence, there is an even more complete definition given in a meeting convened by the *United Nations Division for the Advancement of Women* in 1974, which states that:

"Violence is the use of coercive forms of powers; the use of

force or the threat of its use to compel someone to do something that the person might not otherwise do. It is a part of a continuum ranging from legitimate power (a person does something because it is a right to do so) through utilitarian power (a person does something because of a reward for so doing) to coercive power."

When a prefix sexual is added to the word violence it describes the deliberate use of sex as a weapon to demonstrate power over and to inflict pain and humiliation upon, another human being. Sexual violence may be defined as any violence, physical or psychological, carried out through sexual means or by targeting sexuality.

Thus sexual violence includes both physical and psychological attacks directed at a person's characteristics. Sexual violence doesn't necessarily include direct physical contact between the perpetrator and the victim, threats, humiliation and intimidation may all be considered as sexually violent.

According to Ms Gay J McDougall, sexual violence must be understood to exist in a continuum in which indirect or subtler forms such as sexual harassment at work place occur with graver extremes, like female genital mutilations, rape, trafficking, forced prostitution, etc.

Sexual violence can be both homosexual as well as heterosexual but latter is more pervasive and common because of oppressed and suppressed position of women in the society since many centuries. They are forced to remain silent by being threatened with social consequences of their act of voicing out their agony and rising against men in a male dominated social surrounding.

In the socio-cultural milieu of male dominated society, sexual violence against women can take in many forms like rape, female feticide, acid attack and marital rape which are now being brought to light by women welfare organizations and public spirited academicians.

In recent times, under the spectrum of sexual violence

against women, there has been a great debate on the topic of marital rape. Even Justice J.S. Verma Committee, appointed in the wake of “Nirbhaya incident”, to look into criminal laws related to violence against women, recommended that marital rape be treated as a form of violence against women and thus, a crime. Hence it has become a necessity to explore the various issues related to marital rape.

Marital rape: The word ‘rape’ has been derived from Latin word *raptus*, which was used to define the act wherein one man damaged the property of another. Under coverture legal system of United States of America and England, the property, of course, was the man’s wife or daughter.

Moreover the word rape, defined even as nothing more or less than a conscious act of intimidation by which all men keep all women in a state of fear, has been an enigma to the human race and it continues to be one of the most haunting and cruel acts that women are subjected to, by the male members of the society.

More recently, marital rape, largely a neglected topic, which is the most dreaded form of rape, is coming to the forum of discussion and being debated widely.

Marital rape, like the rape, can be understood as an act of forceful penetration of body of his wife by the husband in conjugal relationship.

In its narrower interpretation, it is also called ‘wife rape’. This is so because there are many scholars who are of the view that sexual assault of women by men in cases of couples living together in live-in relationship and sexual relations outside the institution of marriage or sexual exploitation involving sexual contact, such as when a husband coerces a wife to engage in sexual acts with someone else, should also form part of marital rape. Accordingly they believe that the same dynamics should be applied to them also.

This broader view is taken largely and solely by the scholars and researchers working in this field only. As result of this perspective, either taken in a narrow sense or even not at all taken by the state and state legislative bodies. They are of the view that, this act does not amount to be crime of rape. These are very narrow views and do not take into account that marital rape is also rape and needs to be criminalized. For this they come up with some very traditional and conservatives excuses which do not stand the scrutiny in modern world, which are sensitive to the human rights, and thereby they fall flat.

Types of marital rapes: On the basis of treatment a husband gives to his wife and the amount of violence he exercises there can be broadly three types of marital rape:

Battering rape: This includes both physical and sexual violence in relationship.

Force-only rape: In this category of rape, husband uses only the amount of force necessary to coerce his wife to make sexual intercourse.

Obsessive rape: this includes torture and perverse sexual acts and is often physically violent. This is also termed

as ‘sadistic rape’.

On a thorough understanding, it will not be erroneous to conclude that all these categories are somewhat merely semantic. And the only factor that differentiate, these is that of degree of force inflicted upon the wife during the sexual relations. This altogether leaves aside question of consent which has not been accounted in this. So in order to understand various perspectives and different definitions of marital rape and views towards marital rape, we now traverse a journey on concept of marital, starting with traditional view and concluding with modern or humanitarian approach.

Traditional rape of martial rape: One of the very first traditionalists who refused to consider marital rape as rape was Matthew Hale, Chief Justice of the Court of England in the 17th century in his pronouncement which goes like this:

But the husband cannot be guilty of a rape committed by himself upon his wife, for by their mutual matrimonial consent and contract the wife hath given up herself in kind unto the husband which she can’t retract.

After this verdict there was a flood of opinions and views of different scholars from various section of the society, all of these views were in agreement with his perspective.

This theory of Chief Justice of England found a reflection even in the ‘principle of marital unity’ widely recognized in legal and social domain of USA. This marital unity has been used, for ages, as an excuse of excluding Spousal rape from the category of Stranger rape. This consequently led to bestowing of rights and privileges along with the status upon the husbands, to do such a heinous act.

Concept of ‘Marital unity’ finds place in the writings of one of the prominent American legalist Blackstone who defined marriage as a civil contract like other public agreement but with an exception that contracting party cannot exercise party autonomy and thereby it is not up to them to decide terms of marriage and rights from it. They just had to accept whatever that was prevalent and at the time unilateral system of right was in action and was unchallenged and was to last lifelong.

In the words of Rebecca M. Ryan, it was a system of coverture, in which a whole mathematics of rights went like this: before marriage there was separate legal identity of both husband and wife but on getting into relationship their individual identities vanished and they become single entity in the law or in other words legal identity of wife got forfeited and subsequently her legal existence which resulted in forfeiture of her legal rights also. This forfeiture of her rights gave these to her husband or right over her and in return to this he was to accord her protection and she was expected to reciprocate by giving blind obedience.

In the nineteenth century when there were some voices raised against this discriminatory treatment against women, then scholars and academicians resorted to Natural laws and presented this practice in terms of Supreme Laws and declined it to be human interference.

They did so by defining sexual aspect of marriage and thought marriage contract to be a regulation of man's natural sexual instinct.

Moreover they also brought moral tinge and moral aspect to marriage and

"confined sex within the moral framework of marriage directing man to continue and multiply his species, the other prescribing the manner in which that natural impulse must be confined and regulated"

These traditional views of England and USA, which were in consonance with each other spread to rest of the world with the expansion of colonies of British Crown over the globe (India also included in these) and thus continued to be found even during the twentieth century also.

Some of the prominent cases are:

Virtuous women, like young girls, are unconsenting, virginal, rapable. Unvirtuous women, like wives and prostitutes, are consenting, whores, unrapable. – Catharine A. MacKinnon

The idea that marriage implies or requires perpetual consent, under all circumstances, to sex is grotesque – George F. Will

A husband cannot commit rape upon his wife unless she is legally separated from him – Encyclopaedia Britannica in 1958.

There is a common thread running through all these parochial views, which ultimately reflects their thought about wife and institution of marriage, which can be characterized under following heads:

- Woman is property of man.
- They don't have any legal rights.
- Sex is most important aspect of a marriage.
- In all cases of sex, consent of wife is presumed to be present.
- Living in the same house, but wilfully declining matrimonial intimacy and companionship, is per se a breach of duty on part of wife, tending to subvert the true ends of marriage.

All these primitive views and perceptions about position of women in the society and her duties vis-a-vis men's duties and rights, have reduced her merely to a commodity used by husband to have his unnatural sexual demand fulfilled even though wife is expressly resisting it and is not in a mood to consent the same.

Impact of traditional view: As a result of this parochial and outdated thought, the husband, under the concept of marital unity was not to be held liable for the marital rape as the wife's consent was assumed to be perpetual and the same could not be taken away by her throughout her life. All these draconian provisions contributed only with negative consequences and further laid to deterioration of women's position in the society and over empowering male community in marital relationships.

Modern approaches to marital rape: With the passage of time, there has flown a lot of water under the bridge and as a result there took place wide and significant changes in parochial and traditional

thoughts.

It was as early as 18th century when old erroneous laws of the Coverture started winding up their impact and were rolling down the slope, with the rise of popular belief favouring women and erosion of feeling that women is merely a chattel and therefore deserves treatment like that only. It was evident from the attempts of the feminists of 18th and 19th century, women were entitled to natural rights like her individuality and independence and any human institute cannot ask her to waive off these rights of hers (including marriages). Slowly and gradually these modern notions in the academicians' corridor of the century, started showing their signs even in the legal domain and under pressure from such academicians and feminist organizations there have been immense efforts made world over to restore the rights of women such as right to independence, individual identity etc. The prominent countries in this line are USA, Canada, Australia and England, where attempts have been made to ensure equality to women and save them from exploitation in the institute of marriage. These efforts can be summarized as follows:

England: It was in the year 1889, which was the first occasion when there had started attempts in law to go against this established common law of England that marital rape is not a rape and husband will enjoy exemption against this. Justice Field in his dissenting opinion in *R v Clarence* brought to the light lacuna of this common law and said that a husband can be guilty of marital rape when wife refuses intercourse. But this observation of Justice Field did not attract much limelight and the previous system of common law continued on its voyage for around one and half century more. In spite of all this, there came a time, when the exemption given to husband in case of marital rape started experiencing hits of the nail of time. It was in *R. v. Clarke* when opposed to earlier concept of marital unity, it was held that after being separated there can lay a case for marital rape against husband and the consent at the time of marriage stands reverted back. This was followed by *R v. O' Brien* where Justice Park, decided that even a decree *nisi* will terminate the consent given and this will bring end to exemption given to husband even though separation under *nisi* is not conclusive.

This case was followed by *R v. Steele* and Sexual Offences (Amendment) Act, 1976, but there was no substantial changes other than above said and thus initial problem (marital rape) was still left without cure because all these provisions related only to issues where there was no cohabitation and the marital rape is essentially an issue connected with the rape while husband and wife are cohabitating.

Finally through some case laws, there was a final blow delivered to *the exemption to husband from marital rape*. This include series of cases like *R v. R* [1], *R v C*, *R v Jand* most important of these *R v. R* [2] which pierced last nail across these exemption and hold that the radical, innovative and modern approach of Justice Brown in *R v C* is valid and the solution given by Justice Matthew

Hale is ridiculous, fiction and inconsistent with the modern societal norms and marital relationships.

Since then in England is considering forced intercourse by husband with wife under the category of rape i.e. marital rape and thus it can be stated in relation to English approach to this issue as progressive and adaptable to the changes taking place over the time.

United states America: In USA, since the verdict in *Warren v. State* which held that Georgian rape statute doesn't include any sort of marital rape exemption for the husband, there has been flood of holdings in the various states of USA on the lines of this case. Since then federal states of USA have been deciding against traditional thought of having perpetual assent of women in sexual intercourse and are engaged in act of denying implied consent in marital relationship throughout the life.

Now in USA all the states except three, namely Delaware, South Carolina and Oklahoma, have made some statutory changes regarding marital rape.

Similar to these countries, in recent times, there have been efforts by many of the other countries but some of them are engaged only in an act of formality and have not travelled to the roots of the problem. This has subsequently resulted into non retirement of such menace from the service of the society. An example in this light is of Sri Lanka where an amendment to its penal code made forceful intercourse by husband with his wife a crime but only in case when they are living separately after judicial separation. This shows reluctance on its part to bring violence inside the sexual violence inside the four walls of home under the spectrum of rape and treat it like marital rape.

But there are some instances, which point towards the genuine intention of countries to cure this problem and punish brutal husbands by bringing this forceful sexual intercourse under marital rape. For instance the Government of Cyprus, in its contribution to the Special Reporter, reports that its Law on the Prevention of Violence in the Family and Protection of Victims, passed in June 1993, clarifies that "*rape is rape irrespective of whether it is committed within or outside marriage*".

Indian approach to marital rape: The Indian Penal Code is the exhaustive code defining the crimes and penalties thereupon, in India. Section 375 is the defining section of Rape. With regards to marital rape it states that "sexual intercourse by a man with his own wife, the wife not being under 15 years of age, is not rape." This clearly highlights the fact that the legislature disregards the sexual violence asserted by a husband on his wife. By enacting such provision the legislature intends to disown its responsibility of protecting married women from their husbands. The reasoning behind this as given by the government is that "criminalizing marital rape would weaken traditional family values in India, and that marriage presumes consent, arguments opposed fiercely by women's activists." The government has itself presumed India to be a patriarchal society and a male chauvinist dominion. The presumption of the

government underlying this reasoning is that "leaving scope for the wife to accuse her husband of rape has the potential of destroying the institution of marriage." As asserted by the chairman of standing committee on home affairs Mr. Venkaiah Naidu. Though it is true that Indian women avoid sharing details of sexual abuse by their husbands but this cannot be a reason for taking away her right to complain.

Section 376 A of the Indian Penal Code defines that "Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine." From an outer look the section might seem to penalize marital rape, but a deeper analysis of the text of the section says something else. The section provides for punishing the husband who rapes his wife while they are judicially separated and not when they are in cohabitation.

Justice J.S.Verma Committee Report: Justice J.S.Verma committee was constituted after the December, 16, 2012 Delhi rape case to present its report on requirement of Amendment in Criminal Law of India to deal with the societal evil of Rape. The committee suggested its findings in a report dated 23rd January 2013. One of its recommendations was the criminalization of marital rape. With regards to the present topic the committee recommended that

- i. The exception for marital rape be removed.
- ii. The law ought to specify that:
 - a. A marital or other relationship between the perpetrator or victim is not a valid defence against the crimes of rape or sexual violation;
 - b. The relationship between the accused and the complainant is not relevant to the inquiry into whether the complainant consented to the sexual activity;
 - c. The fact that the accused and victim are married or in another intimate relationship may not be regarded as a mitigating factor justifying lower sentences for rape.

The reasoning behind such recommendations was that this change was in accordance with the fundamental objectives of the Convention on Human Rights, the very essence of which is respect for human rights, dignity and freedom.

But the report tabled by the parliamentary panel examining the Criminal Law Amendment Bill, 2012 recommended by the J.S. Verma committee went on to state that "there is also a provision under law for cruelty, it was therefore felt that if marital rape was brought under the law, the entire family system will be under great stress and the committee may perhaps be doing more injustice (to the women)".

Practical problem in enforcement of marital rape laws:

The professors of male chauvinism present the following reasons to safeguard their interest in not criminalizing marital rape:

- Threat to the institution of marriage and ruining of

the atmosphere inside the home.

- Difficult to prove as mere test of penetration cannot be applied.
- Can be misused by the parties.
- They are very uncommon so there is as such no need to have them included in rape.

A perusal of these contentions, which are cited by the legislature as practical problem in enforcement of marital rape laws and thereby criminalization of marital rape, is sufficient enough to brand them as mere fanciful and hollow excuses to hide their wish to act in this regard and tendency to shun away from problems. This can be further substantiated with the following arguments:

Even if we accept the argument that marriage is pure, sacrosanct and perpetual bond, then also it is very much self explanatory that marriage asks for respect of partners by each other, but such cruel acts don't leave any room for such things in marriage. Thus there is no doubt that in such situations marital relationship has already suffered damage and is passing through a bad phase.

Second argument that in case of marital rape, mere proving that there has been bodily penetration is not sufficient to establish marital rape and thus the instance of marital rape can't be proved in all proximate situations, seems so childish in its approach as it encourages future rapists, instead of acting deterrent to future criminals to go with transforming their evil intentions into actual physical act.

Third argument put forward explores an utmost lethargic attitude of legislature because it is self contradictory and highlights dichotomy in their behaviour because on one side they say that incidences of marital rape are very difficult to prove and on other front they contend that there will be many frivolous charges, which following their own argument can be said that will be more difficult to prove and thereby will not stand scrutiny of laws.

Finally the last contention portrays the utmost level of callousness as they keep on harping that there are few instances of such gruesome acts and there is no need to have laws prohibiting them, even though the finding suggests something else only. According to various researches, it is very well established that it is not like this that there are less occurrences of marital rape rather it is like this that they are substantially under reported.

Thus it very much clear that all these arguments, which are advanced by the legislative organs and some academicians fall flat on the real ground and this thing in fact points towards necessity of taking some realistic steps, taking into consideration all the pros and cons of them in short run as well as in long run.

Recommendations: There are two ways to solve this problem namely direct legislative attempt by the enactment of anti-marital laws and another is that which starts with individual actors of the society, in the form of up gradation of societal norms and changing of attitude towards such problems. Each of these steps

can't solve the problem of marital rape and help strengthening position of women individually, because merely laws which are against established parochial view towards women will not be able to even increase the number of cases which are reported and even if reported, this attitude of social actors will not contribute in bringing guilty to gallows and similarly merely social process and efforts are not capable of generating binding authority required to punish culprits. So it is increasingly becoming important to establish synergy between both these approaches, and through these recommendations this target can be achieved. Therefore recommendations and suggestions to do away with marital rape and spousal exemption are:

Pertaining to legislative action: There is a need to have certain legislations which take into consideration marital rape and remove anomalies existing in the various laws in force in India. In the light of 172nd Law Commission Report, J. S. Verma Committee report and other debates going on since "Nirbhaya" Case, legal steps required can be outlined as follows:

- Remove the exemption given to husband in case of marital rape.
- There is a need to amend the explanation II of S. 375 of IPC (*sexual intercourse with his own wife, the wife being not under 15 years of age, is not rape*) and broaden the scope of rape and thereby extend protection even to women beyond fifteen years of age.
- The provision of lesser punishment available to husband under S. 376 of IPC ("*...the woman raped is his own wife and under 12 years of age, in which case he shall be liable be punished with imprisonment of either description for a term which may extend to two years or with a fine or both*") should be done away with because it does not matter whether it is committed by stranger or husband (who of course is known), the psychological and physical agony and hardship caused are of the same level and of same extent so why there should be impartial treatment.
- Definition of domestic violence also needs to be made progressive and humanitarian instead of sticking to traditional view which requires act to be life threatening and capable of causing grievous hurt as has been laid down in Domestic Violence Act, 2005.
- In addition to these there should be provision of in camera proceedings in case of marital rape so that privacy is maintained.

Pertaining to social action: In addition to these steps, there are some social steps required to give strength to these legal provisions and make them successful and eradicate or at least reduces the instances of marital rape.

The need for these can be summarized in the words of Prof. Sandra Fredman of University of Oxford, who sent her recommendations to Justice Verma and which has been incorporated in his report. Her views are like this, "*training and awareness programmes should be provided*

to ensure that all levels of the criminal justice system and ordinary people are aware that marriage should not be regarded as extinguishing the legal or sexual autonomy of the wife"

These steps to change social attitude towards marital rape, can be classified as follows:

1. There are research data available, which points towards a fact that most of the incidence of marital rape go unreported and even after such incidence wives go on living with their partners. As we know that first and foremost act to punish a person for his wrong is that his conduct be brought to prosecuting machinery and this is done by reporting the same, and thus to increase incidences of reporting of these types of crime, there is a need to increase awareness among general public and change their provincial outlook that such law destroys marriage institutions and if they approach same laws and destroys heavenly created institution of marriage, they will be tried in their afterlife with harsh consequences. This can be easily done by providing adequate training to ASHA (Accredited Social Health Activist), ANM, GNM etc in this respect so that they can transmit the same to women in their vicinity and at the place of their work. In this respect, government should encourage even the role of NGOs so that they can also play their part of game and contribute in the welfare of women.
2. After this, there is prominent role of prosecuting authority and official, as they are the only person who let the suffering of public, presented before the adjudicating authority but when they are also inflicted with outdated thought and patriarchal mindset then it becomes very difficult for the law to take its course and give relief to sufferer. So there is a need to make this prosecution machinery sensitive to human rights and adaptable to changing social realities so that they give consideration to sufferings of women in cases of marital rape. This task can be accomplished if police officials and personnel are provided with requisite training about women welfare, modern perspectives about how to deal with weaker sections of society (including women ,as since centuries they are not given equal treatment) so as to empower them. This sort of compulsory training can be concluded at the time of their recruitment and even at different intervals during their service.
3. Last but not the least in this list comes the place of Judges who are entrusted with duty of giving effect to laws legislated by the legislature and if they don't fulfil their duty in entirety and treat issues related to marital rape in low regard compare than whole purpose of enacting such laws go wasted. For example J. S. Verma quoted instance of South Africa's case, where in spite of recognition of marital rape as crime, they treated it less seriously than the stranger rape. This can be or may be a situation in India also, so in order to remove this, there can be a compulsory course in Judge's training program whereby they are taught about ethics and ways to treat such issues.

Conclusion: India has been considered as the mother of

all civilizations. Law took birth in India more than 3500 years ago when all other civilizations were in their dormant position. Since then are we respecting and worshipping the feminine part of our human race.

We boast of considering every lady equal, if not above, to their male counterparts. But this doesn't seem a reality when it comes to the life, liberty and dignity of a married woman. This is evident from the ways that our government deals with crimes committed against them. India has been always in the forefront when it comes to protecting rights of the women but all these claims and effort are limited only to paperwork.

India is the signatory of the UN Convention on Elimination of Discrimination against Women (CEDAW), which was ratified by India as far back as 25th June 1993. India has also put a step forward by signing the UN Declaration on Elimination of Violence against Women. But the government could not make our own criminal laws to deal with the crimes against women even after signing of such convention.

All these show that it has always been adamant in following the control measures rather than monitoring measures. This attitude of government is evident from its approach in bringing the Criminal Law (Amendment) Bill, 2012 after the incidence of Delhi gang rape though such reforms were being asked for after signing CEDAW (1993) and verdict of *Vishakha v State of Rajasthan* (1997).

Though this delayed amendment is a brighter step towards the security and protection of women, but it still has become an issue of debate.

The Criminal Law Amendment Bill, 2012 was framed on the basis of the recommendations made by Justice J.S.Verma committee. Many provisions were accepted *in to* but the government and the Parliamentary Committee scrutinizing the report of the committee have turned a blind eye towards the endorsements made by the committee regarding the criminalization of marital rape.

Though on the contrary, there is a survey conducted by the International Institute of Population Sciences (IIPS), Mumbai which has revealed that 26 per cent of women in Pune, 23 per cent in Bhubaneswar and 16 per cent in Jaipur often have sex with husbands against their desire. Even there are some international researches which state that it is not only India but also the European countries are suffering with this patriarchal violence demon. A nine nation study within the European Union has revealed that current or ex-partners were the perpetrators of around 25% of all sexual assaults, and that violence was more common by partners (40%) than by strangers or recent acquaintances.

According to the UN Population Fund, more than two-thirds of married women in India, aged 15 to 49 have been beaten or forced to provide sex.

In 2011 the International men and Gender Equality Survey revealed that one in five have forced their wives or partner for sex. These statistics are clear indicators of women being harassed by their partners.

So from the various reports, surveys it is clear like distilled water that government needs to relinquish its lackadaisical attitude and come with some stringent law for marital rape also like it did for stranger rape. It

should do so as soon as possible without wasting time waiting for occurrence of incidence like "Nirbhaya" in case of marital relationship also.

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