

CRIMINALISATION OF MARITAL RAPE IN INDIA

*Kush Kalra

**Belu Gupta Arora

ABSTRACT

Marital rape is one of the violent crimes that is comparatively underreported, not to mention the reporting of the offending conduct to the authorities. Even the women who are aware of their own suffering are reluctant to contact the authorities since they might be financially dependent on their husbands. If they report the issue, financial assistance may be withheld, depriving them and their kids of food and housing.

Marital rape is against the basic principle of fundamental right which is enshrined respectively under Article 14 and 21 of the Constitution. Marital rape violates a woman's fundamental rights in accordance with the relevant Articles of the Constitution, unless it is specifically classified as a crime. In addition, the crime of marital rape is confined within a room and branded as a private problem, yet it is the State's responsibility to breach these boundaries in order to protect women. In the event that the State does not speak up, a woman will still be considered a victim of this crime and, more importantly, will be deprived of her basic right to an adequate remedy.

The primary need is to do away with uncertainty of laws by having a single law with objective criterion criminalizing any rape against married woman by their husbands irrespective of the age of wife. The criminalization of marital rape in general is hurdled by the protecting of the institution of family but this situation should not act as a conducive atmosphere for sexual exploitation of married women. The reform in the society is indispensable for a permanent solution as in a democracy societal interests cannot be divorced from state actions. But since such reforms cannot be seen in near future a balanced approach as provided in this paper is more compatible to the Indian society. Moreover the effective procreation of the laws is quintessential in abrogating practices detrimental to the interests of women, especially a victim of marital rape.

Keywords: Married, Rape, Reform, Criminalization, Detrimental.

INTRODUCTION

“A Family can develop only with a loving woman at its center”

-Karl Wilhelm Friedrich Schlegel

* Assistant Professor, NIMIMS University

**Assistant Professor, University of Delhi

Rationale of Marriage

Because marriage is the cornerstone of the family unit and the fundamental building block of society, it is particularly beneficial to society. It greatly stabilises the world, which includes interpersonal connections. It is still the greatest for raising children. It plays a crucial role in passing on civilization and way of life to future generations.

Marriage's conclusion differs from the idea of conception. Most of it is sexual desire, sex, etc. An unsuccessful attempt at coitus, such as a partial penetration, would no longer be considered coitus.¹ A voidable marriage may result from an unconsummated marriage due to the respondent's impotence, as stated in Section 12 (1)(a) of the H.M.A., 1955 inability, incapacity, or impotence to have regular coitus. Numerous things could be the cause of such an impairment or lack of competence. The inability to participate in a full and complete sexual encounter is known as impotence.² Level of sexual pleasure is beside the point.³ The realistic impossibility of marriage consummation due to impotence in both spouses serves as the criterion. It could be because of a mental or physical condition that would prevent regular intercourse. It may be psychological or pathological, long-lasting or fleeting. The capacity to conceive is no longer a prerequisite for coitus. A person is considered impotent if their physical or mental state prevents them from engaging in sexual activity and, as a result, renders marriage consummation all but impossible. This is a valid reason for divorce under Section XIX of the Divorce Act of 1869.⁴

After marriage, having children is a biological task that women are naturally obligated to perform. For any woman, becoming an obstetrician is a fulfilling goal in life. Maternity is admired by society for its multifaceted role as motherhood. When it comes to adolescent girls becoming pregnant, giving birth, and taking care of their toddlers after giving birth, the law has become the norm. An excellent move in this direction is the recent Maternity Benefit Act for working women. Till maternity technique has many problems. Firstly, infertility is pretty not unusual, each girl and men infertility.

Sterility and infertility are not the same thing. Infertility is the inability of a woman to conceive naturally or to induce a girl to conceive artificially for a variety of causes. Infertility brought on by outside factors, such as vasectomy in males and ovectomy in women, is referred to as sterility approach infertility. Families planning a child's procreation typically deal with issues related to conception, tablet toxicity, irregular menstruation, abortion, and even foeticide. A girl's reproductive life lasts until menopause, at which point she must avoid motherhood until she is between the ages of thirty and thirty-five. This creates unique opportunities for sexual life prevention.

Higher-ranking women in society who are not housewives have first abstained from having children in order to avoid complications from childrearing and trauma to the infant. They either decide on a stay-in relationship or are more likely to adopt other approaches to meet

¹*AmarendraChowdhury v. NaliniChowdhury*, (1975).

²*George Philip v Saly Elias*, (1995).

³*GayatriBai v. Pradeep KumarChourasia*, (1998).

⁴*Beena v. Varghese*, AIR 2000.

the needs of their partner's business and personal life once they have entered a stage of love or physical fulfilment. You might call a lot of famous people illustrations. They even need to become functional trends for the upcoming generation.

Therefore, marriage is not related to a private contract; rather, it is a social institution of communal value. Government surveys and social science research indicate that a rise in numerous severe societal problems from the early 1960s can be attributed to the decline in marriage.

SEXUAL VIOLENCE

In a society where men dominate, genital ferocity is one of the most effective and powerful ways for a husband to control a woman. It not only harms but also demands the lives of women and causes individual and collective barriers among women because it upholds the status quo of sexual orientation inequality, the enslavement of women, and control over them.

SEXUAL ASSAULT

Sexual assault describes how bad people use sexual activity as a weapon to show off their strength and to cause pain and shame to other people. It could be interpreted as any form of violence, whether physical or psychological, carried out through targeted suggestion or the sexual path. It is an immediate assault on a person's privates; the offender and victim do not actually come into contact physically, but they may nonetheless be threatened, humiliated, or intimidated as part of the same exchange.

Put differently, sexual abuse refers to a specific heavenly body of transgressions such as indecent conduct, rape, and assault. The offender could be a stranger, friend, relative, or associate.⁵

Rape is included in the definition of sexual assault; it might involve the use of physical force or, in any case, pressured penetration, no matter how little, of the vulva or rear end with the penis, other bodily parts, or an object. In fact, an attempt at assault is considered an endeavoured assault.⁶ Sexual maltreatment can incorporate different types of attack including a sexual organ, including forced contact between the mouth and penis, vulva or butt.

There is a wide range of force that can be used in terrorising. In addition to actual force, it may involve mental threats, coercion, or other risks, such as the possibility of actual injury, of being excused from an assignment, or of not receiving a sought-after job. Additionally, it may occur when the aggrieved party is unable to give consent, such as when they are unable to assent, quiet, sleeping, or mentally incapable of comprehending the situation.

⁵ Retrieved from <https://www.nij.gov/topics/crime/rape-sexual-violence/Pages/welcome.aspx>, visited on 30th April 2021.

⁶*Mehraj v. Emp.*, 1927 CrLJ 244 (Lah).

Forms and Contexts Of Sexual Violence

A wide range of sexually violent acts can take place in different circumstances and settings. These include, for example:

- a. Rape within marriage or Live-In relationships;
- b. Rape by strangers;
- c. Unwanted sexual advances or sexual harassment;
- d. Sexual exploitation of mentally or physically disabled people;
- e. Sexual exploitation of children;

DEFINITION OF MARITAL RAPE

In the absence of the wife's consent, husband's forceful coitus with his wife by force, threat of force, or physical violence is known as marital rape. It's anything except a silent, blatant display of a husband's intense wickedness against his wife, who is treated unfairly both fundamentally and genetically. All forms of penetration—whether anal, vaginal, or oral—performed against her will or without her consent are referred to as "undesired intercourse.

Abuse of Institution of *Trust, Emotions & Dreams*: Understanding Marital Rape

Marital Rape is nothing but the satisfaction a male ego since time immemorial. This gets worse when the breach of wives trust is combined with violence within the four walls of her home. Typically, an egoist husband is self-centred and unfeeling.⁷ Every delightful dream of a happy marriage washes away, when the marriage takes away the right to refuse sex with his husband⁸. The trust that he'll be the protector of her dignity is broken and emotions are shattered into pieces when he commits unwanted/forceful intercourse with his wife.

When someone hears the word "assault," they automatically think of someone who is untouchable or unpleasant. Currently, most people don't think about assaults in a married context. Women find it hard to remember a husband abusing their partner. All things considered, it appears to be off-kilter that would someone be able to be blamed for assault subsequent to having his intimate rights.⁹ It is demonstrative that a female has no privilege to her body, and her will is Scenario to that of her life partner. Even while domestic abuse is a really widespread and terrible form of masochism among the majority of Indians, it is barely noticeable behind the iron curtain of marriage. Despite the prevalence of domestic abuse, this problem has received very little attention from the public and notable authorities.

⁷ Cyndi Banks, *Criminal Justice Ethics*, Sage Publications, New Delhi, 2017, p. 382.

⁸ MukeshGarg and Nareshlata Singh, *Marital Rape Under Indian Law: A Study*, *International Journal in Menagement And Social Science*, Vol 01, Issue 02, June 2013.

⁹ Meenu Gupta, *Marital Rape: - Current Legal Framework in India and the Need for Change*, *Galgotias Journal of Legal Studies*, 2013 GJLS Vol. 1, p. 17.

Any unwanted sexual actions committed by a spouse or ex-husband against someone's will, without consent, or obtained by coercion, fear of force, intimidation, or when the victim is incapable of giving consent, are considered marital rape. These displays of sex include butt-centric or oral sex, confined sexual behaviour with other people, and other acts of sex that the victim views as repugnant, humiliating, challenging, and unwanted.¹⁰

After being raped by their spouse, women soon become routine victims of rape. They now endure oral and anal rape in addition to successful vaginal rape. Husband frequently uses force, verbal threats, physical violence, or guns to coerce very own other halves into having non-consensual sex with them. He also frequently rapes other halves while the wife is asleep. Marital rape is a grave crime that hundreds and thousands of women worldwide have to face on a daily basis. It is challenging to find accurate information about domestic violence and rape. This is due in part to the fact that women who are raped by their partners may be reluctant to report the incident for a variety of reasons, including loyalty to their family, fear of retaliation from their abuser, incapacity to leave the relationship, worry about the future of their children, or the absence of strict laws protecting victims of marital rape.

Marital rape is specifically complex due to the fact the complicated, private form of marital relation makes it difficult for the sufferer to even see herself as a sufferer. Marital rape is one of the violent crimes that is comparatively underreported, not to mention the reporting of the offending conduct to the authorities. Even the women who are aware of their own suffering are reluctant to contact the authorities since they might be financially dependent on their husbands. If they report the issue, financial assistance may be withheld, depriving them and their kids of food and housing.

CONSTITUTION OF INDIA VIZ-A-VIZ MARTIAL EXEMPTION TO RAPE

A nation's constitution is a document that captures the essence of that nation. The Indian Constitution is a reflection of the nation's research and culture, and it serves as a framework for the development and harmony of the nation as well as for the organisation and management of the powers and protection of human rights, as well as for balancing the competing interests of social and gender entertainment.

Every law that is passed outside of the nation is required under the Indian Constitution to adhere to its standards and principles. Courts have the authority to declare regulations invalid or to revoke them if they do not comply with certain well-known standards.¹¹

By distinguishing between "rape" and "marital rape," the rules currently in place discriminate against married women's rights in comparison to those of single women. Since rape is essentially performed by an unknown individual, it is illegal and a violation of fundamental rights. Essentially, though, it's the difference between really living with the rapist and just having to deal with the terrifying recollection of having been raped, which is already terrifying. This has severe consequences.

¹⁰*Ibid.*

¹¹*Ibid.*

Marital rape is against the basic principle of fundamental right which is enshrined respectively under Article 14 and 21 of the Constitution.¹² Marital rape violates a woman's fundamental rights in accordance with the relevant Articles of the Constitution, unless it is specifically classified as a crime. In addition, the crime of marital rape is confined within a room and branded as a private problem, yet it is the State's responsibility to breach these boundaries in order to protect women. In the event that the State does not speak up, a woman will still be considered a victim of this crime and, more importantly, will be deprived of her basic right to an adequate remedy when she is coitus without consent from her spouse.

EQUAL PROTECTION OF THE LAW

Article 14 enshrines a basic right of equality before the laws and identical safety of legal guidelines to every person in India. However, Article 14 does no longer call for everybody to be dealt with similarly in each situation but requirement that the equals within community aren't treated unequally and that the unequal of the society are not dealt with similarly.

The Supreme Court established two standards for a legitimate classification as early as 1952:

- a. The distinctions that set them apart from being put together should be the basis for the classification.
- b. Differentiation necessitates a logical connection to the legal objectives.¹³

Thus, laws that create classifications contrary to the basic framework of the Constitution are, on the contrary, inactive. As for what is reasonable, it is always based on the court's assumptions. With the emergence of each generation of judges, a new understanding of the law and rationality will emerge, making the constitution a living document. Preventing mainly gender-based stereotypes is essential to reduce gender-based differentiated remedies. Therefore, even if the equality test is used, care must be taken so that the stereotypes prescribed by patriarchal ideology do not predetermine what an affordable class is.

The exception clause to Section 375¹⁴ which violates the basic rights enshrined in our Constitution, discriminates with a women almost about safety from rape.¹⁵ This section makes the act as crime and ensures the protection of female adverse the forceful coitus without concord. Therefore, this section protects wives against criminal attacks on bodily autonomy and describes the interests of the state in prosecuting those who violate bodily autonomy. Therefore, it can be said that article 375 of the CIP aims to protect the rights of desire of women as self-sufficient persons and to be able to express themselves and consider rape as a violent crime, ignoring all the rights granted to that person. Ironically, however, Article 375 of the IPC proposes a category in the exemption clause that does not treat forced sexual relations in marriage as rape.

The right to protect rape victims is the main subject of Article 375 of the International Covenant on Civil and Political Rights. However, this right is revoked in marriage, and the

¹²Article 21: Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.

¹³*State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SUPREME COURT 75, 80.

¹⁴IPC, 1860

¹⁵ Retrieved From <http://www.ebc-india.com/lawyer/articles/645.htm>, visited on 2nd May 2021.

law instead focuses on protecting the rapist. It successfully denies a woman her right to physical autonomy and equal status while ignoring her right to choose. As a result, the type is illogical and violates the rights guaranteed by Article 14. Removing the protection of Section 375 of the IPC from the sufferers of the crime of rape entirely on the basis of their marital reputation is inappropriate for the functions of law and hence against the take a look at of class beneath Article 14.

The right to human dignity is an inalienable right that society recognises. The Hon'ble Supreme Court has ruled on numerous occasions in rape cases that a violation of human dignity¹⁶ is an offence against society as a whole rather than an offence under the Indian Penal Code. Any rules that allow a husband to have sex with his wife without getting her permission violate the fundamental rights outlined in Article 21 of the Constitution.

RIGHT TO SEXUAL PRIVACY

While the Indian Constitution does not mention privacy by name, it has been decided by the Supreme Court to include privacy under the definition of "liberty" in Article 21. According to this definition, any forceful sexual relations that a husband has with his wife without her consent is a violation of her right to privacy.¹⁷

RIGHT TO GOOD HEALTH

According to article 21, the right to adequate health has been recognized as part of the right to life.¹⁸ This right is important for a person's continued intellectual and metaphysical happiness. The principle of marriage immunity violates the suitability of the victim, because it will inevitably cause serious mental and physical harm. in the system. It destroyed female psychology and pushed her into a deep emotional crisis. If forced sex at a wedding results in notification of a sexually transmitted disease (STD) to the rape victim, a more compelling argument can be made. Therefore, the principle of matrimonial immunity rightly deprives married women of their right to health and therefore violates the Constitution.

DOES MARRIAGE IS EQUAL TO CONSENT: THE ISSUE OF MARITAL PRIVILEGES

Both society and the law have long considered discussing and addressing the topic of marital rape to be taboo. Despite being denigrated, it has gained recognition from groups and societies. Marital rape is no longer considered a privilege in married relationships as it is now illegal in many nations. Nonetheless, India continues to be among the nations that do not acknowledge marital rape.

¹⁶ *The Chairmen, Railway Board v. Chandrima Das*, AIR 2000 SUPREME COURT 988

¹⁷ *Kharak Singh v. State of U.P.* AIR 1963 SUPREME COURT 1295; *Govind v. State of Madhya Pradesh*, AIR 1975 SUPREME COURT 1378; *Neera Mathur v. LIC*, (1992) 1 SUPREME COURT 286

¹⁸ *CESUPREME COURT Ltd. v. Subhash Chandra*, (1992) 1 Supreme Court 441; *Regional Director, ESI Corpn. v. Francis de Costa*, 1993 Supp (4) Supreme Court 100.

Marital Rape or Spousal Rape is a form of sexual abuse and domestic violence, and is non-consensual sex perpetrated by the victim's spouse.¹⁹ A prominent case in American jurisprudence is that of *Oregon v. Rideout*²⁰. This was the first very case in the history of US where husband was tried for wife rape while residing under one roof. But the accused was acquitted as no evidence beyond doubt of non-consensual sex was proved. Later, a pamphlet on Clearinghouse on Marital and Date Rape was issued in the light of above case in 1983 and subsequently the world's first conference on Marital Rape was conducted.²¹ Around 50 states since then changed their legislature to some degree.

Under Indian Legislative system only civil remedies are being provided by the Judiciary under Protection of Women from Domestic Violence Act, 2005. Marital Rape isn't considered as a crime and no criminal liability is imposed on the perpetrator. The exception to this is non-consensual sex during a period of judicial separation.

The most conspicuous conflict arises in this exception to *Section 375* of the IPC, 1860.²² The Section lays down the conditions under which it's testified that a person has committed rape, mentioned below:

- a. Adverse her will
- b. Without her consent
- c. Consent under threat or coercion
- d. Consent under intoxication
- e. Unable to communicate her will

But these same conditions doesn't testify if it's committed by a men with his wife not being under 18 years (second exception). A presumption that marriage is equal to consent is drawn.

MARITAL RAPE WITHIN PROHIBITED CHILD MARRIAGE

The acceptance of child marriage, marital rape, and these practices by society have cast a shadow over the idea of humanity. The official age of marriage for a male and a girl is 18 years old and 21 years old, respectively. According to the Indian Majority Act of 1875, this is the age at which a person in India becomes a majority and is then entitled to make their own decisions. Parents are the natural guardians and have the authority to make choices up until the age of majority. When minors are involved in marriage, there is a risk of legal violations as well as the voluntary loss of minors' rights, particularly those of girls.

When a young girl is forced into marriage, her husband will engage in violent sexual relations, which will ultimately result in non-consensual sex. In addition to physically destroying the girl child because her body isn't prepared for marriage, this causes mental disease, sadness, and a life filled with terror.

¹⁹Aishwarya Borgohain, *The Paramountcy of Consent- The Validity Of Child Marriage And Marital Privileges*, An Independent Thought Publication, 2014, p. 33.

²⁰27 December, 1978

²¹*Ibid.*

²²Vikram Srivastava, *Marital Rape within Prohibited Child Marriage*, An Independent Thought Publication, 2014, p. 33.

Child marriage limits little youngsters' abilities, assets, information, social help, portability and self-governance. Youthful wedded young ladies have little force corresponding to their spouses and parents in law. In this way, they feel very powerless in the face of abuse, abuse and neglect at home. Cruelty can include physical, sexual, or emotional abuse.²³

In Law Commission of India's 42nd Report,²⁴ It was recommended that the husband bear criminal liability for having sex with his minor spouse. However, the proposal was rejected because the husband cannot be punished for raping his private wife because the sexual relationship is part of the marriage and the wife has the same opinion during the marriage process.

In *Independent Thought v. Union of India and Another*²⁵ the Supreme Court held that despite the fact that the Exception 2 of Section 375 IPC 1860 provides that sexual sex with a girl among the a while of age of fifteen and eighteen isn't rape, this provision makes a difference between a married child girl and an unmarried girl child, which is bigoted and against the high-quality pastimes of the girl child. It struck down this exception as violate of constitutional rights of equality, non-discrimination and lifestyles and private liberty. His provision of IPC 1860 contradiction with provisions of POCSO 2012 defines the offences of penetrative sexual attack and aggravated penetrative sexual attack. Based on Section 42A POCSO 2012, which establishes POCSO's dominance over conflict laws, the Supreme Court maintained POCSO's superiority over IPC 1860.

As a result, there is a need to strike a balance between the rights to self-determination and safety against sexual abuse or exploitation. It can be understood that child marriages should no longer be illegal and can be recognised as lawful as long as the minor giving permission to the marriage does so knowingly and outside of harmful or exploitative environments. This would uphold self-dedication rights as visible in Article 12 of the UNCRC which provides guarantee the proper to freedom for a child to express his perspectives in accordance along with his age and adulthood. Yet, from a health attitude, sturdy government policy of public dissemination of information regarding poor effects of toddler marriage is important, as a way to empower girl children to make such knowledgeable alternatives.

POSITION IN USA

In most USA States, resistance necessities still practice, one-of-a-kind States have distinct legal guidelines.²⁶ The conjugal assault absolved has stopped in 50 domains of the United States, conjugal assault wasn't an offense until 1976. At present despite the fact that conjugal assault is a wrongdoing in all expresses, a few states don't treat it comparable to different types of assault. A few states do not distinguish between assault by an outsider and assault committed by a spouse, including Colorado, Delaware, Florida, Georgia, Indiana, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North

²³Retrieved From <https://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Domestic-Violence.pdf>, visited on 03rd May 2021.

²⁴ Retrieved From <http://lawcommissionofindia.nic.in/1-50/report42.pdf>, visited on 03rd May 2021.

²⁵ [2017] 10 SCC 800, AIR 2017 SC 4904

²⁶Chitra Narayan, When The Spouse turns Abusive, *The Hindu*, June 03, 2018.

Dakota, Oregon, Texas, Utah, Vermont, Wisconsin, and the District of Columbia. In the remaining states, domestic abuse is considered a less serious crime.

POSITION IN AUSTRALIA

A person can obey the decision or order of a justice of the peace and allow him to marry at the age of 16.²⁷ However, in 1991, all Australian states stopped spousal rape exemptions.

CRIMINAL LAW AMENDMENT ACT, 2013 & MARITAL RAPE: BREAKTHROUGH

The most recent Criminal Amendment Act of 2013 meets many of the requirements set out in the report of the 172nd Committee Law Committee. Article 375 has been proposed, and the definition of rape under subsection (a) states that rape includes the insertion of the penis into the mouth, urethra, or anus that is not conducive to a woman's will. Further by means of the use of addition of Section 376-A, 376-B, 376-C and 376-D rape legal guidelines had been made greater stringent. Even though there are numerous great reforms delivered through way of 2013 amendment pertaining with the criminal law but after several reforms regarding with the sexual offences how the legislature didn't cover the victim of marital rape and didn't provide the remedy elsewhere.

CONCLUSION

Internationally, contemporary legal opinion supports making marital rape a crime. According to CEDAW and the International Covenant on Civil and Political Rights (ICCPR), marital rape violates fundamental human rights. In *C.R. v UK*, the European Commission of Human Rights ruled that an attacker continues to be an attacker regardless of his relationship with the target. Crucially, the ruling acknowledges that this modification of the custom-based rule is in line with the fundamental goals of the Convention on Human Rights, which include respect for individual liberty, dignity, and opportunity.

Besides the International bodies, modern democratic nations have also endorsed the criminalization of marital rape considering it as a gross violation of women's rights. For instance, in Canada, the arrangements in the Criminal Code, which denied criminal obligation for conjugal assault, was revoked in 1983. It's anything but a wrongdoing in Canada for a spouse to assault his better half. South Africa had condemned conjugal assault in 1993, turning around the custom-based law rule that a spouse couldn't be seen as blameworthy of assaulting his better half. In Australia, the common law 'marital rape immunity' was abolished in all jurisdictions from 1976 onwards through legislative initiative. "On the off chance that it was ever the custom-based law that by marriage a spouse gave unalterable agree to sex by her better half, it is not, at this point, the precedent-based law," the Australian High Court decided in 1991. This ruling suggests that the law is very probably in place." The common law fiction has always been offensive to human dignity and incompatible with the legal status of a spouse," stated Justice Brennan, as he was known at the time. These locations

²⁷ The Australia Marriage Act, 1961, p. 11.

have also gone a step further in realising that the complainant's link to the accused should not imply assent in any case.

The above juristical thought is not only in line with the concept of human rights but also with logical reasoning based on different research which have shown that marital rape has serious consequences on the physical and psychological front of a woman. Although the long-standing illusion is that an accomplice attack is usually an intangible incident that causes little harm, research shows that spousal attacks usually have a serious and reliable impact on women. The actual effects of spousal assault may include injuries to the vagina and central area of the buttocks, cuts, tenderness, wounds, muscle tremors, fatigue, and retching. Women who are abused and beaten by their spouses may suffer other real side effects, such as fractures and stab wounds that occur during sexual brutality. In her case, some spouse assault survivors were kicked, beaten or consumed during sexual intercourse.

Some researchers analyzed the psychological effects of being attacked by accomplices on different types of cruel behaviors. Considering that women beaten by their accomplices may experience countless assaults, termination of sexual assault, and assaults by people they seem to admire and believe, it seems that spouse assault survivors can tolerate extreme situations and continue for a long time. This is not Surprisingly. Psychological results Like other victors of sexual brutality, some of the temporary effects of spouse attacks include discomfort, dizziness, unusual fear, discouragement, self-destructive thoughts, and terrible stress problems.

Compared with the women assaulted by outsiders and those whom they don't know well, conjugal assault survivors report much higher paces of outrage and melancholy and long haul impacts including cluttered eating, rest issues, gloom, issues building up confiding seeing someone, and expanded negative sentiments about themselves. The exploration also shows that the psychological effects can be reliable, because some assault surviving couples have reported flashbacks, sexual fragmentation, and passionate pain long after the vicious event.

One of the most horrifying forms of sexual abuse that take place in families is spouse assault. Because of the movement's beliefs, the problems with protective connections, the way male-centered oppression is hidden, and, most of the time, because of their financial dependence, female victims tend not to talk about their pain. Because of its human-centered approach, the law disregards the battered spouse's vibrant desperation and does not view marital assault as a crime, meaning that punishment is not meted out. Spouse rape occurs in a wide range of relationships, regardless of age, social class, race, or status.

The primary need is to do away with uncertainty of laws by having a single law with objective criterion criminalizing any rape against married woman by their husbands irrespective of the age of wife. Protecting the institution of the family stands in the way of the criminalization of marital rape in general, but this should not create an environment that encourages the sexual exploitation of married women. In a democracy, community interests and state actions are inextricably linked, making social reform essential to a long-term solution. However, as such reforms are unlikely to occur anytime soon, the paper's balanced

approach is more appropriate for Indian society. Furthermore, the successful implementation of legislation is vital to ending behaviours that are harmful to women's interests, particularly for those who have been raped in marriage.

SUGGESTIONS

Keeping in background the status of Indian society, it is suggested:

- i. Must completely remove spousal rape exception
- ii. . The law should clearly state:
 - a. The marriage or other relationship between the offender or victim is not an effective defense against rape
 - b. The relationship between the defendant and the plaintiff is unrelated Consultation on non-consensual sexual behavior.
 - c. The accused and the victim are married or other intimacy, is not mitigating factor is a sentence that proves that the rape is low .
- iii. Non-resistance, forceful resistance, or screaming from the wife should not be a defense to the accusations.
- iv. If the spouse rape accusation proves to be detrimental to her husband, the wife should have the option to obtain a divorce order. Although marital rape cases may be viewed as cruel or rape as a ground for divorce, it is best to clarify the legal situation.
- v. Filing for divorce may be an option for the wife, but if the wife does not want to file for divorce and wants to continue the marriage, she must allow the marriage to continue.

Moreover, it is recognised that changing the law concerning sexual offences is a challenging and delicate undertaking, made even more so in a country like India where a variety of unique personal and religious legal systems coexist and may conflict with the recently suggested modifications to the statutory criminal code. On the other hand, considerable changes must also be made to the law concerning sexual offences; for example, it must become unbiased and remove any inequalities; a complete overhaul of sexual offences is not suitable. The Indian Penal Code urgently needs to make marital assault a crime.