

CRITICAL ANALYSIS ON VALIDITY OF CRIMINALIZATION OF MARITAL RAPE

R. Ammu M.L

Assistant Professor of Law, Government Law College, Coimbatore, India

ABSTRACT

In India, marriage is considered as a sacred relationship between spouses built on the basic foundations of trust and consent. It is said that in a marriage the couple vows to keep each other happy, to support, respect and treat each other equally. But the Indian patriarchal system doesn't treat women as equal to men. The society presumes that women are subservient to men and thus can be treated as per the whim and fancy of their husbands. In a marriage, women are meted out to various forms of violence and marital rape is one such heart-wrenching crime negating the concept of equality and consent. The term "marital rape" refers to rape committed by the victim's spouse. The Indian Legal System excludes from its ambit rape committed by a husband with his wife, wife being more than 15 years of age. Exception 2 of Section 375 IPC shields these criminals from being punished for this heinous crime. This paper attempts to peruse the concept of marital rape and the justifications given in its support. It further explores the evolution of the marital rape exception clause along with its current status and sheds light on the legal position of marital rape in India. Stating the types and effects of this heinous crime on women, it concludes in support of the criminalization of marital rape exception clause by suggesting amendments to the criminal law for penalizing this atrocious crime.

KEYWORDS: *Marital Rape, Criminalization, Marital Exemption, Consent*

Article History

Received: 19 Oct 2019 | Revised: 24 Oct 2019 | Accepted: 31 Oct 2019
