



Study about Marital Rape, Key Constituents and Legal Position Of Marital Law under the Indian law

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Introduction : (Section-375) of the Indian Penal Code defines rape as a criminal offense under family law in which a man commits sexual contact/intercourse with force Will apply or pressure, threats, violence, abuse, molestation etc., without the consent of a female. Whether to get the age of chiefs or to be in minors, in the eyes of the law a rape is called the criminal offense.

ISSN : 2348-5612 © URR



Marital rape: In marriage or spouse rape, marital rape or rape is an unwanted & unconvincing sexual intercourse by a person with his wife, in which man puts pressure on his wife under physical violence, force, fear generations etc. & threatens ... Marital rape is a non-negotiable act of violent distortion against husband being made against his spouse.

Marital rape means. : The term 'rape' is mainly derived from the Latin word 'raptus', which literally refers to the act by a person who is harmful or destructive of another person's property. Here, the property mainly refers to the wife or daughter of another person.

Marital rape, as the name suggests, that spouse is raped due to her husband. It originally refers to the real use or force of husband's use force to sexual intercourse against a wife. This form of rape, also known as a marital rape or wife rape, is also called when a woman is forced to enter sexual intercourse in case of being unable to agree. These roots come back to the age of the history of mankind when women were considered the property of their husbands. It was also covered by a legal theory of intelligence, which means that the wife is once covered by a married person as if she is now her property. It denies a woman's physical integrity, which is shocking to women's rights.

The issue of marital rape is largely neglected. Patriarchal domination of the society has come back to time & the husband has been given exemption in the cases of marital rape, on the basis of



the belief that the wife has given her husband the marriage through marriage contract. Modern leaders, in support of the victims of marital rape, however said that marital rape is also a form of rape & the marital status of the woman should not have any effect on criminality in the crime of rape. It is a form of rape which is hidden under the cover of marital secrecy which gives both husband & wife the right to protect personal acts, both of which they enter with consent: one to hide violent acts Do not guard.

Major Constitution of Marital Rape

- Marital rape is known as rape in marriage, where the husband forcibly commits sexual intercourse against his wishes & consent with his wife. The main components of marital rape are:
- Sexual forced activity with intercourse, anal sex, oral sex, forced sex or any physical activity, which leaves the sufferer in a painful situation.
- In a situation where a woman is sleepy or unconscious.
- Subject to domestic violence, physical abuse, force, danger, etc. ...

Legal status of Marital-law under Indian law

- (Section-375) of Indian Penal Code recognizes rape as a criminal offense & gives subject to punish the accused in the eyes of the law.
- However, (Section-376) of the Indian Penal Code has defined matrimonial rape in a totally different situation.
- According to the law, the accused (rapist) will be punished for imprisonment for imprisonment, which will not be less than seven years of rule. Apart from this, it can be extended to a life imprisonment or the term can be extended up to ten years.
- Apart from this, the accused will be penalized for fines. If the victim is his wife & is above 12 years then the accused will be sentenced to imprisonment which can be extended for two years or can be fined or punished with both.
- Ironically, the Law Commission of India does not consider marital rape as a criminal offense.



• Apart from this, in the year-2005, the Act passed by the Domestic Violence Act-2005 for the protection of women was not considered as a criminal offense or a matter of rape, but it was known as domestic violence.

• However, under the Domestic Violence Act-2005, the victim, who is married to a rape, can approach the court seeking legal separation from her husband.

Conclusion

Regardless of the present situation, where marital rape is given little attention to legal fraternity, it is a serious crime which provokes a woman. According to Indian law, a woman having sex with a woman under the age of sixteen becomes a victim of rape. However, a married woman is not raped even after being forced to enter sexual intercourse. The idea that a woman cannot take legal protection when her husband is forced to have sexual intercourse, herself is upset.

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