

# A Study on Obstacles in Considering Marital Rape as Rape in India

Sukitha Shri. S. N<sup>1</sup>, Revathi Rajendran<sup>2</sup>

<sup>1</sup>Fourth Year B.A, LLB(Hons), Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai-600 077

<sup>2</sup>Professor, Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai-600 077

## ABSTRACT:

Marital Rape is the word which depicts the sexual demonstrations committed against the wish of spouse's assent and makes the trepidation in the psyche of females that the actual aggravation would proceed assuming she stands up to 32% of ladies in India who have at any point been hitched have encountered spousal physical, sexual, or close to home viciousness, as per the most recent fifth round of the National Family Health Survey (NHFS-5). It further uncovered that 25% of hitched ladies in the 18-49 years age bunch who have encountered spousal physical or sexual brutality report having actual wounds, including seven percent who have had eye wounds, injuries, separations, or consumes and 6 percent who have had profound injuries, broken bones, broken teeth, or some other serious injury. Objectives that have been put sent by the scientist, for example, to know individuals' viewpoint about conjugal assault and the purpose for why it is as yet detailed least in amount and battles in considering conjugal assault as rape. People and society is as yet accepting that spouse can show anger, domination and resentment in type of physical and sexual torment and ladies need to stay quiet to maintain family's status this outcome was acquired by study taken by analyst and utilized SPSS procedure to get the result. While examining the examination and writing audit gathered for it remind that society actually hold themselves over custom and custom than opening up and giving voice against Marital rape.

**KEY WORDS:** Marital rape, Custom, Sexual violence, Domestic violence, Spouse.

## INTRODUCTION:

To appreciate the motivation behind why this was subsequently, we truly need to look at marriage. Across the world, and till lately, marriage has been unequivocally treated as being outside the space of attack. For sure, even in the Western countries that we cooperate with the more "significant level" practices of direction consistency, intimate attack was treated as an extraordinary case for the bad behavior of attack till the mid 1990s. Simply the past Soviet Union had intimate attack on its goal books not long after its creation in 1922. With next to no an overall definition, a couple of scientists take association with be an association where a man and a woman reside separately, have sexual relations and partake in supportive financial movement. Others have underlined the association among marriage and property, or even more precisely, the giving of property beginning with one age then onto the following. The dominating sort of marriage in the state of the art West ended up being undeniably man driven, recognizable in late eighteenth century British guideline, for instance, by which a mate transformed into the property of her life partner

upon marriage. Genuinely, monetarily and legitimately, she had a spot with him. Mates, along these lines, saved the honor to get to their spouses truly, without the subject of tension or consent being relatively close anyway. As property, life partners should be safeguarded from the (unlawful) sexual access of various men, and here too, their consent was superfluous. Marital assault is viewed as sexual action directed by one companion against another and this is violative of article 14 of the constitution. Many nations perceive this military assault as barbaric demonstration on the grounds that non consensual intercourse isn't just demonstration of savagery however it breaks the conviction upon one another and trust between themselves. Exclusion 2 of Section 375 as per the Indian Penal Code, decriminalizes intimate attack, and holds that sex between a man and a woman in marriage can't be seen as assault. Till date in the event that a ladies is confronting conjugal assault she can't go to the police and document a case for assault since it isn't perceived under Indian regulation in any event, for National Family Health Survey information the connection with ladies are held in private manner. In various Asian countries, intimate attack isn't seen. While in various spots, including two or three African countries similarly, they see intimate assault. Generally talking with pregnant women or new mothers, they are constrained into sex regardless, when their bodies can't really manage such an exhibition. "So in these cases, a criminalisation of intimate attack will be perfect for ladies." In by far most of the cases, women have a fear that expecting they deny their associate, they will not get to visit their parental house, or not be given money for their essentials. Expecting you contrast this perception and that in various countries, you will see that there women are locked in to say 'no', ".conjugal foundations can't be with close to no sexual relations, "yet what ought to be seen is that there is a differentiation among attack and a sexual relationship." It checks out that despite the opportunity of a total guideline coming in, what is of higher importance is making care among women and in the public eye. "There can be a good guideline, there can be a nice discussion about this guideline. However, without a doubt we want to empower the women to come and report these. If this fortunately transforms into a guideline, it will be used by an especially foreordained number of women, who could presently be empowered and trained, considering the way that this is an especially cryptic point,". Eliminating the intimate attack extraordinary case won't make one more offense since it at this point exists in the chief piece of the IPC. The view that denouncing intimate attack would obliterate the underpinning of marriage is forbidden, since marriage isn't institutional yet private. Nothing can crush the 'association' of marriage except for a standard that makes marriage unlawful and guilty. Turning around of all of these suggestions would have finished about Independent Thought 1 not coming outcomes at which it appeared. A couple of events are those where the mate is battered during the sexual violence, or the attack could follow a genuine savage episode where the spouse needs to make up and obliges his better half to have sex notwithstanding her craving running against the norm. Generally speaking, the losses fall under this communicated class. The aim of the researcher is to know, understand, analyse the reasons behind the unreported marital rape cases and why legislation is not considering marital rape as rape.

### **OBJECTIVES:**

To understand why Indian legislation is not considering marital Rape as Rape. To analyse why the reporting of marital rape is comparatively less.

To know whether people are aware and free to voice out about marital rape.

To find what is stopping married women from Reporting about the harassment done to her.

## REVIEW OF LITERATURE:

The Karnataka High Court, in its March 23 decision, has held that a man can't get away from preliminary for assault simply because the casualty is his better half for what it's worth against the right to uniformity and proposed that legislators ought to regard the "voices of quietness" and eliminate the disparities in the rule. The well established backward felt that the spouses are the leaders of their wives, their body, brain and soul ought to be destroyed, it said while declining to drop the charge of assault against the candidate who had purportedly physically attacked his wife. Women and man being comparable under the Constitution can't be made conflicting by Exception-2 to Section 375 of the IPC," it further said, seeing that it is for the lawmakers to think about over the presence of such aberrations in guideline. **(Chhibbar)** Earlier this year, the Karnataka court refused to dismiss rape charges filed by a woman against her husband, despite the exception to the law, with the Judge stating that, "a brutal act of sexual assault on the wife, against her consent, albeit by the husband, cannot but be termed rape." **(Goel and Marwaha)** The latest government data says that the husband was the perpetrator for most of the married women in the country who have experienced sexual violence. According to the National Family Health Survey 5 (2019-21), "Among married women aged 18-49 who have ever experienced sexual violence, 83 per cent report their current husband and 13 per cent report a former husband as perpetrator." The previous NFHS, which was out five years ago, also noted similar numbers. The latest survey also observes that in most cases of sexual harassment, the perpetrators are mostly people with whom the victims have had an intimate relationship with. **(Agnes)** While we are not concerned with the general question of marital rape of an adult woman but only with marital rape of a girl child between 15 and 18 years of age in the context of Exception 2 to Section 375 of the IPC, it is worth noting the view expressed by the Committee on Amendments to Criminal Law chaired by Justice J.S. Verma (Retired). The out-dated notion that a wife is no more than a subservient chattel of her husband has since been given up in the United Kingdom. Reference was also made to a decision of the European Commission of Human Rights which endorsed the conclusion that "a rapist remains a rapist regardless of his relationship with the victim." **(Judy et al.)**<sup>3</sup> While discussing about Section 375, some Members felt that the word 'rape' should be kept within the scope of sexual assault. The Home Secretary clarified that there is a change of terminology and the offence of 'rape' has been made wider. Some Members also suggested that somewhere there should be some room for wife to take up the

<sup>3</sup> Independent Thought vs Union Of India on 11 October, 2017

issue of marital rape. It was also felt that no one takes marriage so simple that she will just go and complain blindly. Consent in marriage cannot be consent for ever. However, several Members felt that the marital rape has the potential of destroying the institution of marriage. The Committee felt that if a woman is aggrieved by the acts of a husband, there are other means of approaching the court. In India, for ages, the family system has evolved and it is moving forward. Family is able to resolve the problems and there is also a provision under the law for cruelty against women. It was, therefore, felt that if the marital rape is brought under the law, the entire family system will be under great stress and the Committee may perhaps be doing more injustice."<sup>4</sup> **(Westmarland and Gangoli)** *Satyawati Sharma v. Union of India*, (2008) 5 SCC 287, relied on *Motor General Traders v. State of A.P.*, (1984) 1 SCC 222, cited The view that marital rape of a girl child has the potential of destroying the institution of marriage cannot be accepted. Marriage is not institutional but personal -- nothing can destroy the "institution" of Marriage except a statute that

makes marriage illegal and punishable. A divorce may destroy a marriage but it does not have the potential of destroying the "institution" of marriage. A judicial separation may dent a marital relationship but it does not have the potential of destroying the "institution" of marriage or even the marriage. It cannot be said that no divorce should be permitted or that judicial separation should be prohibited.<sup>5</sup>(**Sinha**)One of the doubts raised was if the Supreme Court strikes down, partially or fully, Exception 2 to Section 375 IPC, is the Court creating a new offence? There can be no cavil of doubt that the courts cannot create an offence. However, there can be no manner of doubt that by partly striking down Section 375 IPC, no new offence is being created. The offence already exists in the main R/CR.A/866/2021 JUDGMENT DATED: 23/08/2021 part of Section 375 IPC as well as in Sections 3 and 5 of the Pocso Act. What has been done is only to read down Exception 2 to Section 375 IPC to bring it in consonance with the Constitution and the Pocso Act. The Court is not creating any new offence but only removing what was unconstitutional and offensive.(**Baxi**)Conjugal assault is in presence in India, a shameful offense that has scarred the trust and trust in the establishment of marriage. A huge populace of ladies has confronted the brunt of the non-criminalization of the training.Conjugal assault alludes to undesirable intercourse by a man with his better half gotten forcibly, danger of power, or actual viciousness, or when she can't give assent. It is a non-consensual demonstration of brutal depravity by a spouse against the wife where she is manhandled genuinely and physically.The accompanying three sorts of conjugal assault, by

<sup>4</sup> Farhan vs State & Anr on 11 May, 2022

<sup>5</sup> Motor General Traders v. State of A.P., (1984) 1 SCC 222

and large common in the general public;Battering assault: In this kind of conjugal assault, ladies experience both physical and sexual viciousness in the relationship and in numerous ways.(**Kirpal**)The latest decision by the Chhattisgarh High Court, found atrocious by many, shouldn't surprise. After all, the learned Chhattisgarh High Court judge NK Chandravanshi was only quoting from the law of the land when he cleared a man, accused of raping his wife, with the verdict that sexual intercourse by a man with his wife is not rape even if it is by force or against her wish.(**Gangoli**)High Courts in India have often differed on the legality and definition of marital rape. Last month, the Kerala High Court ruled that marital rape, though not recognised under the penal code, could still be considered grounds for divorce as a form of cruelty. The Kerala High Court noted, "Treating wife's body as something owing to husband and committing a sexual act against her will is nothing but marital rape. Right to respect for his or her physical and mental integrity encompasses bodily integrity, and any disrespect or violation of bodily integrity is a violation of individual autonomy."(**Hale**)A High Court bench is hearing a batch of petitions that argues against the 'marital rape' exception in the Indian Penal Code. The discussion has put a spotlight on the issue of marital rape, especially the arguments for and against the criminalisation of marital rape. Rahul Gandhi recently tweeted his comments on the issue, saying 'consent, as a concept, is underrated'. Supporting the criminalisation of marital rape, Rahul Gandhi said that to ensure the safety of women, consent has to be "foregrounded".(**Randall et al.**)The BJP government, on the other hand, has told the High Court that marital rape cannot be criminalised until talks with all stakeholders end. The Modi government has said that the talks with stakeholders would lead to comprehensive amendments and not piecemeal changes. It further said that even the petitioners can give suggestions to the committee overseeing the talks and those suggestions would be considered(**Lev et al.**)A lady is qualified for reject sexual relations with her significant other as the right to real trustworthiness and security is a natural piece

of Article 21 of the Constitution. High Court has included sacredness of ladies, and opportunity to pursue decisions connected with sexual action under the ambit of Article 21. In the State of Karnataka v. Krishnappa, the Supreme Court held that sexual brutality separated from being a dehumanizing act is an unlawful interruption of the right to protection and sacredness of a female (**Onu et al.**) In the Suchita Srivastava v. Chandigarh Administration, the Supreme Court compared the option to settle on decisions connected with sexual movement with privileges to individual freedom, protection, nobility, and substantial trustworthiness under Article 21 of the Constitution. High Court 2017 Aadhaar deciding that solidified the right to protection the 2017 decision that struck down the act of moment triple talaq as unlawful and held that regulations can't be "clearly erratic" Assault not ground for Divorce (**Hayes and van Baak**) It is high time that the legislature should take cognisance of this legal infirmity and bring marital rape within the purview of rape laws by eliminating Section 375 (Exception) of IPC. By removing this law, women will be safer from abusive spouses. They can receive the help needed to recover from marital rape and can save themselves from domestic violence and sexual abuse. (**Finkelhor and Yllö**) Indian women deserve to be treated equally, and an individual's human rights do not deserve to be ignored by anyone, including by their spouse. Legal prohibition on marital rape must be accompanied by changes in the attitude of the prosecutors, police officers and those in society generally. The need of the hour is that marriage and divorce must come under secular law and there cannot be any difficulty in having a common code of law for all communities at least for marriage and divorce. (**National Research Council et al.**) Marital rape (or spousal rape) is an act in which one of the spouses indulges in sexual intercourse without the consent of the other. Rape in India continues with the patriarchal outlook of considering women to be the property of men postmarriage, with no autonomy or agency over their bodies. They deny married women equal protection of the laws guaranteed by the Indian constitution. (**Plummer et al.**) Today, more than 100 countries have criminalized marital rape but, unfortunately, India is one of the only 36 countries where marital rape is still not criminalized International Scenario The marital rape exception was overturned by the House of Lords in 1991 (Uk). Canada (1983), South Africa (1993), Australia (1981 onwards) enacted laws that criminalise marital rape (**Brown and Walklate**) "A man is a man; an act is an act; rape is rape, be it performed by man, the "husband", on a woman who is his "wife". Even as the Delhi high court awaits the Union government to make up its mind on whether a man forcing himself on his wife amounts to rape, the Karnataka high court has ruled that it is impossible to look at the violation of a woman's dignity in any other way. (**National Academies of Sciences, Engineering, and Medicine et al.**) In a landmark order, the Karnataka High Court allowed framing of rape charges against a husband. The order came even as the Delhi High Court is dealing with petitions challenging the exception provided to husbands in the Indian Penal Code regarding rape. The Karnataka High Court reportedly said that "marriage does not confer... any special male privilege or license for unleashing of a brutal beast". (**Wado et al.**)

## METHODOLOGY:

This research has been adopted as empirical study. Empirical research is based on observed and measured phenomena and derives knowledge from actual experience rather than from theory or belief. Key characteristics for an empirical research are Specific research questions to be answered And Description of the process used to study this population or phenomena, including selection criteria, controls, and testing instruments (such as surveys). The statistical tool used for this research work is SPSS graphs and diagrams are attached in this research work. The essence of survey method can be explained as



“questioning individuals on a topic or topics and then describing their responses”. Random sampling method was used for the type purpose of this study. There are a total of 200 samples collected for this study. **Independent variables** were Age, Gender, Occupation, Marital status and **Dependent variables** were the questions which state reasons for why marital rape is not considered as actual rape in india

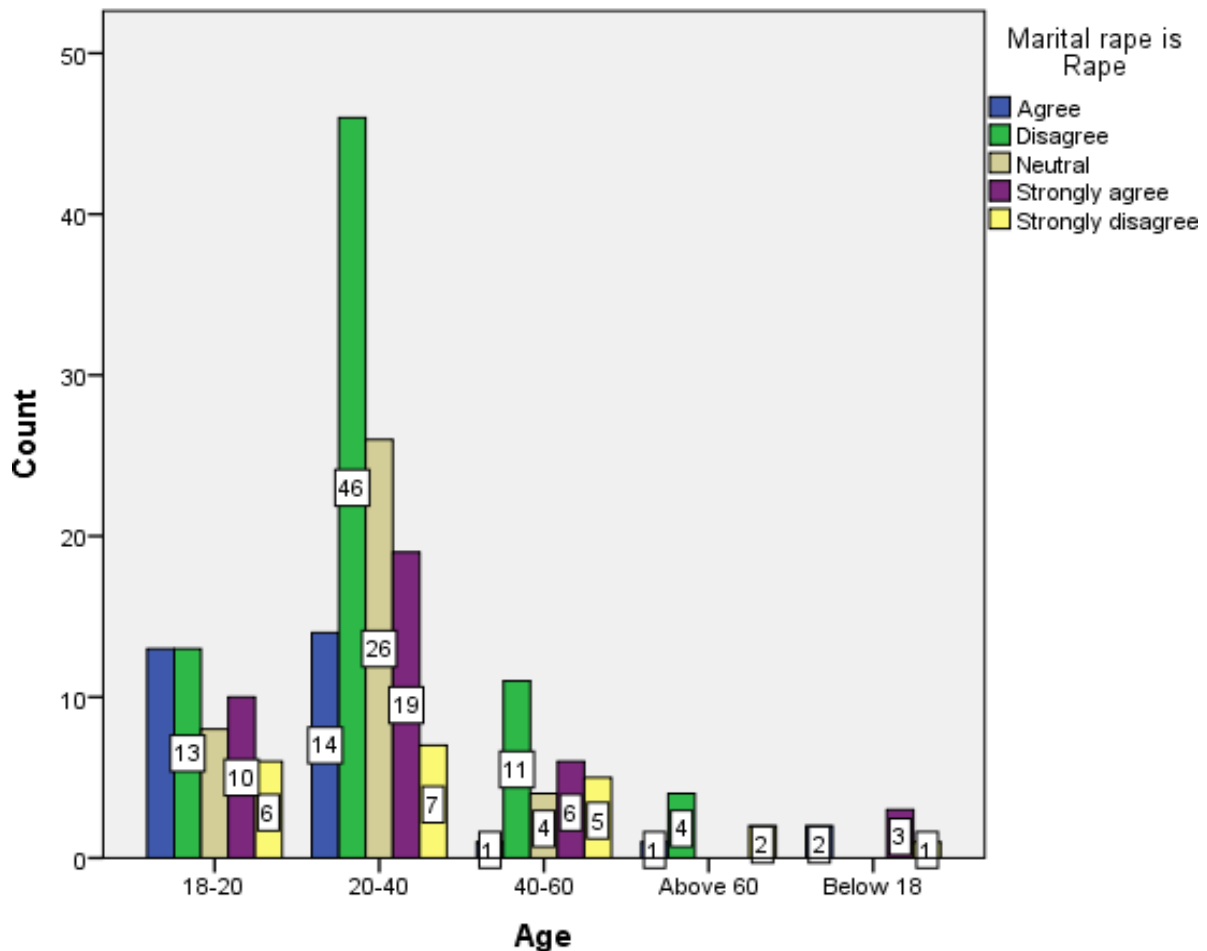
## DATA ANALYSIS:

### MARITAL RAPE IS RAPE :

A marriage ought not be seen as a permit for a spouse to assault his significant other without risk of punishment effectively. The conjugal exemption for the IPC's meaning of assault was drafted in view of Victorian man centric standards that didn't perceive people as equivalents. It didn't permit wedded ladies to claim property, and blended the characters of a couple under the "Teaching of Coverture. It makes a nonsensical grouping among wedded and unmarried ladies and, by culmination, removes the right of a wedded lady to give agree to sexual movement. Article 14: Indian ladies should be dealt with similarly under article 14 and a singular's basic liberties don't merit being overlooked by anybody, including by their companion. Further, a wedded lady has a similar right to control her own body as does an unmarried lady. Substantial Integrity is characteristic for Article 21: A lady is qualified for reject sexual relations with her significant other as the right to real trustworthiness and security is a natural piece of Article 21 of the Constitution. High Court has included sacredness of ladies, and opportunity to pursue decisions connected with sexual action under the ambit of Article 21. In the State of Karnataka v. Krishnappa, the Supreme Court held that sexual brutality separated from being a dehumanizing act is an unlawful interruption of the right to protection and sacredness of a female. In the Suchita Srivastava v. Chandigarh Administration, the Supreme Court compared the option to settle on decisions connected with sexual movement with privileges to individual freedom, protection, nobility, and substantial trustworthiness under Article 21 of the Constitution. High Court 2017 Aadhaar deciding that solidified the right to protection. The 2017 decision that struck down the act of moment triple talaq as unlawful and held that regulations can't be "clearly erratic". Assault not ground for Divorce: As conjugal assault isn't a ground for a separation in any private regulations and, surprisingly, the Special Marriage Act, 1954, It can't be utilized as a ground for separation and savagery against the spouse. Thus, the ladies stay powerless and continue to experience peacefully. Assault is assault, regardless of the personality of the culprit, and the age of the survivor. A lady who is assaulted by a more unusual existence with a memory of a terrible assault; a lady who is assaulted by her significant other lives with her attacker all through her life. Condemning conjugal assault: It will guarantee that ladies stay more secure from oppressive life partners and they can get the assistance expected to recuperate from conjugal assault and can save themselves from aggressive behavior at home and sexual maltreatment. A significant part of the created world has condemned it. The even United Kingdom, whose precedent-based regulation was trailed by India, made conjugal assault a criminal offense in 1991. The JS Verma panel set up in the Nirbhaya assault case and the UN Committee on Elimination of Discrimination Against Women (CEDAW) in 2013 had suggested that the Indian government ought to condemn conjugal assault. Contentions Against condemning Marital Rape. Weaken It might make totally disorder in families undermining the establishment of marriage and in this way obliterating the family stage which maintains family values and helps in supporting the country. Indian culture accepts that marriage is a holy observance. It might turn into a simple device for bugging the spouses by abusing the law like the developing abuse of segment 498A (badgering caused to a wedded lady by her significant other and parents in law) of the IPC. Merely condemning conjugal assault may not

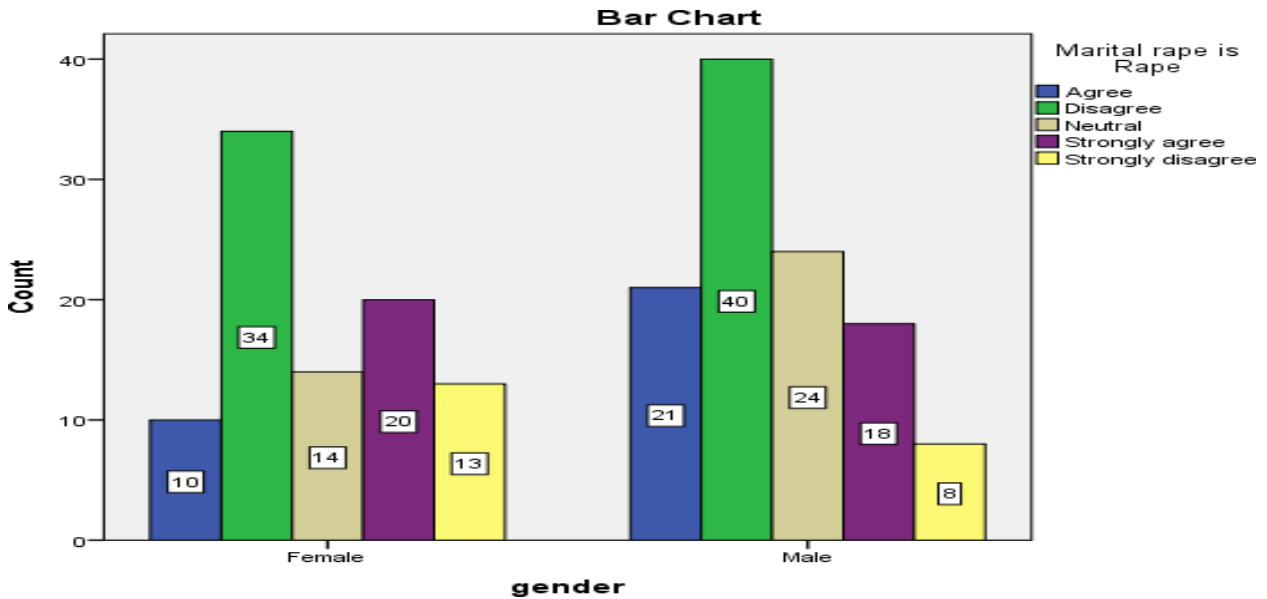
stop it as "moral and social mindfulness" assumes a crucial part in halting such a demonstration. Variety in Cultures of the states: India has its special issues because of different variables like proficiency, absence of monetary strengthening of most of females, the outlook of the general public, huge variety, neediness, and so forth and these ought to be thought about cautiously prior to condemning conjugal assault. Likewise, criminal regulation is in the Concurrent List and executed by the states and there is a tremendous variety in the way of life of these states Indian Law Commission and the Parliamentary Standing Committee on Home Affairs after completely inspecting the matter didn't suggest the criminalization of conjugal assault. Non-criminalisation of conjugal assault is "not an infringement" of Article 21 of the Constitution as a spouse isn't constrained to live with a physically oppressive husband under private regulation. Criminalizing conjugal assault will make serious implementational issues like In the event that all sexual demonstrations by a man with his significant other will fit the bill to be conjugal assault, then, at that point, the judgment concerning regardless of whether it is a conjugal assault will uniquely rest with the spouse who can't be relied upon 100% of the time. What confirms the courts will depend upon in such conditions, as there can be no enduring proof in the event of sexual demonstrations between a man and his significant other

**FIGURE 1:**  
**Bar Chart**



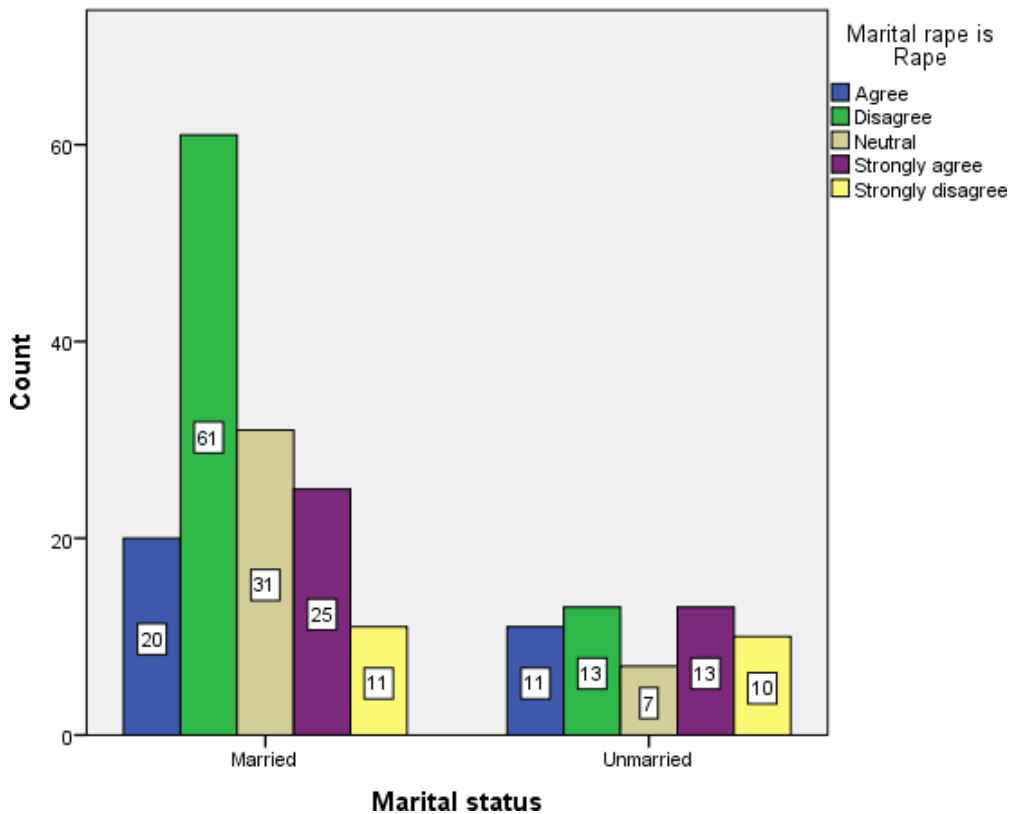
**LEGEND :** This figure number 1 depicts about the results obtained while comparing the independent variable age which the researcher categorised them as 18-20,20-40,40-60,above 60,below18 and dependant variable is to seek the rate of agreeability and disagreeability of samples by asking them Marital rape is rape .

FIGURE 2:



**LEGEND:** This figure 2 depicts about the result obtained by comparing independent variable gender which is categorised as male and female and the independent variable is dependant variable is to seek the rate of agreeability and disagreeability of samples by asking them Marital rape is rape .

FIGURE 3:  
Bar Chart



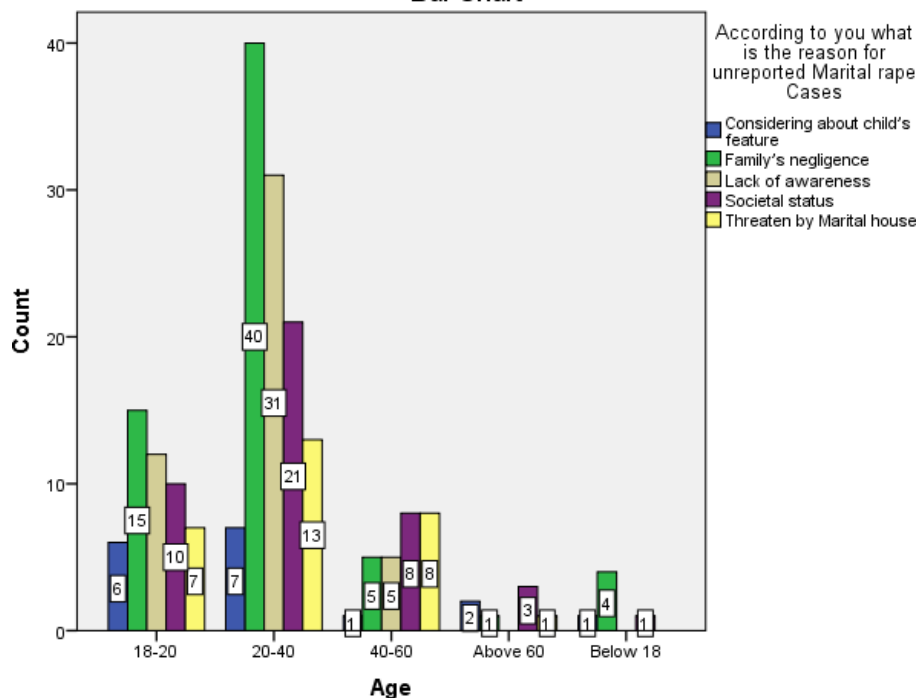
**LEGEND:** This figure no. 3 deals about the responses collected for the question which seeks opinion of people for the statement Marital Rape is Rape and compared to the marital status factor of the samples



**REASONS FOR UNREPORTED MARITAL RAPE CASES :**

Analysis reveals that the police are only notified of a very small percentage of sexual assault incidents. According to estimates, 99.1% of sexual assault incidents go unreported, and the victim's husband is typically the offender. According to the data, the average Indian woman is 17 times more likely than other women to experience sexual assault at the hands of her husband. Nearly 700,000 women are included in the NFHS, a poll that is nationally representative. A sub-sample of 79,729 women were questioned in-depth about their experiences with sexual and physical abuse between 2015 and 2016. The NFHS continues to be the most reliable source on crimes against women in the absence of a national survey on crime victimisation. Marital rape and assault are still included in the analysis, although the extentThis shows that there are other reasons for the poor reporting, in addition to the lack of a robust statute against marital rape and abuse. Other variables that hinder women from reporting sexual assaults include low faith in the police and low conviction rates for such offences. If one compares the overall degree of violence (sexual and physical) experienced by women with data from the NCRB and the NFHS survey, the picture is remarkably similar. According to a state-by-state examination, states with low levels of female literacy have underreporting that is, on average, more severe. Less than 0.5% of incidences of violence against women were reported in places like Bihar, Uttar Pradesh, and Jharkhand. both Tamil Nadu

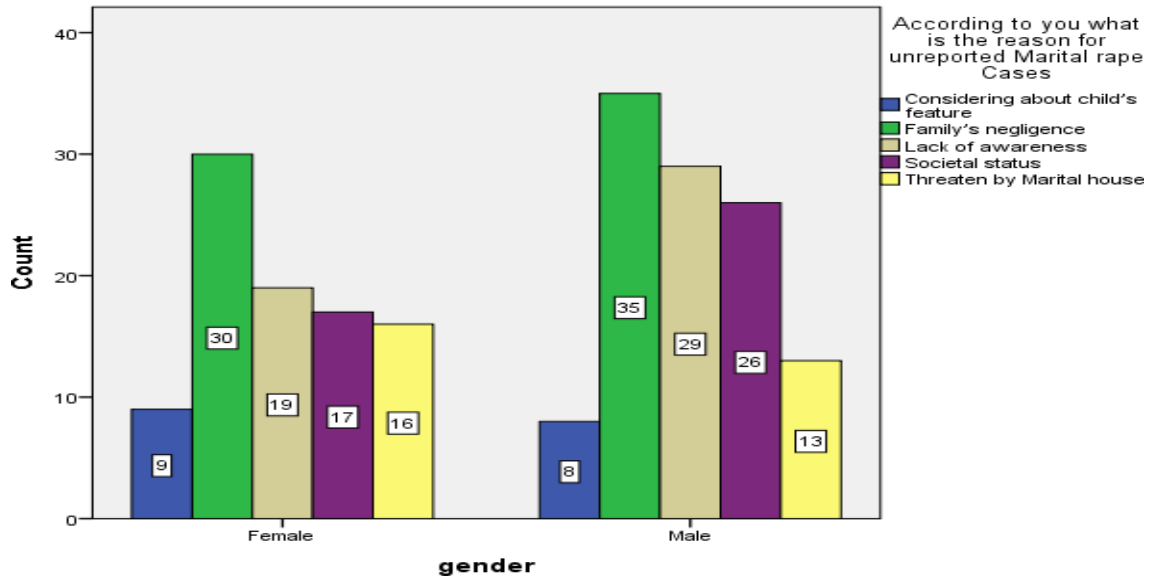
**FIGURE 4:**  
**Bar Chart**



**LEGEND:**

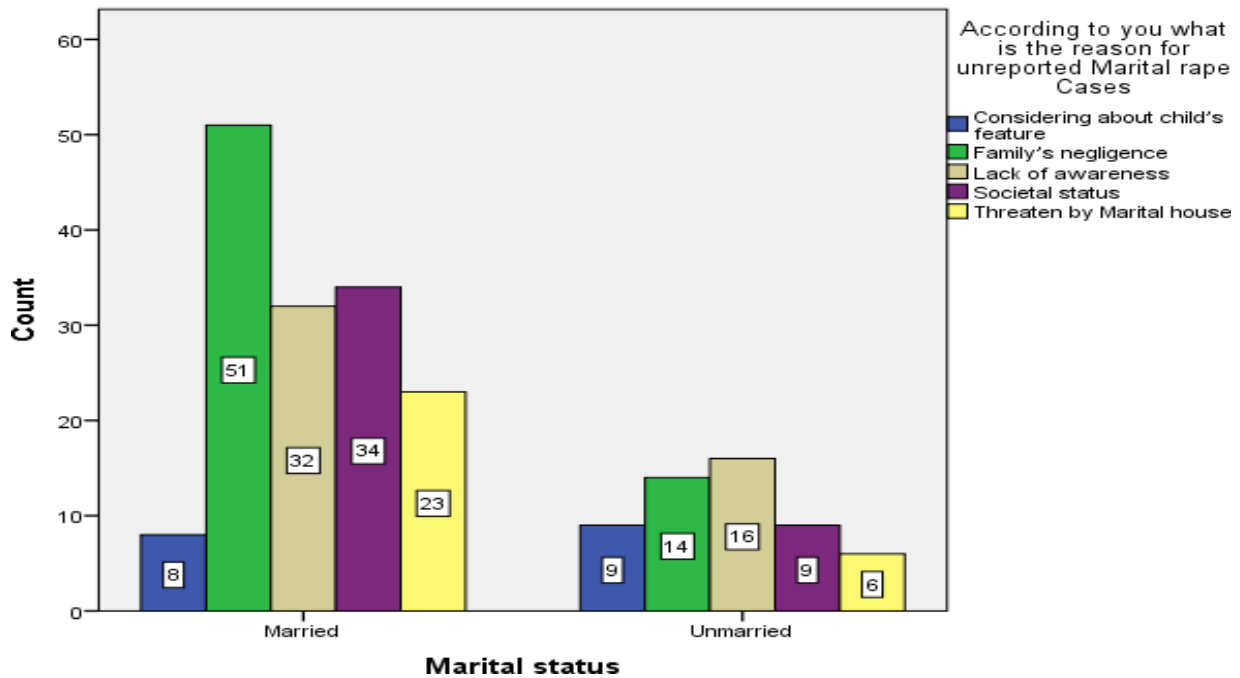
This figure number 4 depicts about the results obtained while comparing the independent variable age which the researcher categorised them as 18-20,20-40,40-60,above 60,below18 and dependant variable is to seek the choice of option of samples by asking them the question according to them what is the reason for unreported marital rape cases and the choices given to them where considering about childs feature,fear of negligence by family,lack of awareness,societal status and threaten by marital house

**FIGURE 5:  
Bar Chart**



**LEGEND:** This figure 5 depicts about the result obtained by comparing independent variable gender which is categorised as male and female and dependant variable is to seek the choice of option of samples by asking them the question according to them what is the reason for unreported marital rape cases and the choices given to them where considering about childs feature,fear of negligence by family,lack of awareness,societal status and threaten by marital house

**FIGURE 6:  
Bar Chart**

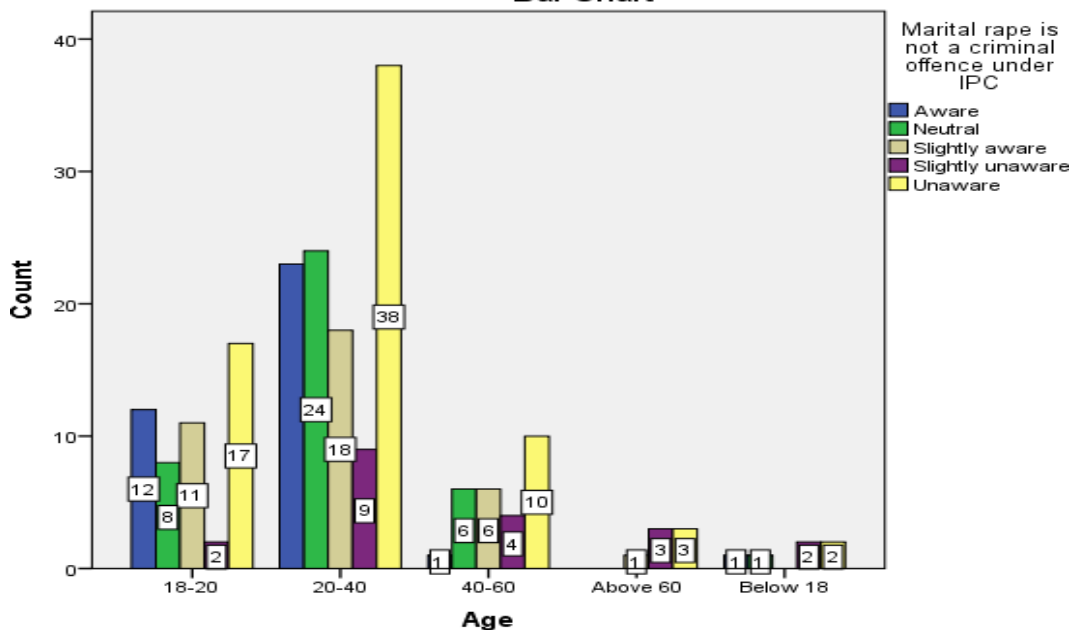


**LEGEND:** This figure 6 depicts about the result obtained by comparing independent variable marital status which is categorised as married and unmarried and dependant variable is to seek the choice of option of samples by asking them the question according to them what is the reason for unreported marital rape cases and the choices given to them where considering about childs feature,fear of negligence by family,lack of awareness,societal status and threaten by marital house

**REASONS FOR NOT CONSIDERING MARITAL RAPE AS RAPE UNDER IPC:**

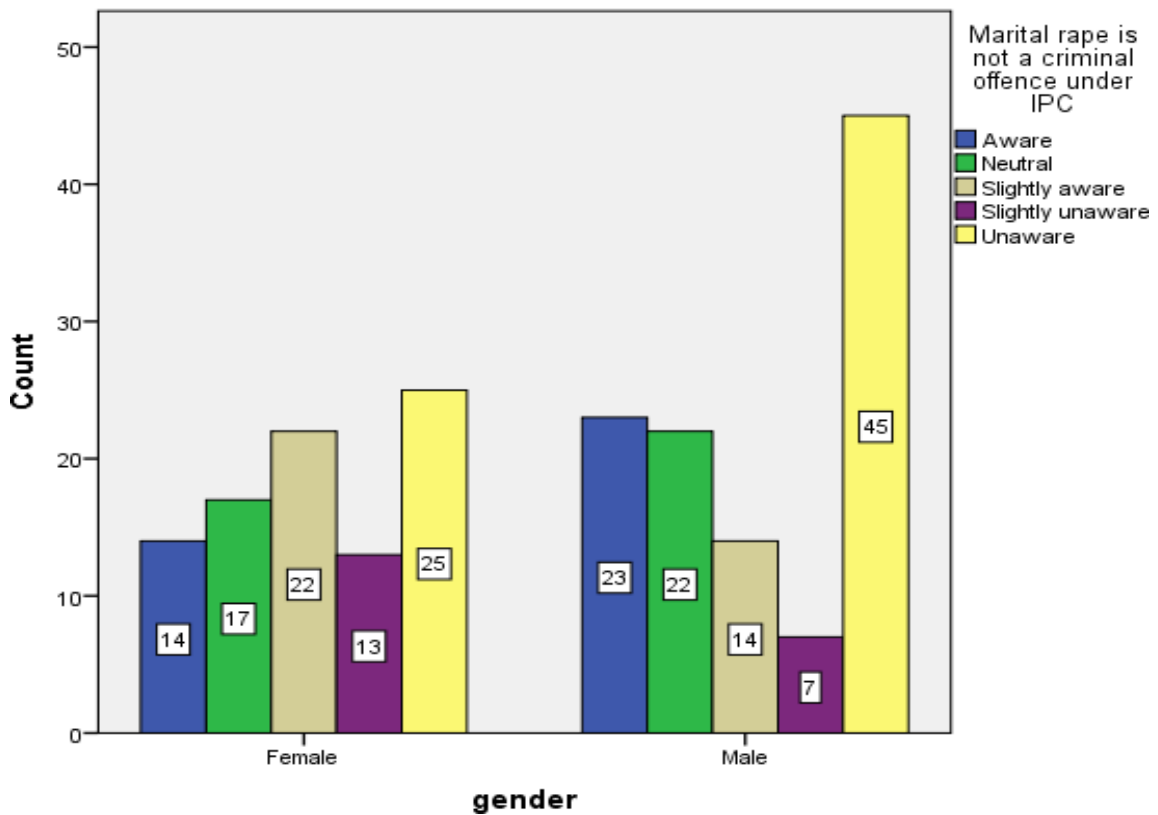
The Indian Penal Code ("IPC") defines rape as any sexual attack involving nonconsensual sexual contact with a woman. This term is found in Section 375. However, Section 375's Exception 2 exempts unwelcome sexual encounters between a husband and a wife older than fifteen from its definition of "rape," shielding such behaviours from legal consequences. After engaging in marital relations, a wife is currently believed to have given her husband her unrestricted consent to have sex. While practically every nation in the world considers unwelcome sex between a husband and wife to be a crime, India is one of the 36 nations that has not yet made marital rape a crime. All sexual assaults involving nonconsensual contact with a woman fall under the definition of rape as outlined in Section 375 of the Indian Penal Code ("IPC"). However, the definition of "rape" under Section 375 does not apply to unwelcome sex between a husband and a wife who is over the age of fifteen, and as a result, such acts are not punishable under Section 375's Exception. Currently, after engaging in marital intercourse, a wife is deemed to have given her husband's agreement to engage in sexual activity forever. India is one of the 36 nations that have not yet made marital rape a crime, despite the fact that unwelcome sexual contact between a husband and a wife is considered a crime in practically every other nation in the globe. India's Supreme Court. According to Article 14 of the Indian Constitution, "[t]he State shall not deny to any individual within the territory of India, equality before the law or the equal protection of the laws." Indian criminal law discriminates against female victims who have been raped by their own husbands, notwithstanding the Constitution's guarantee of equality for all people. A married woman was not regarded as a separate legal entity at the time the IPC was written in the 1860s. She was viewed as her husband's property instead. As a result, she was devoid of many of the rights that are now hers as a separate legal person, including the ability to bring a claim against someone else in her own name. The second exception, which essentially exempts acts committed by Husband

**FIGURE 7:  
Bar Chart**



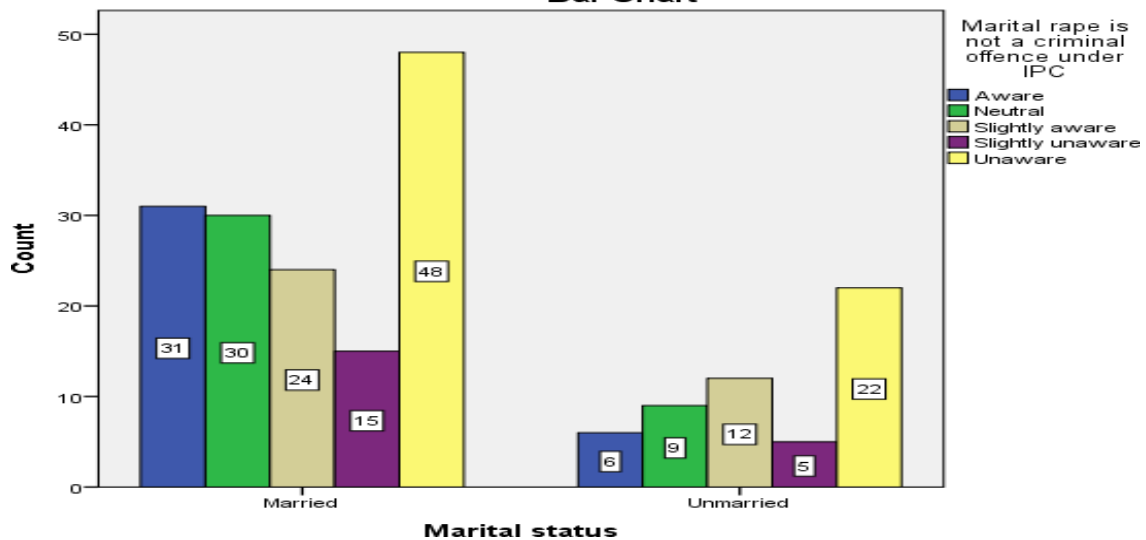
**LEGEND:** This figure number 7 depicts about the results obtained while comparing the independent variable age which the researcher categorised them as 18-20,20-40,40-60,above 60,below18 and dependant variable which seeks the awareness of people about the fact that marital rape is not criminalised under IPC.

**FIGURE 8:  
Bar Chart**



**LEGEND:** This figure 8 depicts about the result obtained by comparing independent variable gender which is categorised as male and female and dependant variable dependant variable which seeks the awareness of people about the fact that marital rape is not criminalised under IPC.

**FIGURE 9:  
Bar Chart**

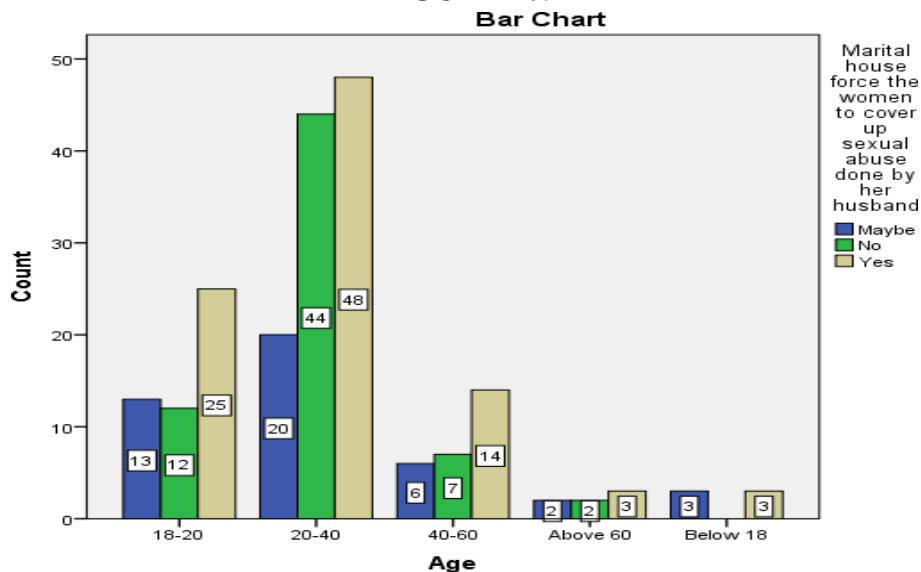


**LEGEND:** This figure 9 depicts about the result obtained by comparing independent variable marital status which is categorised as married and unmarried and dependent variables deals about the collection of results which reveal about the awareness of people that Marital rape is no more considered as criminal offence .

**FACTORS INFLUENCING WOMEN TO COVER UP MARITAL RAPE :**

It is now understood that violence against women (VAW) is both a public health concern and a violation of women's human rights. The need of monitoring VAW has been emphasised by the 2030 Agenda for Sustainable Development Goals. However, due to limited capacity to evaluate prevalence, a lack of resources, and the ethical and methodological difficulties associated with investigating VAW, there is a dearth of high-quality, usable data on the prevalence of VAW. It can be difficult to ask women about sexual assault by a close partner across cultural boundaries. Estimates of the prevalence of intimate partner violence based on Demographic and Health Surveys (DHS) provide some information. According to the World Health Organization's (WHO) most recent estimate on intimate partner violence, "globally, roughly 1 in 3 (30%) of women worldwide have been subjected to either physical or potentially sexual close accomplice viciousness or non-accomplice sexual savagery in the course of their life". (WHO, 2021) Further, a multi-country investigation discovered that in 10 nations sexual VAW old enough 15-49 years from a private accomplice fluctuated from 6% to 59%. (WHO, 2005) In India, the National Family Health Surveys (NFHS)† and National Crime Records Bureau (NCRB)‡ are the main two sources which give public level information on VAW. The NCRB information incorporate just those ladies or potentially their families who have gathered up the fortitude to enlist a police grievance. Also, as the law doesn't perceive sexual brutality by spouses, the revealing of conjugal assault is practically insignificant. A functioning paper in light of a correlation of NFHS and NCRB information showed that under 1% of instances of sexual brutality by the spouse are accounted for to the police. The NFHS utilizes two classifications to gauge sexual viciousness: "utilization of actual power by the spouse to have sex in any event, when the wife would have rather not" and "constraining a lady to perform sexual demonstrations she would have rather not". A review completed in metropolitan pieces of Southern India provided details regarding a few types of sexual viciousness by the spouse. These incorporated the utilization of actual power by the spouse for participating in "physically corrupting or embarrassing demonstrations, involving weapons for driving sex, compelling wife to take part in sex without any protection, and reprimanding or embarrassing wife for or during sex".

**FIGURE 10:**

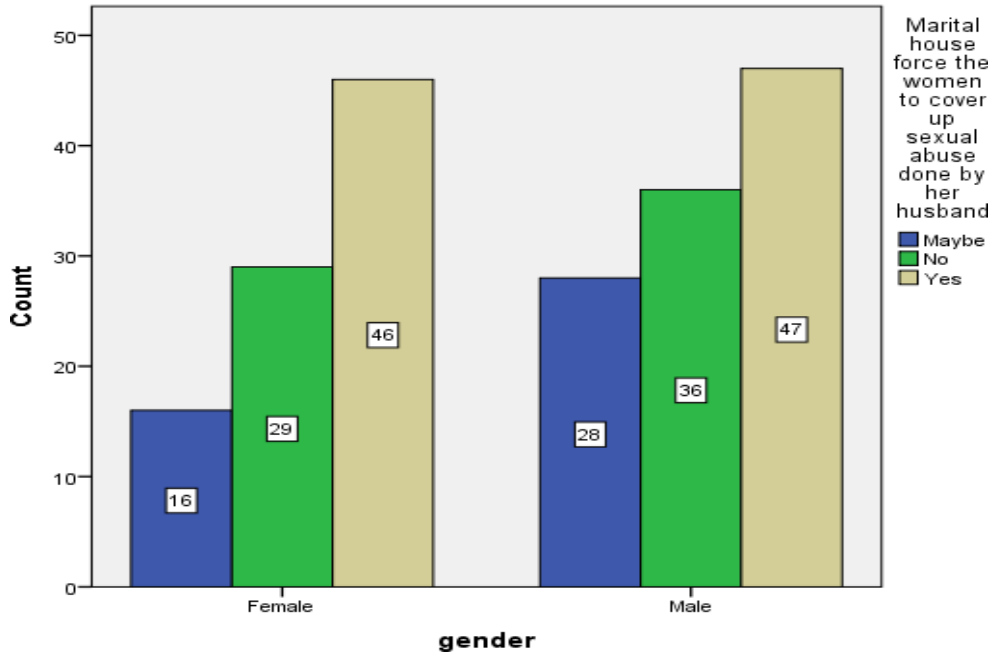


**LEGEND:** This figure number 10 depicts about the results obtained while comparing the independent variable age which the researcher categorised them as 18-20,20-40,40-60,above 60,below18 and



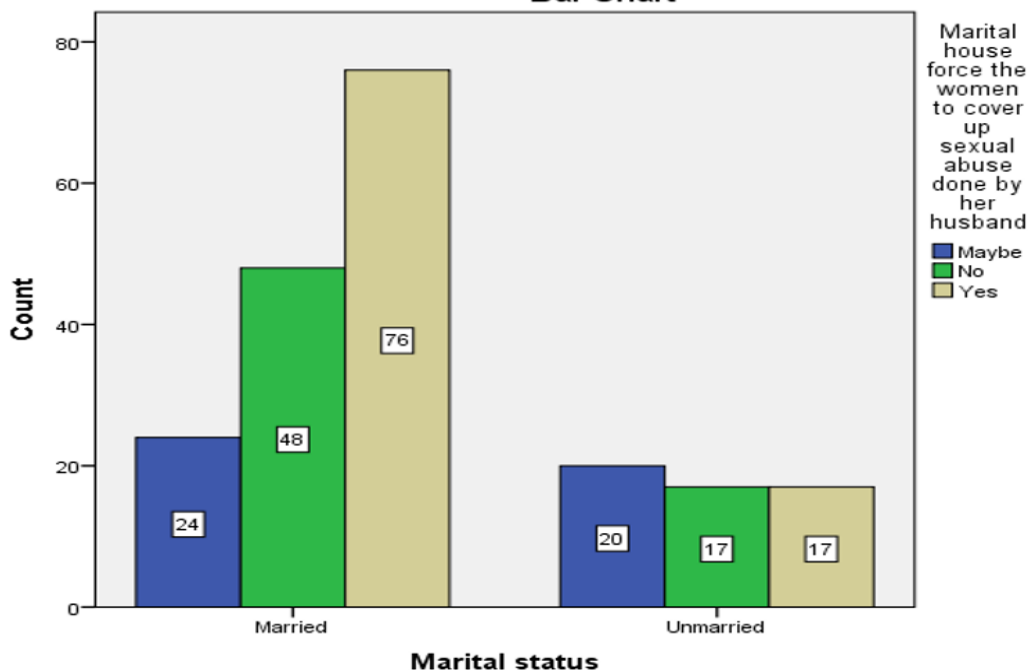
dependant variable which seeks the responses from the samples for the question does marital house force the women to remain silent for the sexual abuse done to her by her own husband

**FIGURE 11:**  
Bar Chart



**LEGEND:** This figure 11 depicts about the result obtained by comparing independent variable gender which is categorised as male and female and dependant variable which seeks the responses from the samples for the question does marital house force the women to remain silent for the sexual abuse done to her by her own husband

**FIGURE 12:**  
Bar Chart



**LEGEND:** This figure 12 depicts about the result obtained by comparing independent variable marital

status which is categorised as married and unmarried dependant variable which seeks the responses from the samples for the question does marital house force the women to remain silent for the sexual abuse done to her by her own husband

### RESULT :

The figures 1-3 depicts result for the question which records the opinion of people about spousal harassment and rape in **(figure 1)** it is compared to age factor , in **(figure 2)** it is compared to gender factor of the samples and in **(figure 3)** it is compared to marital status factor of the samples and most of the disagreed that martial rape is rape . The upcoming figures 4-6 depicts result for the question which recorded the opinion of the people about the reasons for unreported marital rape cases in **(figure 4)** it is compared to age factor , in (figure5) it is compared to gender factor of the samples and in **(figure 6)** it is compared to maeital status factor of the samples the most choosen option is family's negligence. The figures from 7-9 depicts result for the question which records the awareness of people about marital rape is not an criminal offence under IPC and in **(figure 7)** it is compared to age factor , in **(figure 8)** it is compared to gender factor of the samples and in **(figure 9)** it is compared to martial status, most of the samples are unaware of it .The figure 10-12 depicts the result obtained for the question that martial rape is covered by forced actions of husbands family in **(figure 10)**it is compared to age factor , in (figure11) it is compared to gender factor of the samples and in **(figure12)** it is compared to martial status, most of the answers were on the sid of yes.

### DISCUSSION:

While analysing graph no 1-12 which deals about the responses Collected for the statement Marital Rape is Rape ,Marital rape is covered up by the family member of the male ,and awareness of people about Marital rape is not criminal offence under IPC and finally reasons that stop women from reporting the cases .While analysing the graph that were compared to age factor of the samples the results were people between the age 20-40 have given more responses,and male samples have given more responses ,the responses were collected more from the married persons and the answers for the questions where many people disagree that Marital rape is Rape,they feel fear being neglected by family members is the highest option choose by samples next to that the largest no of option choose by people is lack of awareness,many people are unaware about the IPC section that doesn't take martial rape in to the account of rape and finally many agree that women are forced by family members of the male to remain silent about the abuse done to her.

### LIMITATIONS:

The Major limitation of the study is the sample frame. The sample frame Collected through offline platforms like visiting public in public places on a particular day and limited to particular time is the limitation of the study, the real field experience gave an understanding about people mindset but some of them were unaware about the topic since the topic is somewhat foreign to them .The restrictive area of sample size is yet another drawback of the research.Collection of data via offline on a particular date and time is limiting the researcher to collect data from various public at different place and fields .Since the data is collected on offline direct mode platform wherein the respondent is not known to us and the topic is unknown to them, the original opinion of the respondent it is not found, The researcher could only come to a approximate conclusion of what the respondent know

**SUGGESTIONS:**

Ladies from all layers need to comprehend what their freedoms are. They need to grasp the significance of assent. All kinds of people need to comprehend how to regard the establishment of marriage. What's more, later they need to comprehend how to involve this regulation for their protection. For their own safeguard, however for their substantial respectability and furthermore for their youngsters."There ought to be sexuality training in schools, 'what is consent ought to be educated early on. Any other way you can get socialised where you think violence is alright.laws should be carried out and cases examined so as to not make a segway for illegitimately blaming men, and their families, as such cases are likewise genuinely common. She recommends that the examinations be completed so that it gives significance to the person in question, and not one orientation over another, albeit the ongoing regulation for conjugal assault has been viewed as man centric in nature.

**CONCLUSION:**

The leader and the council have not been altogether different from the legal executive. Conjugal assault has been condemned in excess of 100 nations. Yet, India stands tall in the radiant class of around 32 nations where conjugal assault isn't condemned. Pakistan, Bangladesh, Afghanistan, Botswana, Iran, Nigeria and Libya are a portion of the regarded individuals from this unprecedented association. Our correctional regulations, gave over from the British, remain cast in stone, while the actual English condemned conjugal assault way back in 1991. An incongruity long obscured by the incomparable Indian man centric attitude.In 2013, An UN board suggested that the Indian government condemn conjugal assault. The JS Verma board set up in the repercussions of the Nirbhaya fights likewise suggested something very similar. There have been numerous panels, many reports, however the fine print continues as before. Progressive legislatures in India have shown no will or interest, staying trying to claim ignorance of ladies' all in all correct to their bodies after marriage.It is everything except a little vexing that our legislators should be made to comprehend that a marriage ought not be seen as a permit for the spouse to assault his significant other, however history stands declaration it has been a tall order.From analysing the graph compared to the independent variable like age ,gender and marital status of the samples to the dependant variables it is clear that people are still not willing to accept martial rape as actual rape,they agree that male's family threatens women not to make a complaint and fear of being neglected by the family and societal status pull the women back from reporting the offences happened to her.

**REFERENCE:**

1. Agnes, F. "Marital Murders -- the Indian Reality." *Health for the Millions*, vol. 1, no. 1, Feb. 1993, pp. 18–21.
2. Baxi, Pratiksha. *Public Secrets of Law: Rape Trials in India*. Oxford University Press Indian Branch, 2014.
3. Brown, Jennifer M., and Sandra L. Walklate. *Handbook on Sexual Violence*. Routledge, 2011.
4. Chhibbar, Shikha. *Sexual Violence in Private Space: Marital Rape in India*. Torkel Opsahl Academic EPublisher, 2016.
5. Finkelhor, David, and Kersti Yllö. *License to Rape: Sexual Abuse of Wives*. Simon and Schuster, 1987.
6. Gangoli, G. "The Right to Protection from Sexual Assault: The Indian Anti-Rape Campaign." *Development in Practice*, vol. 6, no. 4, Nov. 1996, pp. 334–40.
7. Goel, Vishnu, and Aditi Marwaha. *Rape Laws: The Heinous Crime Decoded: Editors: Vishnu Goel*

- and Aditi Marwaha. LawEscort, 2019.
8. Hale, Sir Matthew. *Historia Placitorum Coronae: The History of the Pleas of the Crown*. 1847.
  9. Hayes, Brittany E., and Carlijn van Baak. “Risk Factors of Physical and Sexual Abuse for Women in Mali: Findings From a Nationally Representative Sample.” *Violence against Women*, vol. 23, no. 11, Oct. 2017, pp. 1361–81.
  10. Judy, Fudge, et al. *University of Oxford Human Rights Hub Journal*. 2019.
  11. Kirpal, Saurabh. *Sex and the Supreme Court: How the Law Is Upholding the Dignity of the Indian Citizen*. Hachette UK, 2020.
  12. Lev, Sagit, et al. “The Interplay Between Poly-Victimization and Sexual Assault in Late Life in the Context of Life Course Perspective.” *Violence against Women*, vol. 28, no. 5, Apr. 2022, pp. 1282–301.
  13. National Academies of Sciences, Engineering, and Medicine, et al. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. National Academies Press, 2018.
  14. National Research Council, et al. *Understanding Violence Against Women*. National Academies Press, 1996.
  15. Onu, Chinwe C., et al. “Brief Report: Sexual Violence Against HIV-Positive Women in the Nyanza Region of Kenya: Is Condom Negotiation an Instigator?” *Journal of Acquired Immune Deficiency Syndromes*, vol. 74, no. 1, Jan. 2017, pp. 52–55.
  16. Plummer, Louise Mcormond, et al. *Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse*. Jessica Kingsley Publishers, 2013.
  17. Randall, Melanie, et al. *The Right to Say No: Marital Rape and Law Reform in Canada, Ghana, Kenya and Malawi*. Bloomsbury Publishing, 2017.
  18. Sinha, Chitranshul. *The Great Repression: The Story of Sedition in India*. Penguin Random House India Private Limited, 2019.
  19. Wado, Yohannes Dibaba, et al. “Intimate Partner Violence against Adolescents and Young Women in Sub-Saharan Africa: Who Is Most Vulnerable?” *Reproductive Health*, vol. 18, no. Suppl 1, June 2021, p. 119.
  20. Westmarland, Nicole, and Geetanjali Gangoli. *International Approaches to Rape*. Policy Press, 2012.