
THE DARK SHADOW OF MARITAL RAPE: TIME TO CHANGE THE NARRATIVE

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ABSTRACT

Marital rape remains one of the most pervasive yet least acknowledged forms of gender-based violence, particularly in societies where cultural, legal, and religious norms prioritize marital unity over individual autonomy. Despite increasing global recognition of consent as a fundamental human right, many countries including India continue to uphold legal exceptions that prevent the criminalization of non-consensual sex within marriage. These abstract highlights the urgent need to challenge entrenched patriarchal beliefs that normalize marital rape by framing marriage as a site of perpetual consent. It explores the profound psychological, physical, and social consequences endured by survivors, the constitutional and human-rights arguments for reform, and the shortcomings of existing legal protections that fail to address sexual violence within marriage. Ultimately, the narrative must shift toward recognizing that consent does not dissolve at the threshold of marriage, and that criminalizing marital rape is essential for ensuring bodily autonomy, gender equality, and true justice.

Keywords: Marital rape, Consent, Bodily autonomy, Gender-based violence, Legal reform, Patriarchy.

Introduction

Marriage is often idealized as a union of equals of partnership, trust, affection, and mutual respect. Yet for many women around the world, and particularly in countries like India, marriage offers no protection from one of the most intimate and devastating abuses: marital rape. Despite decades of activism and legal reform, the act of non-consensual sex within marriage remains largely decriminalized in India, sustained by outdated laws and entrenched patriarchal norms. This legal void doesn't just deny survivors justice it perpetuates a social narrative that marriage grants automatic consent, thereby silencing countless victims.

This article seeks to shine a light on that dark reality. It explores why marital rape remains unrecognized under criminal law in India, the grave consequences for survivors, the legal and societal arguments for and against criminalization, and why it is imperative both morally and constitutionally to amend the law.

What is Marital Rape and Why Does It Matter?

“Marital rape” refers to non-consensual sexual intercourse (or other sexual acts) by a spouse typically, a husband against his partner (wife). In practice, it may take the form of forced intercourse, coerced sex, sexual violence, or any situation where consent is absent yet sex is forced.

The problem is systemic: because many legal frameworks presume consent within marriage, victims lack the possibility of criminal redress. The assumption that marriage equals perpetual consent strips away bodily autonomy and reduces a spouse overwhelmingly women to mere objects for sexual gratification. The consequences of this are far from trivial: survivors often endure physical injuries, chronic pain, reproductive health complications, as well as deep psychological trauma, including depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal ideation.¹

By failing to treat such nonconsensual sex as rape, societies implicitly condone a form of institutionalized sexual violence one that remains hidden behind closed doors, reinforced by

¹ IJNRD, “Psychological and Physical Impacts of Marital Rape on Women,” *International Journal of Novel Research and Development*, Vol. 5, Issue 6, 2023.

silence, shame, stigma, and structural barriers to justice.²

Legal Landscape in India: The Marital Rape Exception

The Exception in Indian Penal Code (IPC)

One of the central reasons marital rapes persist in India is the legal exception built into the IPC. The definition of “rape” under Section 375³ of the IPC expressly excludes sexual intercourse or acts by a man with his wife (provided she is not a minor) an exclusion often referred to as “the marital rape exception.”

As a result, even when sex is forced, coerced, or obtained without consent, Indian criminal law does not recognize it as “rape” perpetrated by a spouse. Instead, survivors may attempt to seek redress under alternative provisions such as civil laws (e.g., Protection of Women from Domestic Violence Act, 2005, PWDVA) or under cruelty and dowry-related offences (like Section 498A of the Indian Penal Code) but these fall short of providing criminal accountability equivalent to rape.⁴

Critically, the civil/domestic-violence route rarely provides the same recognition, urgency, or deterrence as criminal prosecution for rape. The absence of specific criminalization means many survivors are left with little recourse, trapped in abusive marriages with no effective means of protecting their bodily autonomy.⁵

International Norms, Constitutional Guarantees and India’s Commitments

Globally, more than 100 countries have recognized and criminalized marital rape rejecting the archaic notion of implied marital consent.⁶

India, as a signatory to international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has committed to eliminating discrimination in all its forms. Legal experts and civil-society advocates argue that exempting

² *See Indian Express*; IJNRD, discussions on the persistence of systemic and silent marital sexual violence.

³ *Indian Penal Code*, 1860, Section 375.

⁴ Protection of Women from Domestic Violence Act, 2005; Section 498A.

⁵ “It’s About Time Marital Rape Was Criminalised,” *The Indian Express* (Opinion, 2024); “Psychological and Legal Implications of Marital Rape,” *IJNRD*, Vol. 5, Issue 6 (2023).

⁶ UN Women, *Progress of the World’s Women Report* (2020), noting the global trend of criminalizing marital rape; see also NLIU, “Global Status of Marital Rape Laws,” *Gender Justice Centre Review* (2023).

marital rape amounts to a blatant violation of constitutional guarantees: the right to equality (Article 14), non-discrimination (Article 15), dignity and personal liberty (Article 21), and the right to privacy.⁷

These arguments underscore a fundamental point: marriage cannot be allowed to nullify a person's basic human rights or dignity.⁸

Why Many Women Are Left Unprotected: The Harsh Consequences of the Legal Void

Psychological and Physical Trauma

Survivors of marital rape often carry invisible scars. Without a formal legal recognition of the crime, many do not even name the violence they endure. They suffer in silence, burdened by guilt, shame, fear of social ostracism, and the absence of legal or societal support. Experts have documented a range of severe impacts from chronic depression, anxiety, PTSD, suicidal thoughts, psychosomatic illnesses, to reproductive and sexual health problems.⁹

Moreover, the lack of criminal accountability often emboldens perpetrators discouraging survivors from seeking help, reporting the crime, or leaving abusive marriages.¹⁰

Systemic Under-reporting and Social Taboo

Because marital rape is not legally recognized, data on its prevalence are fragmentary and unreliable. Official crime statistics even those compiled by the National Crime Records Bureau (NCRB) do not maintain separate data on marital rape.¹¹

The absence of data helps perpetuate a vicious cycle: society assumes the problem is negligible; the state seldom invests in awareness or support systems; survivors believe there is no point complaining; and abusers remain unaccountable.¹²

⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; Articles 14, 15, 21, *Constitution of India*.

⁸ IJNRD, "Human Rights and Marital Rape: A Constitutional Analysis," *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

⁹ *Ibid.*

¹⁰ *The Indian Express*, "It's About Time Marital Rape Was Criminalised," Opinion Editorial (2024).

¹¹ National Crime Records Bureau (NCRB), *Crime in India Report* (Latest Edition), noting the absence of separate statistical classification for marital rape.

¹² IAS Express, "Marital Rape in India: Issues and Way Forward," *IAS Express Analysis* (2024).

Further, in deeply patriarchal and conservative societies, many women may not even recognize non-consensual sex with their husband as “rape.” They may consider it their duty, or see it as a “normal” part of marriage. Over time, such normalization erodes self-esteem, fosters internalized guilt, and suppresses voices.¹³

Unequal Access to Justice

Even when women muster the courage to complain perhaps under civil domestic-violence laws justice remains elusive. Civil laws often lack the urgency, punitive deterrence, and stigma attached to criminal rape. Divorce (if sought) can be long and expensive. Some survivors may remain financially dependent on their husbands or lack social support.¹⁴

In short: the legal vacuum, combined with societal stigma and structural inequality, leaves many survivors trapped.

The Debate: Arguments For and Against Criminalizing Marital Rape

Efforts to criminalize marital rape generate intense debate between those who view the move as crucial to protecting rights, and those who warn of unintended consequences for marriage and family. Below is a breakdown of the main arguments on both sides.

Arguments in Favor

1. Bodily Autonomy, Consent and Human Dignity

Marriage should not extinguish a woman’s right to her own body. Consent cannot be assumed based on marital status. Criminalizing marital rape affirms that every sexual act must be consensual, regardless of relationship.¹⁵

2. Constitutional and Human Rights Obligations

Excluding marital rape from the definition of “rape” violates constitutional guarantees of

¹³ Legal Service India, “Sociocultural Barriers to Recognizing Marital Rape in India,” *Legal Service India Journal* (2023).

¹⁴ Protection of Women from Domestic Violence Act, 2005; see also “Why Civil Remedies Fail Marital Rape Survivors,” *Indian Journal of Law and Gender Studies* (2022).

¹⁵ Legal Service India, “Criminalizing Marital Rape: A Step Towards Gender Equality,” *Legal Service India Journal* (2023).

equality, privacy, dignity, and non-discrimination (Articles 14, 15, 21). It also undermines India's commitments under international treaties such as CEDAW.¹⁶

3. Filling Legal Gaps; Ensuring Accountability

Laws like PWDVA, dowry-harassment or domestic-violence statutes, even if useful, are inadequate substitutes. They rarely deliver the kind of criminal accountability, deterrence, and validation of trauma that criminal rape laws can provide.¹⁷

4. Aligning with Global Standards

More than 100 countries have criminalized marital rape. India's continued exception is increasingly out of tune with global norms.¹⁸

5. Psychological, Social and Public Health Imperative

Recognizing and punishing marital rape could destigmatize the issue, encourage survivors to come forward, and reduce occurrences ultimately protecting countless women. It sends a powerful message: marriage is not a license to violate, and consent is non-negotiable.

Arguments Often Raised Against Criminalization — And Why They Fall Short

1. Risk of Misuse and False Allegations

Critics argue that criminalizing marital rape could open doors to false cases especially in the context of matrimonial disputes, property fights, or divorce.¹⁹

Counter-Argument: All criminal laws carry a risk of misuse. That does not invalidate the need for them. Robust investigative and judicial safeguards — careful examination of evidence, standards of proof — can mitigate risks without depriving genuine victims of justice.²⁰

¹⁶ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; see also *Constitution of India*, Arts. 14, 15, 21; Indian Express Editorial, "It's Time to Criminalise Marital Rape," (2024).

¹⁷ IAS Express, "Marital Rape in India: Issues and Way Forward," *IAS Express Analysis* (2024).

¹⁸ UN Women, *Progress of the World's Women Report* (2020); NLIU Gender Justice Centre, "Global Status of Marital Rape Laws," (2023).

¹⁹ India Today, "The Debate Over Criminalising Marital Rape: Concerns About Misuse," *India Today Law Review* (2022).

²⁰ NLIU Gender Justice Centre, "Safeguards Against Misuse in Sexual Offence Laws," *GJC Review* (2023).

2. Difficulty of Proving Non-consent in a Private Relationship

Since marital intercourse happens in private, gathering forensic or corroborative evidence can be challenging. Some argue this makes prosecution and conviction unlikely, or that it would place undue burden on courts.²¹

Counter-Argument: While challenges exist, they are not insurmountable. Legal systems routinely deal with crimes without external witnesses. Testimony in court, combined with medical, circumstantial, and psychological evidence, can help adjudicate such cases. Moreover, the difficulty of proof is an argument for strengthening not rejecting legal protections.²²

3. Fear of Undermining the Institution of Marriage — Divorce, Distrust, Social Breakdown

Some argue marital rape laws might lead to rising divorce rates or erode trust between spouses.

Counter-Argument: A healthy, consensual relationship built on respect is the real foundation of stable marriage. Marriages founded on coercion or violence are unlikely to be stable. Criminalizing marital rape helps promote partnerships based on dignity and mutual consent, not entitlement.²³

4. Existing Laws Provide Adequate Protection (e.g. PWDVA, Cruelty Laws)

Supporters of the status quo contend that laws against domestic violence or cruelty are sufficient.²⁴

Counter-Argument: These laws are inadequate for non-consensual sex. They often don't treat forced sex as a distinct, serious crime. They lack the deterrent effect, the symbolic recognition of rape, and the justice equivalent to rape laws. Civil remedies are insufficient for such grave violations of bodily autonomy.²⁵

²¹ The Indian Express, "Challenges in Proving Marital Rape: What the Courts Say," Opinion Editorial (2024).

²² JNRD, "Evidentiary Complexities in Marital Rape Cases," *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

²³ Legal Service India, "Criminalizing Marital Rape: A Step Toward Gender Equality," *Legal Service India Journal* (2023).

²⁴ Government of India, *Protection of Women from Domestic Violence Act*, 2005; see also "Are Existing Domestic Violence Laws Adequate?" *Indian Journal of Law and Gender Studies* (2022).

²⁵ IAS Express, "Marital Rape in India: Issues and Way Forward," *IAS Express Analysis* (2024).

The Urgent Need for Reform: Why Now

Constitutional Consistency and Moral Obligation

India's constitutional values respect for human dignity, equality before the law, non-discrimination, personal liberty and privacy demand that marital rape be criminalized. The denial of this right to married women is anachronistic and untenable in a democratic society that claims to uphold equal rights for all.²⁶

International Standards and India's Global Standing

As parts of international human-rights frameworks evolve, India risks lagging behind in upholding basic standards of bodily autonomy and gender justice. Criminalizing marital rape would mark a powerful shift, asserting that Indian law stands for universal dignity and consent not archaic stereotypes.²⁷

Social Change: Breaking the Silence and Stigma

Legal reform can catalyse cultural change. When non-consensual sex in marriage becomes widely recognized as a crime, survivors may feel empowered to speak out; communities may begin questioning outdated norms; future generations may grow up with a healthier understanding of marriage as a partnership based on consent, respect, and equality.²⁸

The change could also lead to better support systems: shelters, counselling, awareness programs, and a justice system responsive to the needs of survivors.²⁹

Deterrence and Accountability

Criminalization would send a strong message that forced sex even within marriage is unacceptable and punishable.³⁰ This can act as a deterrent, discourage perpetrators, and affirm

²⁶ *Constitution of India*, Arts. 14, 15, 21; see also The Indian Express, "The Constitutional Case for Criminalising Marital Rape," Editorial (2024).

²⁷ UN Women, *Progress of the World's Women Report* (2020); CEDAW, 1979.

²⁸ IJNRD, "Social Stigma and Silence Surrounding Marital Rape in India," *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

²⁹ NLIU Gender Justice Centre, "Support Systems and Legal Reforms for Survivors of Marital Rape," *GJC Policy Review* (2023).

³⁰ Legal Service India, "Criminalising Marital Rape: Deterrence and Accountability," *Legal Service India Journal* (2023).

the rights of survivors. Criminal accountability is not just about punishment it's about legitimizing the trauma survivors endure and validating their right to safety and dignity.³¹

Why the Silence? Understanding the Resistance

The resistance to criminalizing marital rape in India and in many other societies does not stem only from legal inertia; it draws power from deep-seated patriarchal beliefs, religious or cultural conservatism, and social structures built on gender inequality.³²

- Historically, the marital-rape exception in the IPC finds its roots in colonial-era patriarchal legal logic that considered a wife as the husband's property — a view that reduced her personhood and denied her sexual agency.³³
- For many, marriage is sacrosanct not just a contract but a social and religious institution. Challenging the idea of "permanent consent" is seen as destabilizing social order.³⁴
- There is also a pervasive stigma around marital issues especially sexual issues. Victims fear shame, ostracism, disbelief, or retribution. Many remain silent, internalizing the abuse as "their burden."³⁵
- Lack of awareness among women and men about bodily autonomy, consent, and legal rights perpetuates the cycle.³⁶

Combined, these factors create an environment where abuse can continue with impunity.³⁷

Global Context: Where India Stands

Although exact statistics globally are hard to come by (because of under-reporting, stigma, lack of data segregation), it is a significant fact that **over 100 countries** have outlawed marital

³¹ IJNRD, "The Psychological and Social Impacts of Marital Rape," *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

³² The Indian Express, "Why Marital Rape Remains Unpunished in India," Opinion Editorial (2024).

³³ A. Kaur, *Colonial Legal Legacies and Marital Rape Laws in India*, NLIU Law Review (2022).

³⁴ UN Women, *Progress of the World's Women Report* (2020), discussing cultural resistance to criminalization.

³⁵ NLIU Gender Justice Centre, "Social Stigma and Silence Surrounding Marital Rape," *GJC Policy Review* (2023).

³⁶ IAS Express, "Bodily Autonomy, Consent, and Legal Awareness in India," *IAS Express Analysis* (2024).

³⁷ Legal Service India, "The Vicious Cycle of Silence in Marital Rape Cases," *Legal Service India Journal* (2023).

rape.³⁸

These countries have often paired legal reform with social awareness campaigns, support systems for survivors, and broader gender-equality initiatives showing that criminalization is not only feasible but compatible with social stability and progress.³⁹

In contrast, India remains among a minority of countries where marital rape (with minor exceptions, such as separated or deserted wives) continues to be legally permissible.⁴⁰

The global trend is clear and the moral impetus strong: consent must be at the core of any sexual relationship, irrespective of marital status.⁴¹

What Must Change: A Roadmap for Reform

If India truly wants to safeguard the dignity, autonomy, and rights of women, it must act urgently. The path forward involves multiple, complementary steps:

1. Legislative Reform Remove the Marital Rape Exception

The most direct step is to amend the law: repeal or revise Exception 2 in Section 375 of the IPC (and related provisions, such as in the newly drafted penal codes) to explicitly criminalize non-consensual sex within marriage.⁴²

2. Judicial Intervention Courts Should Recognize the Unconstitutionality of the Exception

Courts must acknowledge that the marital-rape exemption violates constitutional guarantees of equality, dignity, personal liberty, and non-discrimination.⁴³ Several legal scholars and rights bodies argue that such an exemption is incompatible with fundamental rights.⁴⁴

³⁸ UN Women, *Progress of the World's Women Report* (2020); NLIU Gender Justice Centre, “Global Status of Marital Rape Laws,” *GJC Review* (2023).

³⁹ IAS Express, “International Best Practices in Criminalizing Marital Rape,” *IAS Express Analysis* (2024).

⁴⁰ Legal Service India, “Marital Rape in India: Legal Exceptions and Social Impact,” *Legal Service India Journal* (2023).

⁴¹ The Indian Express, “Why Consent Cannot Be Assumed in Marriage,” Editorial (2024).

⁴² A. Kaur, *Reforming Marital Rape Laws in India: Legislative Pathways*, NLIU Law Review (2022).

⁴³ *Constitution of India*, Arts. 14, 15, 21; see also Legal Service India, “Marital Rape and Fundamental Rights,” *Legal Service India Journal* (2023).

⁴⁴ IJNRD, “Marital Rape: Constitutional and Human Rights Perspectives,” *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

3. Awareness, Sensitization and Education Transforming Social Norms

Legal reform alone is insufficient. There must be widespread awareness campaigns for women and men — about consent, bodily autonomy, and the rights of spouses.⁴⁵ Educational programs, community outreach, support services, and psychological counselling must be strengthened. Civil society, NGOs, women's rights organizations, media all must play a role.⁴⁶

4. Strengthening Institutions Police, Judiciary, Support Systems

Law enforcement agencies must be trained to handle marital rape cases sensitively and ensure proper investigation. Judiciary must evolve to treat these cases with seriousness.⁴⁷ Additionally, there should be shelters, crisis centres, helplines, and long-term support (medical, psychological, legal) for survivors.⁴⁸

5. Safeguards Against Misuse Balanced, Survivor-Centric Implementation

To address concerns of misuse and false allegations, procedural safeguards must be built in: rigorous evidence standards, fair investigation protocols, penalties for false reporting, and careful but empathetic adjudication.⁴⁹ The aim should be to protect actual victims, not to vilify the institution of marriage.

Why This Matters – Not Just for Women, But for Society

Criminalizing marital rape isn't just a legal reform it is a moral and social imperative. Here's why:

- **It affirms that human dignity and bodily autonomy are fundamental rights** — not privileges revoked by marriage.⁵⁰
- **It challenges institutionalized gender inequality** — the idea that marriage grants one

⁴⁵ UN Women, *Progress of the World's Women Report* (2020), emphasizing awareness and education as key strategies.

⁴⁶ NLIU Gender Justice Centre, "Community Awareness and Social Change in Addressing Marital Rape," *GJC Policy Review* (2023).

⁴⁷ IAS Express, "Training Police and Judiciary on Sexual Offences," *IAS Express Analysis* (2024).

⁴⁸ Legal Service India, "Support Systems for Survivors of Marital Rape in India," *Legal Service India Journal* (2023).

⁴⁹ A. Kaur, *Safeguards in Criminalizing Marital Rape: Balancing Justice and Protection*, *NLIU Law Review* (2022).

⁵⁰ The Indian Express, "Consent Cannot Be Assumed in Marriage," Editorial (2024).

partner control over the other.⁵¹

- **It promotes healthier, consensual relationships** where trust, respect, and mutual consent are central rather than coercion or entitlement.⁵²
- **It validates the suffering of countless victims** — providing them recognition, justice, and hope.
- **It aligns Indian law and society with global human-rights standards**, strengthening India's commitment to equality, justice, and dignity for all.

In a society where so many women still struggle for basic rights and recognition economic, social, reproductive refusal to criminalize marital rape sends a deeply problematic message: that some forms of violence are “private,” “normal,” or “part of marriage.” That message must change.

Addressing Common Objections — A Reality Check

Objection	Why It Doesn't Hold
“The law will be misused by women to harass husbands.”	All criminal laws carry some risk of misuse. The appropriate response is better investigation and safeguards — not leaving real victims unprotected. ⁵³
“How will courts prove non-consent inside marriage?”	Lack of forensic evidence does not mean lack of consent. ⁵⁴ Courts routinely rely on testimony, circumstantial evidence, medical records, psychological evaluation, and context. ⁵⁵ The difficulty of proof argues for strengthening the system not denying justice. ⁵⁶

⁵¹ IJNRD, “Gender Inequality and Marital Rape in India,” Vol. 5, Issue 6 (2023).

⁵² IAS Express, “Promoting Healthy, Consensual Marriages Through Legal Reform,” *IAS Express Analysis* (2024).

⁵³ A. Kaur, *Safeguards in Criminalizing Marital Rape: Balancing Justice and Protection*, *NLIU Law Review* (2022).

⁵⁴ Legal Service India, “Misuse vs Protection: Addressing Concerns in Marital Rape Laws,” *Legal Service India Journal* (2023).

⁵⁵ IJNRD, “Evidentiary Challenges in Marital Rape Cases,” *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

⁵⁶ The Indian Express, “Why Difficulty of Proof Should Not Deny Justice in Marital Rape Cases,” Editorial (2024).

Objection	Why It Doesn't Hold
"Marriage is a sacred contract; criminalizing marital sex will destroy families."	True marriage rests on mutual respect and consent. Marriages built on coercion and violence are already unstable. Recognizing marital rape strengthens, rather than weakens, the institution — by making it based on equality, not entitlement. ⁵⁷
"Existing laws (Domestic Violence Act, cruelty laws) are enough."	No — they rarely treat forced sex as a distinct crime, lack criminal deterrence, and seldom deliver justice equivalent to "rape." Civil or domestic-violence remedies are inadequate for serious sexual violence.

The Moral and Constitutional Imperative: Why We Must Change the Narrative

At its core, the issue of marital rape is not about legal technicalities or family values it is about human dignity, bodily autonomy, and fundamental rights.⁵⁸ By refusing to criminalize non-consensual sex within marriage, the law effectively endorses a structure where one partner typically the husband can claim unlimited access to the other's body, irrespective of her will.⁵⁹ That is not marriage; it is coercion.⁶⁰

In a democracy committed to equality and liberty as enshrined in the Constitution such a legal position is untenable.⁶¹ It is also contrary to the spirit of justice, human rights, and social progress.⁶²

Recognizing marital rape as a crime and providing survivors with access to justice signals that we refuse to tolerate sexual violence, even within marriage.⁶³ It affirms that every individual, married or not, has the right to say "no."⁶⁴ It validates the pain of survivors, offers them

⁵⁷ IAS Express, "Proving Consent and Non-Consent in Private Relationships," *IAS Express Analysis* (2024).

⁵⁸ IJNRD, "Marital Rape and Bodily Autonomy: A Human Rights Perspective," *International Journal of Novel Research and Development*, Vol. 5, Issue 6 (2023).

⁵⁹ Legal Service India, "Marital Rape and the Limits of Consent in Marriage," *Legal Service India Journal* (2023).

⁶⁰ The Indian Express, "Marriage Cannot Justify Coercion," Editorial (2024).

⁶¹ *Constitution of India*, Arts. 14, 15, 21.

⁶² NLIU Gender Justice Centre, "Marital Rape, Justice and Social Progress," *GJC Policy Review* (2023).

⁶³ UN Women, *Progress of the World's Women Report* (2020).

⁶⁴ IAS Express, "Consent Is Non-Negotiable: Legal Perspectives on Marital Rape," *IAS Express Analysis* (2024).

protection, and sends a powerful message: consent is non-negotiable.⁶⁵

It is high time we changed the narrative.

Conclusion

The silence around marital rape is not accidental it is manufactured by centuries of patriarchy, legal inertia, and social stigma. But silence is complicit. When laws treat forced sex within marriage as acceptable or simply invisible, they guarantee impunity. They deny justice. They deny dignity.

Criminalizing marital rape would not destroy marriages. On the contrary, it could create a foundation for healthier, consensual, respectful relationships that honour bodily autonomy and equality. It would align Indian law with modern human-rights standards and constitutional values. It would send a clear message: marriage does not erase consent; it strengthens responsibility.

Survivors of marital rape deserve justice. Women deserve dignity. Society deserves to evolve. The law must and should change. The narrative must shift. Because no institution, no tradition not even the institution of marriage is worth protecting at the cost of someone's dignity, autonomy, and safety.

⁶⁵ A. Kaur, *Reforming Marital Rape Laws in India: Legislative and Social Imperatives*, NLIU Law Review (2022).