

JUDICIAL-LEGISLATIVE DYNAMICS ON MARITAL RAPE IN INDIA



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Abstract

Marriage is a primary social institution, and its success is based on mutual respect and trust. But, is there a place of force or arbitrariness within marital relations? Research suggests that youth are increasingly skeptical about marriage, shaped by changing attitudes towards individualism and equity. Such complexity is mirrored in the legislative and judicial approaches to criminalizing marital rape in India. Although the judiciary has progressively acknowledged a married woman's right to autonomy, dignity, and consent, parliament hesitates, influenced as it is by cultural beliefs that treat marriage as a primary social institution and see it as falling outside the ambit of criminal law. Using inductive research basic, this study examines the already established legal framework and then decisions made by the courts on existing legislation (or lack of it) and how it created injustices for women in marriage, and therefore how it must go further.

Keyword: *Marital Rape, Judicial & Legislative Approach, Women's Dignity, Gender Justice*

1. Introduction

Safeguarding remains an exception in India (section 63, Exception 2 of the BNS, 2023)¹. The most agonizing aspect of the representation is the section about marital rape that is left unpaid: if a husband and wife have sex and it is discovered to be non-consensual, it will not be considered rape. Strong

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¹The Bharatiya Nyaya Sanhita, 2023. (Act 45 Of 2023)



cultural views about marriage and a wife's role in it are the foundation of this legal protection for husbands. Nevertheless, the judiciary maintained that in order to protect women's rights and bodily autonomy, it was imperative to use the criminalization of marital rape. However, the legislature is still hesitant to take action. A larger struggle for women's equality in India consists in the ongoing confrontation between the legislative and the judicial pro-feminist points of view. BNS, 2023 still ignores others even if courts have made great headway in questioning outdated ideas. Addressing marital rape is not simply a legal issue but also a vital first step toward justice and equality. It's about realizing every woman has the right to regulate her body—including in marriage—and making sure everyone in society is treated with dignity and respect.

Significance of the Topic

More than just a legal matter, marital rape profoundly affects the life of many Indian women and is a very private subject the legal system mainly ignores. Many occurrences of marital rape go unreported even if sexual assault is becoming more well known, so depriving victims of legal protection. Realizing its importance means realizing the significant psychological and physical damage it generates for families and women. Ensuring that consent and dignity are respected in all relationships—including marriage—is more important than only modifying the laws to stop marital rape.

- *Legal Implications*
- *Societal Impact*
- *Judicial Activism and Legislative Reform*
- *Global Context*

Many women feel locked up and ignored as India's judicial system does not acknowledge marital rape. This lack of awareness implies that authorization could be taken for granted depending merely on the marital status of a pair, therefore depriving victims of justice and support. Social attitudes on gender roles and marriage—which enable violence and stifle open conversations on respect and consent—cause the issue.

Legislative inertia frequently contrasts with the growing tendency within the judiciary to recognise women's rights, which raises concerns about who oversees upholding victims' rights and providing justice. India is at variance with international standards because of its unwillingness to adhere to them and make a commitment to gender equality. Gaining insight from the methods used in other countries might motivate change and teach important lessons.



1.1. Research Questions

The research questions this paper seeks to address are:

- i. What is the legal status of marital rape in India, and how has the judiciary addressed the issue?
- ii. Why has the legislature been reluctant to criminalize marital rape, despite growing judicial support for such a change?
- iii. What impact does this judicial-legislative divide have on gender rights in India?

1.2. Research Objectives

- i. To analyze the legal status of marital rape in India
- ii. To investigate legislative reluctance to criminalize marital rape
- iii. To assess the impact of the judicial-legislative divide on gender rights in India

2. Literature Review

The literature review for the research has been done based on themes and the major themes are:

- *Historical Context and Legal Framework*
- *Judicial Perspectives and Interventions*
- *Legislative Reluctance*
- *The Impact of the Judicial-Legislative Divide*
- *International Perspectives and Comparative Analysis*

Due to historical and cultural factors, there has been much discussion on the legal status of marital rape in India. In keeping with colonial-era views that still exist today, Section 375 of the Indian Penal Code of 1860² exempts non-consensual sexual relations within a marriage from being regarded as rape. According to academics³, this exemption restricts women's liberty in marriage by upholding the idea that marriage entails unqualified assent. Social conventions that consider a wife's consent to be final, depriving women of the ability to refuse, support this legal exception. The literature focuses on how legal, social, and cultural issues intersect to prevent legal reform and impede the identification of marital rape.

²The Indian Penal Code 1860, (Act 45 of 1860), s. 375.

³Bhavesh Gupta and Meenu Gupta, "Marital Rape: Current Legal Framework in India and the Need for Change" 1(1) Galgotias Journal of Legal Studies 16 (2013).



The literature shows that the women's experiences of marital rape are shaped by societal conventions surrounding marriage and sexuality, which also affect how the public views the problem. Due to social pressures and stigma, many women feel compelled to put up with abuse, which makes it more difficult for them to pursue legal action⁴. Cultural narratives frequently portray marriage as a duty in which women must prioritize caring for others, which results in a lack of acknowledgment of their rights and complaints, as pointed out by the scholar. Women find it challenging to believe that they are worthy of justice and safety in marriage because these narratives not only excuse abuse but also silence them⁵. Judicial activism has played a significant role in challenging traditional views on marital rape. Menon-Sen and Rao⁶ look at important Supreme Court decisions that have gradually upheld women's rights and physical autonomy. By holding that sexual contact with a minor wife is deemed statutory rape, the seminal decision "Independent Thought vs. Union of India"⁷ fundamentally rejected the broad legal immunity accorded to marital status and signalled a sea change in Indian law. This decision is regarded as an important first step in creating a thorough legal system that deals with rape in marriages.

Legislative attempts to make marital rape a crime have faced strong opposition, despite this increasing judicial acceptance. According to academics, this hesitancy is a result of deeply ingrained cultural norms that place a higher value on family honour and traditional gender roles than on women's rights. He goes on to say that political dynamics have impeded legislative reform efforts because of patriarchal norms and conservative fractions' fear of retaliation⁸. Furthermore, the researcher⁹ points out that political parties frequently put their electoral objectives ahead of women's rights, which causes a halt

⁴Wendy M.Johnson, *Media Influences on Cultural Norms that Perpetuate Sexual Violence and Silence Victims in the US and India: A Cross-Cultural Comparative Analysis* (2022) (Unpublished Master's thesis, Harvard University).

⁵Debanjan Banerjee and T.S Sathyanarayana Rao, "The Dark Shadow of Marital Rape: Need to Change the Narrative" 4(1) *Journal of Psychosexual Health* 11 (2022).

⁶Kalyani Menon-Sen A K ShivA Kumar, "How Free? How Equal?"(2001) (Report commissioned by the United Nations' Office of the Resident Coordinator in India).

⁷(2017) 10 SCC 800.

⁸Pratiksha Baxi, "Sexual Violence and its Discontents" 43(1) *Annual Review of Anthropology* 139 (2014).

⁹Sarah M. Harless, "From the Bedroom to the Courtroom: The Impact of Domestic Violence Law on Marital Rape Victims "35 *Rutgers LJ* 305 (2003)

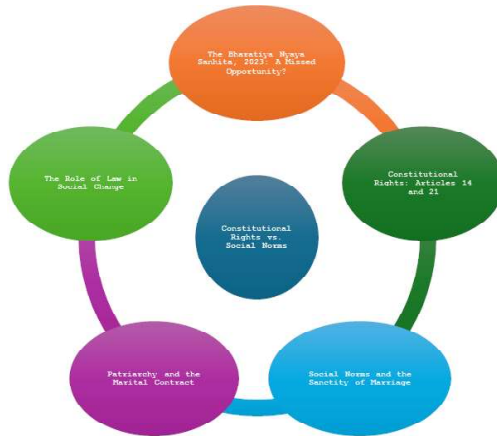


on this important subject. The disparity between legislative inertia and judicial advocacy greatly impacts gender rights in India. The discrepancy renders women more vulnerable and denies them legal protection against domestic violence. His studies indicate that the lack of explicit laws defining marital rape as a crime not only keeps victims from getting justice but also reinforces cultural attitudes that minimize women's rights in a marriage. The worldwide discussions on the concept of marital rape can provide us with a platform to understand its challenges and consequences. Comparative studies such as those conducted by researchers¹⁰ show that many countries have effectively passed laws prohibiting marital rape, therefore attesting to greater respect for women's rights as fundamental human rights. All these trends and initiatives will provide legal jurisprudence for India to bring legal reforms. This will provide an opportunity to understand the trend of acceptance of women's autonomy in marriage. The existing literature suggests that there is complexity in the Indian legal system, courts, and society on the point of marital rape. While time in between judiciary through the judicial review has tried to establish a harmonious relationship and highlight women's rights. To properly advocate for a legislative framework that recognizes and supports women's rights inside marriage, one must understand the historical, cultural, and social elements of this problem. More research on the consequences of the judicial-legislative division will help to direct policy adjustments considering contemporary ideas on human rights and gender equality.

3. Constitutional Rights vs. Social Norms

The argument over marital rape in India is representative of a more profound struggle between constitutional rights and deeply ingrained social norms, underscoring the conflict between the conservative cultural values that still shape social and political discourse and the progressive legal principles enshrined in the Indian Constitution. Whether the government can or should challenge ingrained social norms that prioritize the sanctity of marriage over the rights and autonomy of individuals within that institution—especially women—is at the center of this dispute.

¹⁰Kashish Jhunjhunwala and Shashank Shekhar, "Breaking the Chains: Exploring Marital Rape in India and Its Comparative Analysis with International Jurisdictions". 6 Int'l JL Mgmt. & Human 3447 (2023).



All citizens are guaranteed fundamental rights under the Indian Constitution, such as equality before the law (Article 14) and the right to life and personal liberty (Article 21). Article 14¹¹ guarantees equal treatment for all people, regardless of gender, and forbids discriminatory activities. According to the judiciary’s interpretation of Article 21, life with dignity is guaranteed, along with bodily autonomy, privacy, and personal liberty. Proponents contend that because it infringes on women’s rights to equality, autonomy, and bodily control, non-consensual sex inside marriage ought to be illegal. This right has been upheld by the Supreme Court in rulings such as *K. S. Puttaswamy*¹². Though societal traditions frequently value marriage as a holy institution, India’s constitutional structure supports gender equality and individual autonomy. Marriage is seen as a lifelong bond, with the wife’s primary role being caretaker and subordinate to her husband. These traditional roles influence legislative attitudes towards marital rape. Section 63, BNS, 2023¹³, exemption of marital rape reflects these patriarchal values, assuming a wife’s consent to sexual relations as implicit and continuous. This undermines women’s rights to her husband’s authority, reinforcing a marital hierarchy.

The marital rape exemption is argued to undermine marriage due to a patriarchal view that views marriage as an institution that grants unconditional sexual rights to the husband. This view views a wife’s identity and rights as subsumed by her marital role, limiting her autonomy and individuality. Critics argue that this view is outdated and fundamentally at odds with constitutional principles of equality and dignity. They argue that the marital contract should

¹¹The Constitution of India, art. 14.

¹²*K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹³*Supra* note 1, s.63.



not negate the rights of individuals involved, particularly their right to consent and bodily integrity.

The conflict between constitutional rights and social norms raises questions about the role of law in challenging and transforming societal values. Legal reforms have historically changed deeply entrenched practices in India, such as the abolition of Sati and criminalization of dowry. In the context of marital rape, law can act as a progressive force, pushing society towards women's rights to equality and personal autonomy. Legal scholar Martha Nussbaum argues that law can protect vulnerable populations by providing a normative framework that upholds individual dignity and freedom. The BNS, 2023, which is a new and modern Indian legislation brought by the legislature recently has been criticized for not fully addressing the concept of marital rape. The researcher finds that many of the critics argue that Indian culture values the institution of marriage more than anything. The Indian judiciary advocating for the rights of the women and their autonomy, but on the debate of marital rape they are waiting for the legislature to act upon. While legislature on the other hand is not yet ready for any legislative change as they have fear of misuses of power and procedure of the legislation. And, they think that it will hamper the institution of marriage in totality the Indian society. This is the conflict between contemporary constitutional values and long-standing social norms in India. By the time India will have to bring the legal system in line with the constitutional principles and foster a culture that respects women's autonomy and equality within marriage.

4. Judicial Perspective and Key Judgments

The Indian judiciary been the guardian has always taken the progressive steps on gender equality and women's rights. It has always been the torch bearer of the women's rights and safeguarded it. The judiciary has sought to address the rights of married women within the constitutional framework, particularly on physical autonomy and personal liberty, through historic judgments. However, these judicial interventions are typically constrained by the lack of legislative reform, resulting in a piecemeal, case-by-case approach to marital rape.

One of the most significant judgments in this context, *Independent Thought v. Union of India*¹⁴, criminalized marital rape involving minor girls by reading down the exception in Section 375 of the IPC¹⁵ that allowed sexual intercourse with a minor wife aged 15-18. The Supreme Court held that such an exception

¹⁴(2017) 10 SCC 800.

¹⁵Supra note 2, s.375.



violated the rights of minor girls under Article 21 (right to life and personal liberty) and the Protection of Children from Sexual Offences (POCSO) Act, 2012. By raising the age of consent for married girls to 18, the court took a significant step in challenging the broader marital rape exemption for adult women. However, the ruling only applies to child marriages, leaving the legal status of marital rape in adult marriages unchanged.

Section 497 of the IPC, which made adultery a crime but excused males from prosecution if the lady involved was married, was overturned by the Supreme Court in the case of *Joseph Shine v. Union of India*. According to the court, the clause infringed women's rights to equality, autonomy, and dignity under Articles 14 and 21 of the Constitution and treated them like property. Even though the case was about infidelity, the ruling's focus on women's equality and agency in marriage has significant ramifications for the larger problem of marital rape. Further legal challenges to the marital rape exception were made possible by the verdict, which demonstrated the judiciary's willingness to acknowledge individual rights inside marriage. The "*State of Maharashtra v. Madhukar Narayan Mardikar*"¹⁶ case is pertinent to the judiciary's interpretation of consent and physical autonomy, even though it has nothing to do with marital rape. The Supreme Court ruled in this case that "even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he likes." The court's decision upheld the rights of all women to bodily autonomy and the freedom to decline sexual approaches, irrespective of their social standing. This case is often cited in discussions on marital rape as it underscores the importance of consent, irrespective of the relationship between the parties involved.

In "*Suchita Srivastava v. Chandigarh Administration*"¹⁷, the Supreme Court ruled on the issue of reproductive rights, emphasizing that a woman's right to make reproductive choices is a dimension of personal liberty under Article 21 of the Constitution. While the case dealt with a mentally challenged woman's right to carry her pregnancy to term, it reinforced the principle of bodily autonomy and a woman's right to make decisions regarding her own body. The judgment is often cited in the context of marital rape because it underscores the importance of consent and bodily integrity within the framework of personal liberty. Though primarily concerned with sexual harassment in the workplace, the landmark judgment in "*Vishaka v. State of Rajasthan*"¹⁸

¹⁶(1991) 1 SCC 57.

¹⁷(2009) 9 SCC 1.

¹⁸(1997) 6 SCC 241.



established important principles of gender equality and the right to a dignified life under Article 21 of the Constitution. The court laid down guidelines for addressing sexual harassment, framing the issue within the context of fundamental rights. The Vishaka judgment is significant for its recognition of sexual violence as a violation of constitutional rights, setting a legal precedent that could support future challenges to the marital rape exemption. The Delhi High Court acknowledged marital rape as a type of domestic violence in the case of *Kirti Singh v. Union of India*¹⁹, citing it as a grave breach of women's constitutional rights. The court declared that the immunity granted to spouses under Section 375 for marital rape is incompatible with the gender equality principles of the constitution and called for a re-examination of the exemption. However, the lack of parliamentary support prevented the court from rendering a legally enforceable decision on the criminality of marital rape for adult women, underscoring the judiciary's limits in the absence of legislative reform.

Amnesty International and other international human rights organizations have also pointed out that the Indian judiciary has adopted a progressive position in recognizing the detrimental effects of marital rape. Despite being a signatory to international agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²⁰, India's legal system still faces challenges in striking a balance between international legal requirements and cultural values. Amnesty in its various reports, has praised certain judicial interventions in India for challenging discriminatory laws but has also criticized the ongoing legislative reluctance to amend laws that exempt marital rape²¹. While the Indian judiciary has taken significant steps toward recognizing the violation of fundamental rights involved in marital rape, it remains constrained by the absence of legislative reform. Key judgments such as "*Independent Thought v. Union of India*" and "*Joseph Shine v. Union of India*"²² have chipped away at legal provisions that perpetuate gender inequality within marriage, but these efforts are limited in scope. The judicial strategy stays ad hoc and handles individual cases without enacting systemic change in the absence of broader legislative action. Although the Bharatiya

¹⁹(2019) 243 DLT 147.

²⁰Women U. N. ,Convention on the Elimination of All Forms of Discrimination Against Women (1979). available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (last visited on Dec.31, 2024).

²¹Ramesh Thakur, "Human Rights: Amnesty International and the United Nations". 2 *Journal of Peace Research* 143-160 (1994).

²²(2018) 2 SCC 198.



Nyaya Sanhita, 2023, offers a chance for a more comprehensive legal reform, the judiciary's function will remain restricted to interpreting laws that do not completely guarantee women's rights in marriage until it has provisions that address marital rape.

5. Analysis: The Judicial-Legislative Divide

The conflict between progressive legal changes and societal conservatism is exemplified by the judicial-legislative disagreement on marital rape in India. The legislative has continuously opposed requests for criminalization of marital rape, despite the judiciary's growing recognition of it as a grave breach of fundamental rights, including equality, dignity, and personal liberty. This hesitancy is caused by political calculations that put social stability ahead of revolutionary change, in addition to a cultural devotion to traditional marriage norms. As a result, many women are caught between legislative inaction and judicial acknowledgment of their rights, reflecting a broader gap within institutions and society that impedes progress toward gender equality. A cultural transformation that prioritizes women's autonomy and well-being is necessary to address this issue and enable significant legal reform.

Judiciary's Progressive Stance on Marital Rape—The Indian judiciary, especially its higher courts, has taken a forward-thinking stance on marital rape, defining it as a violation of constitutional rights. The values of bodily integrity, dignity, and individual autonomy as stated in Articles 14²³ and 21²⁴ of the Indian Constitution have been emphasized by landmark decisions. In pivotal cases such as “Independent Thought²⁵ and Joseph Shine case”²⁶, the judiciary has challenged patriarchal norms that strip women of their agency regarding sexual consent. Judges have highlighted that excluding marital rape from criminal prosecution perpetuates inequality and violates women's constitutional rights. For instance, the Independent Thought case criminalized marital rape involving minors by nullifying conflicting legal provisions, while the Joseph Shine ruling decriminalized adultery, affirming women's status as equal partners in marriage. Despite these progressive interpretations, significant barriers to comprehensive legal reform persist. The judiciary is limited to offering case-specific remedies due to existing legal frameworks and the lack

²³The Constitution of India, art. 14.

²⁴The Constitution of India, art. 21.

²⁵Supra note 14 at 8.

²⁶Joseph Shine v. Union of India, (2018) 2 SCC 198



of legislative support. As a result, many women continue to encounter obstacles to justice, underscoring the urgent need for reforms that fully protect their rights within marriage.

Legislature's Reluctance and Political Calculations—The Indian legislature has approached the issue of marital rape with notable caution, in stark contrast to the judiciary. Subsequent administrations have been reluctant to change Section 375 of the Indian Penal Code to make marital rape for adult women a crime, despite suggestions from committees such as the Verma Committee following the 2012 Nirbhaya case and continued lobbying by women's rights organizations. Deeply ingrained political, cultural, and societal reasons are the cause of this hesitancy²⁷. Indian society views marriage as sacred, which is one of the main causes of legal inactivity. Marriage is seen as a holy tie as well as a legal agreement. The main reason for non-criminalization of marital rape in India is that most of the thinkers think that it will endanger the institution of marriage and it will instable the relationship between the couples. But this is just an assumption and there is no static proof of the same. Also, there is a fear about the misuse of the statute and increase of the case of false accusations. But these claims are missing the legal protection provided for such false accusations and denying the right of the women victims the justice. Legislatures are also worried about the non-acceptance, and retaliation by different conservative and religious groups. This is one of the most politically delicate matter questioning the patriarchal norms and traditional gender roles. The legitimate fear of abuse of law and the conservative mindset about the gender role in India are the two because which is creating hurdle for the change. There is also a lack of political will to criminalise it as they think that as a society right now, we are not ready for it. In a democratic country like India, where gender equality is secondary to upholding social order and tradition, this wider failure to confront marital rape is indicative of a systemic problem. The current leaves many women vulnerable and without legal protection, trapped in a system that prioritizes tradition over justice.

The Institutional Impact of the Judicial-Legislative Divide—As in India the doctrine of separation of power is there and following then doctrine the legislature and the judiciary maintains their limits and not set into the field of each other. But the difference of opinion and their stands on then criminalization of marital rape is not only the territorial limits but it is one of the important

²⁷Jagdish Sharan Verma, "Report of the Committee on Amendments to Criminal Law" (2013).



structural problems inside democracy. The denial of such rights is questioning the ignorance of the independence of judiciary and its way of questioning accepted cultural outdated values. The reluctant response of the legislature shows that they fear the change and their unwillingness to promote social reform, especially in regions influenced historically. To fill the gaps the judiciary one way or other works to safeguards the rights of the victim and fill in the lack of legislative action, through judicial activism. Its time to time fuels the element of judicial overreach. Courts are only allowed to interpret and enforce laws, and hence this limits their ability to implement meaningful reform. The courts have power to set the precedents which it did time to time through several landmark judgments but the problem can not be solved without proper legislative backing. Judiciary alone cannot advocate women's rights without the support of the legislature. Legislative reforms with proper procedural legal execution are needed to remove the antiquated norms which infringe then rights of the women within marriage. By removing the disparity system can defends women's rights and promotes equality in marriage.

Bridging the Divide: The Role of Public Discourse and Advocacy

—There is a need of harmonious construction been the judiciary and the legislature on the point of criminalisation of marital rape in India. A cultural transformation is necessary to bring the change in the conventional perspective regarding the element of marriage, gender role, and rights of women within marriage. A new legislation is the need of hours but it should be made keeping in mind the societal setup. The role of judiciary is very crucial as providing the guidance to the legislature to make a law which is good in letter and smooth in implementation and execution. Public discourse very essential for this process because the acceptance of law should be there. Awareness and schooling are necessary for shifting the public sentiment may shift towards criminalizing marital rape. And it can only be done through the initiatives of women's rights organizations, academic discourse, media attention and through other necessary means. Cultural taboos about marriage needs to be removed through awareness the role of consent and women's rights needs to be addressed, prioritizing individual rights over patriarchal conventions should be the aim of the initiatives. The discussion of criminalisation of marital rape is burning all over the world. Many of the countries has criminalized it while some has not. But India on the humanitarian grounds and on the ground of constitutional doctrines must investigated the matter very cautiously for the ends of justice. International human rights norms, notably the Convention on the "Elimination of All Forms of Discrimination Against Women" also suggests



to focus on safeguarding the women rights. A thorough legal framework to fight marital rape is needed to challenge out-of-date practices and advance a culture that protects women's rights and autonomy.

The case that a woman's consent inside a marriage comes second to her responsibility as a wife promotes a structure that gives traditional family values high precedence over women's rights, therefore sustaining gender disparity in the legal system and society at large. The existing disparities between judiciary and legislature over the criminalization of marital rape is the result of conflict between the legal mechanism and the conservative societal ideology in India. Despite significant efforts by the judiciary to recognise the rights of women within marriage, legislature is still denying the women full autonomy and equality within marriage due to social and cultural norms. By advocating component of Indian societal structure legislature is denying the criminalization of marital rape. As it may cause a situation for the failure of the institution of marriage in India. But this is creating the imbalance in the current scenario and hence some concrete attempt must be made in law and cultural standards. Otherwise, goal of gender equality will remain unattainable in India.

6. Conclusion and Recommendations

The disagreement between India's judiciary and legislature over marital rape constitutes a substantial impediment to safeguarding women's constitutional rights and realizing gender justice. Although the court has gradually diminished patriarchal concepts of marriage through various instances, substantial and lasting change can only be realized via coordinated legislative efforts. The subsequent recommendations aim to rectify this deficiency and establish a legislative framework that protects women's rights in marriage while honoring their physical autonomy.

- i.** The Role of the Bharatiya Nyaya Sanhita, 2023
- ii.** Public Awareness Campaigns to Challenge Societal Attitudes Toward Marriage and Consent
- iii.** Judicial Training Programs on Gender Sensitization
- iv.** Addressing Marital Rape Through a Coordinated Approach

India's laws still fail to recognize marital rape as a crime under the BNS, 2023, which denies married women the right to consent or refuse sex. This legal loophole reinforces outdated ideas that a wife must submit to her husband, stripping her of bodily autonomy. Lawmakers have a responsibility to change



this by removing the marital rape exception and ensuring that consent is respected in all relationships, including marriage. Criminalizing marital rape is not just about legal reform—it's about changing deeply ingrained cultural beliefs. Many still view marriage as a license for control rather than an equal partnership. Awareness campaigns and education can help dismantle these myths, teaching that marriage does not override a woman's right to say no. Schools, media, and advocacy groups must work together to spread awareness about consent and gender equality.

The legal system also needs reform. Judges, lawyers, and law enforcement officials often hold conservative views about marriage and gender roles, leading to biased decisions. Gender-sensitization training can help them better understand consent, equality, and women's rights. Stronger legal protections, along with fair and informed judicial decisions, would ensure justice for survivors of marital rape. Ending marital rape in India requires a combined effort—legal reform, public awareness, and a shift in cultural attitudes. Women's rights organizations, civil society, and lawmakers must push for change to break the silence around marital rape and ensure that all women, regardless of their marital status, have control over their own bodies.

The ongoing debate on marital rape in India is not a war against the men or the husbands but it is a conflict with the patriarchal mind-set of the Indian society. It is a tussle between gender justice, social norms, and legal reform. The judiciary and legislature must build some similar ground to talk on the same matter. A comprehensive and well-coordinated plan is needed so that a fruitful result can be drawn. The plan must encompass different dimensions like, public education, institutional training, and legislative reform. Only removal of marital rape exception forms the statute or bring new law will not fulfil the purpose but we need to understand the need of the hours and the societal dimension of India. Only by balancing between two can cater the good results. Societal advancement and legal reform both is required for safeguarding women's rights and physical autonomy within marriage. Indian society has to address the issue of marital rape is essential for achieving gender equality within India's legal and social frameworks, as well as for advancing women's rights.