

SC rejects plea to make marital rape a criminal offence

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The Supreme Court Tuesday refused to entertain a woman's plea to declare marital rape a criminal offence, saying it wasn't possible to order a change in the law for one person. A Delhi-based MNC executive had told the court that her husband repeatedly resorted to sexual violence but she was helpless as marital rape was not a crime in India.

"You are espousing a personal cause and not a public cause...This is an individual case," a bench of justice AR Dave and justice R Banumathi said, refusing to take up her plea. The woman had challenged the validity of an exception to Section 375 of the IPC that says sexual intercourse by a man with his wife, who is 15 or above, is not rape even if it is without consent. The provision, the woman said, violated her fundamental right to life and liberty.

As the bench was not inclined to entertain the petition, Colin Gonsalves, who represented the woman, chose to withdraw it. "We would move the court again on the issue....may be through a women's organisation," the senior advocate told HT. The law commission in its report to the government in March 2000 recommended that forced sexual intercourse by a husband be treated as an offence just like any physical violence by a man against his wife.

Justice JS Verma committee that reviewed rape laws after the December 16, 2012 gang rape of a para-medical student in Delhi had also given a similar suggestion. But the government has chosen not to change the law that is apparently based on patriarchal social norms.

According to UN Women's 2011 report, marital rape is a criminal offence in about 52 countries, including the United States, the United Kingdom, Canada, France and neighbouring Bhutan. The report said 127 countries did not explicitly criminalise rape within marriage. The petitioner alleged that she was not only subjected to dowry harassment, but also brutally raped by the husband who pushed torch lights into her, causing grievous injuries.

<http://www.hindustantimes.com/india-news/sc-rejects-plea-to-make-marital-rape-a-criminal-offence/article1-1317908.aspx>