
SHOULD MARITAL RAPE BE RECOGNISED IN INDIA?

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ABSTRACT

The Indian Penal Code, 1860 does not recognise that a husband raping his wife is a crime, hence there is no criminalization of marital rape in India. Various Law Commission papers, Parliamentary discussions, and judicial rulings explain why this is the case. The grounds for this range from maintaining the sacredness of marriage to current legal remedies that are already in place. These proponents of not criminalising marital rape are shown to be wrong in this paper. Author contend that the exception for marital rape in the Indian Penal Code, 1860 is unconstitutional based on an examination of Article 14 of the Indian Constitution. In addition, if a woman is raped by her husband, there are no other legal avenues via which she can seek retribution. Author comes to the conclusion that criminalising marital rape is absolutely essential. As a starting point, it is advised that criminal law be revised as well as civil law, notably the laws governing divorce, be revised.

INTRODUCTION

An 18-year-old girl who meets a stranger twice and is told she must marry him is a terrifying scenario. Imagine that on the first night of marriage, the guy who had sworn to love and protect her violates her with verbal and sexual abuse, shattering her dreams of friendship and care. Every night, she is subjected to a fresh humiliation, from having a candle or flashlight shoved into her vagina to being forced to mimic pornographic videos. Her family tells her to “try and adjust” if she complains about the situation. They chastise her and encourage her to be grateful that he is going home to her instead of attending a brothel if she goes to the police with her complaint. It’s not a matter of public concern, but rather a personal one, and the Supreme Court tells her that they can’t amend the law for just one individual. For many Indian women, arranged marriages and the lack of legal protection from the realities of marital rape make this a terrible reality.¹

POSITION IN INDIA

Given that India’s criminal code is founded on Common Law ideas from the 19th century, an exception for marital rape was adopted into the country’s criminal code at the same time. An exception to this is section 375 and section 376-A, which acknowledge “Marital Rape” only in very specific circumstances. This was not the situation while Lord Macaulay was drafting the Penal Code. If “sexual intercourse by a man with his wife is not rape,” Lord Macaulay’s initial draught of Clause 359 included an exemption to that rule. There is a clear preference for husbands’ rights over those of their wives. “Sexual intercourse by a man with his wife, the wife not being under ten years old, is not rape,” was retained in the final version of the Penal Code but differed slightly from clause 359 in the earlier draught. Various changes to the Penal Code raised the consent age afterwards to 12, 13, and 15 years of age.

It is legal for an Indian man to sexually assault his wife if she is not under the age of 15 and if they are living together, but only in very specific conditions, such as if the husband and wife are cohabiting together. If he rapes her when she is under the age of 12, he faces a sentence of up to two years in prison, a fine, or both if she is under the age of 12. To be punished with imprisonment for up to two years and fined for raping his wife who is living apart from him under a decree of separation, or under any other custom or usage, he must rape her while she is separated from him. The Penal Code does not hold a husband accountable for having sex

¹ ‘Night After night, the torture grew’: A survivor of marital rape speaks up, DAILY OPINION (May 12, 2016).

with his wife without her agreement unless in these cases. Section 375 of the penal code, in its sixth clause, holds men who engage in sexual activity with a minor, even if the minor agreed, completely responsible; however, if a wife is not under the age of 15, her permission is irrelevant. In spite of the fact that the legal age of marriage in India is 18, the penal law nevertheless recognises that a woman who marries at 15 or older has given her husband her irrevocable consent to engage in sexual relations. Sir Matthew Hale's comment in his textbook, "Pleas of crown" is the basis for the common law idea of excluding the husband from the liability of rape. Instead, it is an inference drawn from contractual principles rather than an established statute of criminal procedure. This was a first-of-its-kind idea that was also patently false. An Act of Parliament as well as judicial ingenuity helped to dispel this myth in English criminal law. It has taken decades for women's groups in India to call for the rape statute to be rationalised. India's Supreme Court heard public interest lawsuit brought by Sakshi, an NGO that advocates for women's rights, asking for clarification of the term "sexual intercourse" in section 375 of the Indian Penal Code. After that, the Supreme Court requested that the Law Commission "consider the problems given by the petitioners and study the viability of making recommendations for change of the Indian Penal Code or deal with the same in any other manner in order to plug the gaps" to the IPC. The Law Commission rejected Sakshi's proposal to remove the exception to Penal Code section 375. When Sakshi argued that if a husband inflicts some kind of physical harm on his wife, he should be punished under an appropriate offence, and the fact that he is the husband of the victim should not be considered an extenuating circumstance, there is no reason to make a concession in the case of rape when the victim is over the age of 15. In response to this argument, the Law Commission found that omitting this exception would amount to excessive intervention in the marital relationship, and hence this exception provision should not be eliminated. The law commission's rationale for not removing the exception provision from India's rape law is flawed. When it comes to domestic violence, adultery, and so on, Indian criminal law has already gotten involved. Since marriage is an institution, why was it considered interfering with it to remove an exception for marital misconduct? It was never considered excessive interference in a marital relationship by the House of Lords or the Parliament in the United Kingdom when a husband was found guilty of raping his wife. In the United States, the marital rape exemption has been abolished in nearly all of the fifty states, making it difficult to see how in India it would constitute excessive interference in a marriage. What does it signify when someone interferes excessively in a couple's relationship?

Sexual politics and gender relations must be taken into account in order to make sense of this. To outlaw rape, this legislative commission's approach is based on a patriarchal view of the world. Males' heads of homes have significant incentives to pursue individuals who abuse their mothers, spouses, or daughters because rape was historically considered a crime against men. A husband can therefore engage in sexual activity with his wife without her knowledge or permission since she is his property and interfering with his enjoyment of that property would constitute interference with his personal liberty. Why not between cohabitees, or even between any couple who have previously had consensual sexual relations? If so, why not between husband and wife?

As long as a couple has been cohabiting, they have no protection from rape charges, regardless of how long the couple has been living together as "man and wife." Because of the difficulty of proving rape in marriage, some people argue that it shouldn't be criminalised. However, the same argument, if valid at all, applies to those who cohabit. A person should not be granted immunity from prosecution just because the case against them is difficult to prove.

The question is, would the elimination of a husband's immunity lead to an avalanche of rape charges from enraged and vindictive wives? This apprehension is irrational. There's no swarm of accusing spouses or envious cohabitees or girlfriends yelling "Rape" in this situation. When it comes to physical abuse, wives appear to be particularly reluctant to come forward with complaints because of the victim's natural desire to avoid being implicated in a rape trial. There are times when the police receive vexatious and baseless complaints in several areas of criminal law.

INDEPENDENT THOUGHT V. UNION OF INDIA²

The Supreme Court's judgement under the case of Independent Thought vs. Union of India in October 2017 was the most recent. Independent Thought, a non-governmental group dedicated to preventing the rape of child brides, brought the case as a Public Interest Litigation. Men under the age of fifteen who engage in sexual activity with their spouses are exempted from rape under the Indian Penal Code's Exception 2 provision. Justices Madan B. Lokur and Deepak Gupta of the Indian Supreme Court argued in Independent Thought that the Indian Penal Code, Section 375, Exception 2, should not apply to child brides aged fifteen to seventeen years old. An arbitrary and discriminatory distinction between married and unmarried girl

² Independent thought V Union of India and another 2018 CRI.L.J.3541.

children was found to exist in Exception 2 by the Supreme Court.

The Supreme Court defended its decision to amend the exception from “under fifteen years of age” to “under eighteen years of age” with well-supported and sensible reasoning. Article 15(3) and Article 21 of the Indian Constitution (“the Constitution”) are violated by drawing a distinction between married and unmarried girl children, according to the Supreme Court of India.¹⁷ Article 14 of the Constitution contains an equal protection clause, as noted in the concurring judgement. A man’s right to liberty and dignity are guaranteed by the Constitution and the Protection of Human Rights Act of 1993, the Court says; therefore, it would be an infringement of those rights to allow him sexual relations with his child bride under duress. The relevance of women’s rights to physical integrity as well as their privacy was also recognised by the Supreme Court.

It was further pointed out that husbands can be charged with lesser sexual offences, but are immune from rape charges, because of the discrepancies that arise.

Among the lesser crimes for which a spouse can be charged include voyeurism, sexual harassment, assault or criminal force against a woman with the purpose to disrobe, and stalking. These offences do not have any marital exception clauses. The 2005 Protection of Women from Domestic Violence Act, Section 3, also protects women. Court also referred to India’s international duties, particularly under the Convention on the Elimination of All Forms of Discrimination Against Women [“CEDAW”]. Advocates in the fight against marital rape saw the Independent Thought v. Union of India verdict as a turning point.

THE ROLE OF CULTURE IN DETERMINING WHETHER MARITAL RAPE SHOULD BE CRIMINALIZED

For centuries, the link between culture and law has been examined. Law and culture are intertwined, one having an effect on the other and both being impacted by it. The jurisprudential aspects of this relationship have been extensively researched. Our argument, however, is that this disagreement is unimportant for the purposes of this paper. For starters, it is demonstrated that criminalising marital rape is an issue of constitutionally protected rights. Second, because our legislative past is littered with laws that go against long-held cultural norms. This is due to the fact that the majority of legislation addressing the needs of underrepresented groups, such as women or minorities, are not in line with our conceptions of society and its structure. Our example for the conflict between free expression and obscenity in India is the call for

criminalization of marital rape as a constitutional, not cultural, matter. “Morality,” as mentioned in Article 19(2), is one of the reasons for limiting freedom of expression. “Morality” has been understood by the Supreme Court to mean “public morality.” This would imply that the Court would consider immoral speech in circumstances where the general public views it as such. There may be a clash between what the Constitution envisions as being moral and what the general people perceives as moral. “Constitutional morality” refers to the morality of the Constitution. Constitutional morality advocates equality between sexes as well as the right to physical autonomy,” he writes. Some of these may be in direct opposition to public morality. It’s risky to rely on popular morality to determine what is or is not constitutionally moral. Public morality may, for example, be closely aligned with the caste system, as statistics show. A law that denies the lower castes the benefits of any law may be in harmony with public morals and so be constitutional in this case. As part of their society and their cultural values, the public’s morals are judged.

When viewed in light of the societal context, the term “marital rape” is an oxymoron in our circumstance. However, the marital rape exception is still unconstitutional. It’s much more important in countries like India, where the social structure diverges dramatically from the ideals envisioned by the constitution. There was a cultural practise of dowry in India that led to the Dowry Prohibition Act, 1961. In the past, the practise of sati was considered acceptable culturally, and it was even criminalised. The fact that a crime is socially acceptable does not negate the need to make it a crime. Since it reveals a culture that is open to crime, it should serve as an impetus for criminalization. Because of the “rape culture” that exists in society, this argument is especially significant when discussing rape, especially in situations of spousal rape.” Accordingly, it is concluded that since our “culture might not accept” rape, does not invalidate the legality of the prohibition against it. What this should do is encourage the courts and the government to take action as soon as possible.

JUSTIFICATIONS FOR MAKING MARITAL RAPE AN OFFENCE

There are numerous arguments in favour of criminalising marital rape in India, both from the courts and from nongovernmental organisations. The exception for marital rape can be considered as a violation of many of India’s laws. Several constitutional safeguards are alleged to be violated by the exemption, including the right to due process. India’s international commitments are also violated by the marital rape exception. There are other arguments about the physical and psychological effects of marital rape on a woman, in addition to legal issues

under national and international law. In the end, the underlying grounds put forth for the exception to marital rape reflect antiquated ideas that courts all over the world have rejected.

I. Violations of Other Domestic Laws

When seen in the context of India's national laws, maintaining an exception for marital rape seems nonsensical. In the case of rape, husbands might be held responsible for lesser offences committed against their wives.³ When a husband intentionally harms his wife,⁴ the law in India holds him liable for causing bodily harm with dangerous weapons or means,⁵ causing grievous bodily harm,⁶ assault with the intent to humiliate her,⁷ sexual harassment,⁸ assault with the intent to strip her naked,⁹ voyeurism¹⁰ and stalking.¹¹ Assuming that any of these activities are punishable under Indian law, including marital rape, is absurd. A law that only allows rape to be exempt from prosecution while criminalising other offences is discriminatory and inconsistent. It also violates the 1993 Protection of Human Rights Act by allowing spouse exemptions to remain in place. Human rights are defined by the Act to encompass the right to life, liberty, equality, and dignity.¹² In *Independent Thought*,¹³ the court ruled that a woman's husband had violated her Protection of Human Rights Act rights when he subjected their daughter to forced sexual contact. Adults, as well as children, are protected by the Human Rights Act. A person's human rights are protected by the Protection of Human Rights Act; thus, it follows that any form of forced intercourse would violate those rights. Protection of Women from Domestic Violence Act, 2005: a similar case can be made for it. It is a flagrant violation of the rights guaranteed by the Domestic Violence Act to allow the exception for marital rape even when it has been demonstrated to hurt and injure women physically and mentally.

II. Infringement of constitutional rights

Section 375 of the Indian Penal Code, which includes Exception 2, violates the rights and

³ PEN. CODE §§ 323-325, 354, 354A, 354B, 354C, 354D (India).

⁴ PEN. CODE § 323 (India).

⁵ PEN. CODE § 324 (India).

⁶ PEN. CODE § 325 (India).

⁷ PEN. CODE § 354 (India).

⁸ PEN. CODE § 354A (India).

⁹ PEN. CODE § 354B (India).

¹⁰ PEN. CODE § 354C (India).

¹¹ PEN. CODE § 354D (India).

¹² The Protection of Human Rights Act, No. 10 of 1993, PEN. CODE § 2(d).

¹³ Supra note 2.

protections granted by Articles 14, 15(3), and 21, of the Indian Constitution. Article 14 of the Indian Constitution ensures equal protection under the law and forbids discrimination on the basis of religion, race, caste, sex, or place of birth.¹⁴ Women and children can be given particular consideration under Article 15(3) of the Constitution.¹⁵ Life and liberty are guaranteed in Article 21 of the Constitution.¹⁶ As outlined in Article 14, everyone is entitled to equal treatment under the law.¹⁷ The preamble and part IV of the Constitution envision a more equal society, and the state is required to use jurisprudence to help bring that vision to fruition.¹⁸ These are all aspects of equality before the law. “All persons similarly circumstanced shall be treated same in benefits granted and obligations imposed,”¹⁹ the Supreme Court of India ruled in its interpretation of Article 14. Furthermore, Article 14’s reasonable classification criteria is designed to achieve a specific goal. Under Article 14 of the Constitution, legislation that is based on an unfair and discriminatory classification should be thrown down. The marital rape exception, which is currently applicable to married women aged 18 and over, might be considered as arbitrary and discriminatory because it provides for an unsubstantiated differentiation between married and unmarried women, even though both may be subject to the exact same maltreatment. The right to life and liberty are guaranteed under Article 21 of the Constitution.²⁰ It was in *Munn v. Illinois*²¹ that the US Supreme Court acknowledged that the right to life is more than just an animal’s survival. In *Bandhua Mukti Morcha v. Union of India*,²² the Indian Supreme Court affirmed this view. It was held by the Supreme Court that Article 21 guarantees everyone the right to a dignified life.²³ Rape violates a person’s right to a dignified existence, according to the Indian Supreme Court. Allowing an exception to marital rape infringes on Article 21 of the Constitution’s guarantee of life.

In addition, the Supreme Court has acknowledged that the right to privacy is protected under Article 21 of the Indian Constitution, even though it is not explicitly specified in the Constitution.²⁴ Once again, the Court has recognised that sexual abuse violates a woman’s right

¹⁴ *Sri Srinivasa Theatre v. Govt. of Tamil Nadu*, (1992) SCR 164.

¹⁵ INDIA CONSTITUTION, art. 15(3).

¹⁶ INDIA CONSTITUTION, art. 21.

¹⁷ *Sri Srinivasa Theatre v. Govt. of Tamil Nadu*, SCR 164.

¹⁸ *Id.*

¹⁹ *Re: Special Courts Bill v. Unknown*, (1978) 380 SCC (India).

²⁰ *Maneka Gandhi v. Union of India*, (1978) SCR 621.

²¹ *Munn v. Illinois*, 94 U.S. 113 (1877).

²² *Bandhua Mukti Morcha v. Union of India*, (1984) SCR.

²³ *The Chairman, Railway Board v. Chandrima Das*, (2000) SCC 988.

²⁴ *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295.

to privacy. Supreme Court decision in *State of Maharashtra v. Madhkar Narayan*²⁵ stated that every woman has the right to a private, intimate relationship. As a result, permitting rape in marriage is a violation of Article 21's provision of a woman's right to privacy. Article 21 has also been construed by the Supreme Court of India as include the right to a healthy life.²⁶ Rape is well-known to produce a wide range of physical and psychological harm in its victims, regardless of the situation. In addition to the physical and mental consequences of sexual assault, it is also known to create mental health issues such as depression.²⁷ Courts have long acknowledged that rape invariably causes substantial physical and psychological trauma. Independent Thought, the Court's ruling on the exclusion of young brides in marriage to marital rape, also acknowledged that rape traumatises adult victims. Since Article 21 of the Indian Constitution guarantees a person's right to good health, and since rape inevitably has physical and psychological consequences, it follows that the Indian Penal Code's exception to marital rape in Section 375 is in violation of the Constitution, as the Court has stated.

III. Violation of obligations under international law

The International Covenant on Civil and Political Rights ["ICCPR"], as well as the International Covenant on Economic, Social, and Cultural Rights ["ICESCR"],²⁸ have all been ratified by India ["ICESCR"]. The Universal Declaration of Human Rights was signed by India as well ["UDHR"].²⁹ It has been determined by the CEDAW Committee that gender-based violence nullifies a number of international treaty rights, including the right to life, the right to liberty and security, and the right to equality in the family.

"All relevant steps" are required to abolish all forms of discrimination against women under international law treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).³⁰

A further requirement of CEDAW is found in Article 2(b), which mandates that states enact

²⁵ *Madhukar Narayan Mardikar*, AIR 1991 SC 207.

²⁶ *CESC Ltd. V. Subhash Chandra*, (1992) SCR.

²⁷ *Melanie Randall & Vasanthi Venkatesh*, *The Right to No: The Crime of Marital Rape, Women's Human Rights, and International Law*, 41 *BROOK. J. INT'L L.* 153, 194 (2015).

²⁸ *Core International Human Rights Treaties, Optional Protocols & Core ILO Conventions Ratified by India*, in *NAT'L HUMAN RIGHTS COMMISSION, INDIA, A HANDBOOK ON INTERNATIONAL HUMAN RIGHTS CONVENTION* 22-25 (2012).

²⁹ *A HANDBOOK ON INTERNATIONAL HUMAN RIGHTS CONVENTION*, *supra* note 28.

³⁰ *Report of the Special Rapporteur on violence against women, its causes and Consequences*, Rashida Manjoo, A/HRC/29/27, art. 22. *Convention on the Elimination of All Forms of Discrimination Against Women*, Dec. 18, 1979, 1249 U.N.T.S. 13, art. 2 [hereinafter CEDAW].

any and all legislation necessary to eradicate all kinds of discrimination against women.³¹ It has been determined that acts of violence against women, whether physical, mental, or sexual, constitute gender-based discrimination.³² It is also important to note that the commitment to eliminate discrimination against women under Article 2 of CEDAW requires the state to take all relevant measures to remove discrimination perpetrated by the government as well as by any individual or organisation.³³ Preventing violence against women is a global commitment, and states are expected to do their part by conducting thorough investigations, filing charges, and compensating victims. Because of CEDAW's due diligence requirement, national law must criminalise marital rape in order to meet this obligation.

In addition, establishing an exception for marital rape violates a woman's international law-guaranteed right to equality. CEDAW safeguards the right to be free from all forms of discrimination. Because it is acknowledged that intimate partner violence undermines an individual's ability to meaningfully benefit from economic, social, and cultural rights, the ICECSR explicitly protects it.

The right to life is violated when a person is raped in the womb. To the best of the world's knowledge, all human rights accords and customary international law uphold the basic human right to life. The ICCPT³⁴ and the UDHR³⁵ provide specific protections for the right to life. Intimate partner violence, which includes violence against women, has long been considered a primary cause of death for women around the world. Sexually transmitted illnesses, miscarriages, problems throughout pregnancies, and unsafe abortions are all effects of rape in the womb that infringe on a woman's right to life, all of which can lead to deadly outcomes. Because of this, criminalising marital rape is an obligation that states must fulfil in order to stay in compliance with international law.

As well as infringing on one's right to liberty, rape violates one's right to security. The ICCPR and UDHR reaffirm the right to liberty. Violence against women must be addressed in accordance with Article 9 of the International Covenant on Civil and Political Rights (ICCPR).

³¹ CEDAW, *supra* note 30, art. 2(b). Report of the Special Rapporteur on violence Against women, *supra* note 30, art. 22.

³² CEDAW, *supra* note 30, art. 1. CEDAW General Recommendation No. 19 (11th Session, 1992), art. 6

³³ CEDAW, *supra* note 30, art. 2(e) CEDAW General Recommendation No. 19 (11th Session, 1992), art. 9.

³⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 6 [hereinafter ICCPR].

³⁵ Universal Declaration of Human Rights, G.A. Res. 217a (III), U.N. Doc. A/810 at 71 (1948), art. 3 [hereinafter UDHR].

Marital rape is a form of violence against women that can continue over the course of a relationship. This means that in accordance with international law, states are compelled to prohibit and penalise marital rape as a pattern of violence against women.

Additionally, violence against women violates the internationally protected right to gender parity in the family unit. Changes in social and cultural patterns are mandated under the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). An exception for marital assault maintains the idea that a woman's sexuality belongs solely to her husband, therefore undermining any notion of family equality. Contrary to popular belief, criminalising domestic rape serves as a powerful statement in favour of equal rights for women and men in marital relationships. India must uphold its commitment to promote family equality by abolishing the exception for marital rape.

It is essential that India's international obligations to protect women's health and well-being are upheld by criminalising marital rape. The UDHR and the ICESCR both mandate the protection of one's health and well-being. Under Article 12 of the International Covenant on Economic, Social and Cultural Rights, States are required to protect women from domestic abuse in order to reduce their health risks. Sexual assault against an intimate partner has the potential to harm both the victim's physical and mental health. Miscarriages, bladder infections, infertility, and the risk of contracting sexually transmitted diseases are all possible physical repercussions. Depression, anxiety, shock, PTSD, and suicide thoughts are all possible outcomes of a traumatic event. By excluding marital rape from the definition of a crime, a state is clearly failing in its duty to safeguard the health and safety of women.

CONCLUSION

Women in abusive relationships are treated like chattel, and the institution of marriage cannot survive on sex alone. Fear of frivolous lawsuits should not stop us from protecting these women. To achieve the goal of criminalising marital rape, one need to raise public awareness, and to do so, general public should be educated about this crime. Women are frequently unsure if they have been raped or not when it comes to marital rape. Even while it is considered rape if carried out by a stranger on the street, it is not considered such when carried out by the husband. This is in part owing to the societal assumption that submitting to one's spouse is a sign of being a good wife, which is ingrained in women's psyche. More cases of marital rape will be brought to the attention of the judiciary if rural residents, in particular, are made more aware of what constitutes acceptable sexual pleasure and when the same falls under forced sex

and harassment. Additionally, the law pertaining to sexual offences must be significantly revised in order to remove gender bias and provide equitable treatment for all. The Indian Penal Code should be amended to criminalise marital rape. As a crime under the Indian Penal Code, Parliament should recognise and punish marital rape in the same manner as rape under Section 376 of the Indian Penal Code. There should be no leniency in the punishment because of the fact that the parties are married. Arrests alone may not be enough to elicit a significant response from society. Long prison terms have the potential to influence people's behaviour. A number of well-known jurists and public figures have urged the death penalty for rapists since it is an offence worse than murder in terms of its long-term impact. To be in compliance with the Indian Marriage Act, the ambiguity about the consent and wife's ages must be rectified. A girl must be at least 18 years old to marry under the Child Marriage (Restraint) Act, 1929. The age at which a woman can give her permission to sexual intercourse remained unchanged at 16 years, and the age at which a wife qualifies for an exception under Section 375 was not raised from 15 years even though the legal marriage age was raised from 15 to 18 years in 1978. For the sake of the less powerful gender, this anomaly must be investigated by the courts as soon as possible. It's not enough to simply change society's laws; it's also necessary to change people's minds. There may be some changes in the legislation, but the execution of such changes will still result in societal contempt and ridicule for the reporting victims of marital assault, even if they are justified. Since the law must be applied and enforced, a behavioural and social-opinion shift is essential to ensure that the law does not merely remain black and white. Changing men's perceptions that sexual intimacy is something they are entitled to, rather than something that is forced upon them against their will, will require a cultural shift toward equality for men and women alike, as well as a shift away from the mindset that sexual intimacy is something that can be obtained with violence if necessary. The fight for justice by women or the call for gender equality is not a fight against males; it demands the collaboration of society as a whole. As a result, they are engaged in a battle to free themselves from the shackles of tradition and society. The time has come for men to step up to the plate. Accepting that women are equal partners in life is a prerequisite. For the sake of protecting and uplifting these individuals, one need to remove them from the shadows of judicial indifference and put them face-to-face with the men they are trained to dread. This is not just a fight for the rights of women, but for the rights of all people. To put it simply: "The fight is not for a woman's status but for human worth," as Krishna Iyer properly pointed out. The goal isn't to eliminate gender disparity, but rather to bring about a return to a state of equality for all people. Women aren't being asked for food, but for "cosmic peace that never arrives until woman arrives." -