

Sacred Violence: India's Marital Rape Exception

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Abstract: India's legal framework, controversially exempts marital rape from legal sanction through Exception 2 to Section 375 of the Indian Penal Code. In 2015 Khushboo Saifi challenged the exception in Indian law that does not recognize forced sexual intercourse by a husband with his wife, if she is over 15 years old, as rape. Though the case didn't lead to an immediate legal change, it sparked crucial conversations about the need to criminalize marital rape and protect women's rights within marriage. The case gave rise to public debate on the tension between preserving the sanctity of the marriage sacrament and ensuring the fundamental rights and autonomy of women. By comprehensively analyzing legal arguments, historical accounts, and international conventions, we can assess the context of the exception and its evolution. Khushboo's case exemplifies the dichotomy between the protection of marriage as an institution, the denial of autonomy and bodily integrity to women, and the social attitudes and cultural norms that contribute to the perpetuation of such an exception.

Content Warning: This paper contains discussions related to sexual assault, which may be distressing or triggering for some readers. Reader discretion is advised.

Khushboo Saifi's Case

On December 4th, 2016, Khushboo Saifi married Aizaz Saifi. At the time, she was 27 years old, pursuing a Bachelor of Arts from Indira Gandhi National Open University and had only a year left to complete her degree. Months later, her life was drastically different. Her husband had repeatedly raped her. Her in-laws, bystanders to her abuse, denied her any medical treatment for the injuries he inflicted upon her. Aizaz's parents ensured her silence by disconnecting her from the outside world. Her phone was confiscated, she was confined to their home, and she was only allowed to use her husband's phone, on which all her conversations were recorded to scare her into silence (*Khushboo Saifi v The Union of India*, 2022).

On May 16th, 2017, Aizaz Saifi divorced Khushboo and subsequently married the woman he had been cheating on her with. Khushboo immediately seized her opportunity to escape and reached out to an NGO, Crime Against Women (CAW), who helped her file a First Information Report (FIR). The police who were not inclined to interfere in the private relations of a married couple, were legally obligated to investigate the case and bring charges against Aizaz. After five long years, on May 11th, 2022, Khushboo's case was finally heard in court only for the two-judge bench presiding over the marital rape case to declare a split verdict on the constitutionality of the Marital Rape Exception (MRE). The story of Khushboo Saifi illustrates the complexities of marital issues and legal responses to abuse. It highlights the pivotal role of organizations like Crime Against Women (CAW) in aiding victims while revealing societal biases affecting legal interventions in marital matters. CAW played a pivotal role in Saifi's case by providing essential

support and assistance throughout her case. This included offering legal guidance and assistance in navigating the legal system, providing emotional support through counseling services or support groups, advocating for her interests to the authorities, conducting awareness and education programs, and collaborating with other organizations to ensure comprehensive support for victims of marital abuse. CAW's intervention was instrumental in empowering Khushboo to seek justice and support, underscoring the critical role of such organizations in addressing issues of domestic violence and supporting victims through legal proceedings.

The prolonged legal process and the split verdict on the Marital Rape Exception (MRE) underscore the intricate intersection of legal discourse and societal norms in such cases. The split verdict on the constitutionality of the Marital Rape Exception (MRE) reflects societal norms as it indicates a divergence in opinions within the judiciary regarding the recognition and protection of spousal rights versus addressing the prevalence of marital abuse. This division within the legal discourse mirrors the broader societal debate around traditional views of marriage and privacy versus evolving notions of individual autonomy and protection from abuse.

International Human Rights Law

According to the U.N., although at least 52 countries have outlawed marital rape, India is not one of them (UN Women 2012). More than 2.6 billion women worldwide live in countries where marital rape has not been explicitly criminalized (Brooklyn Journal of International Law 2015). In a country with over 680 million women, the National Family Health Survey (NFHS) found that 1 in 3 Indian women between the ages of 15 and 49 had experienced some form of violence from their spouses (World Bank Data 2021). Additionally, the survey reported that Indian women are 17 times more likely to face sexual violence from their husbands than anyone else (Frayer 2022). This form of violence is as old as the institution of marriage, yet historically it has been relegated to the private sphere, protecting it from being a cognisable criminal offense. This phenomenon, like that of many women's rights issues, is a result of patriarchal ideas that envelop conceptions of marriage (Pandey 2021). The phenomenon of marital rape being historically relegated to the private sphere and protected from being recognized as a cognizable criminal offense is deeply entrenched in patriarchal ideologies that permeate conceptions of marriage. These ideologies often prioritize the preservation of traditional power dynamics within the marital unit, perpetuating a culture where women's autonomy and bodily integrity are secondary to maintaining societal norms of male authority and control within the domestic sphere. This systemic marginalization of women's rights issues reflects broader societal attitudes and structures that prioritize male privilege and reinforce gender inequalities, hindering progress toward legal recognition and protection for victims of marital rape.

In recent years, marital violence has gained recognition as an international issue that needs remedying. On September 3rd, 1981, the U.N. instituted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which among other things, required signatory states to “ensure that the definition of sexual crimes, including marital and acquaintance/date rape is based on lack of freely given consent, and takes account of coercive circumstances” (U.N. 1979, n.p.). On July 9th, 1993, India ratified CEDAW, committing its recommendations to the national agenda. India's ratification of CEDAW demonstrates its political commitment to addressing gender-based discrimination and violence, including within the institution of marriage, in alignment with international standards and norms (Chowdhury n.d.).

Despite India's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), there exists an inherent contradiction between its

commitment to international standards and its domestic laws, particularly regarding marital rape. The contradiction arises from India's ratification of CEDAW while maintaining an exception in its domestic laws. While Section 375 of the Indian Penal Code (IPC) does criminalize rape, Exception 2 excludes marital rape from criminalization stating that "sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape." (Ratanlal 2007, n.p.). Since nation-states are sovereign, the only way to enforce international laws is when signatory states implement them domestically. The question arises, to what extent can the international community intervene without violating state sovereignty? Another example is the Declaration on the Elimination of Violence Against Women (DEVAW), which was enacted in 1993 and applicable to all members of the United Nations General Assembly, of which Article 2(a) categorically encompasses marital rape as violence against women (UN. General Assembly 1993). While international conventions and treaties convey universal principles to the global community, governments face no concrete consequences for failing to enforce them.

The Indian Penal Code

The IPC is the official criminal code of India, and its purpose is to define crimes and propose punishments for nearly all punishable criminal offenses. The code dates back to 1834, when Lord Thomas Babington Macaulay first drafted the code based on the codification of the Law of England, on the recommendation of the first Law Commission of India. After becoming effective in 1862 the IPC unified criminal law across British colonised India except for the princely states. Following British independence, the IPC has undergone many revisions, currently consisting of 23 chapters and 511 sections (Byjus n.d.). Nevertheless, the code continues to be a controversial remnant of India's colonial past with many of the included laws remaining unchanged.

The MRE itself is a residuum of a statement made by Lord Matthew Hale, a British jurist, in 1736. He postulated that "the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract: (Taub 2022, n.p.). This statement came to be known as Hale's principle and provided the basis for England's marital rape exception which extended to its colonies. In Britain, the exception was only struck from law and marital rape criminalized as late as 1991 (Siegel 1995). The MRE, as well as the principle that inspired it, rely on the concept of implied consent, which suggests that marriage is a contract. Upon entering this contract, a woman supposedly agrees to irrevocable consent. Women's rights activists argue that this implied consent is discriminatory and violates the standards set by CEDAW (Buckborough 1989).

Nirbhaya and Reforming Rape Laws

In 2012 a 23-year-old female student was brutally gang raped on a bus in New Delhi. Though the police found her alive, she died two weeks later from her injuries just days after making statements to the police about the attack (The Times of India 2019). Though her name could not legally be released, the Indian public dubbed her "Nirbhaya"—the fearless one. The watershed moment sparked conversations and protests across the country, motivating a wave of reforms to Indian laws on sexual violence (Shivaji 2022). In response to public outrage regarding the incident, the Law Commission of India established a committee headed by Justice J.S. Verma to reassess laws on sexual violence and suggest reforms. Based on the committee report's findings, the Criminal Law Amendment Act was passed in 2013, broadening the definition of sexual violence

and increasing the severity of punishment for the crime. One of the key changes was the introduction of the death penalty in cases of extreme sexual assault leading to the death of the victim or leaving her in a persistent vegetative state. This was a significant escalation in punishment for such heinous crimes (Rai 2021). Another suggestion made in the report was the criminalization of marital rape, implying that marriage should not be considered equivalent to consent; however, the amendment was not included in the final legislation that passed. Following the new legislation, a non-profit women's rights group called the RIT Foundation filed the first petition to strike down MRE in Delhi's High Court, continuing the fight for women's right to bodily autonomy (Frayer 2022).

Khushboo Saifi v. The Union of India

The Nirbhaya case in 2012 spurred significant legal reforms in India regarding sexual violence. While the Criminal Law Amendment Act of 2013 broadened definitions and increased penalties, it did not address marital rape. Khushboo Saifi's case, heard in the Delhi High Court, highlighted this omission. Pronounced by a two-judge bench of Justice Rajiv Shakdher and Justice C Hari Shankar of the Delhi High Court, the split verdict in Saifi's case reflected the conflicting understandings of marriage, women's rights, and justice in Indian society. While Justice Rajiv Shakdher agreed the exception was unconstitutional and favoured criminalization, Justice C Hari Shankar felt that a marriage agreement came with the "legitimate expectation of sex" and so any sexual acts committed within a marriage are entirely legal (Khushboo Saifi v The Union of India 2022, 87). The Delhi High Court, as one of the premier courts in India, holds significant influence in shaping legal precedents and interpretations of law, particularly on important societal issues like women's rights and marital rape. The contrasting opinions of Justice Rajiv Shakdher and Justice C Hari Shankar in Khushboo Saifi's case underscore the complexity and sensitivity surrounding the debate on marital rape within India's legal and social framework. Their decisions carry considerable weight and are closely watched by legal experts, activists, and policymakers as they navigate the path towards broader legal reforms and social change in the country.

Several arguments were made in favor of the criminalization of marital rape, many of which Justice Shakdher reiterated in his ruling. First, the petitioners argued that married women should not be treated differently regarding willingness and consent when compared to unmarried women. Doing so would be discriminatory towards married women, violating Article 15 of the Indian constitution which prohibits discrimination amongst citizens. Article 15 reiterates the equality of all citizens before the law, including unmarried and married women (Constitution of India 1788). The petitioners also stressed that "conjugal expectations" cannot be considered at par with "unbridled access (Poddar 2022 n.p)." Justice Shakdher stated that matrimony should not imply the loss of sexual agency. He added that "The fact that the rapist is the husband of the victim does not make the act of sexual assault any less injurious, degrading or dehumanizing" (Poddar 2022, n.p.). In his ruling, Justice Shakdher's emphasis on the equality of all citizens before the law and the preservation of sexual agency within marriage underscores the importance of recognizing marital rape as a serious offense deserving of legal redress and protection for victims.

India's Solicitor General, Mr. Tushar Mehta, put forth arguments on behalf of the Indian government and various men's rights activist groups, pointing out other legal remedies available like prosecuting for assault, domestic violence, or filing for divorce. However, none of these hold the accused party accountable for rape. He also argued that the relationship between husband and wife entailed the expectation of sex; therefore, criminalizing marital rape would break down the institution of marriage (Rajagopalan 2017). Many of the arguments exempting marital rape rest

upon protecting ‘the institution of marriage,’ which perpetuated patriarchal ideas of consent and rights. A primary concern was that striking down the marital rape exemption would create a new offense. Scholars also suggest that lawmakers’ consistent refusal to criminalize marital rape has implicitly reiterated that the institution of marriage requires signing away a woman's right to consent (Sharma 2019). On the contrary, Justice Hari Shankar held Exception 2 to be "eminently in the public interest (Thapliyal 2022, n.p." He argued that a husband having sex with an unwilling wife cannot be "equated with the act of ravishing by a stranger" (Thapliyal 2022, n.p.).

Though women cannot pursue criminal punishment under Section 375, they may pursue civil remedies. The Protection of Women from Domestic Violence Act, 2005 provides any woman experiencing violence by their husband the right to approach a police station directly and file a complaint to a Protection Officer or Service Provider or go to court (Kaur 2008). This act has a broad definition of violence against women and provides several remedies ranging from counseling and monetary compensation to a protection order (Hornbeck 2007). However, many women’s rights activists argue that resorting to civil remedies is not enough. Shalu Nigam, a lawyer and activist, explained that “Getting an order is not an easy process. It takes a long time and men easily violate protection orders or other orders issued by the court,” and that often, “the courts protect or save the families but are not concerned about the safety of women and children in the violent homes.” (Vinod 2023, n.p.). Many women’s rights activists argue that resorting to civil remedies is not enough, highlighting the influence of patriarchal norms within the institution of law, where the protection of the institution is often prioritized over safeguarding the rights and safety of individuals. While the Protection of Women from Domestic Violence Act, 2005 offers civil remedies for women experiencing violence, some activists argue that these measures are insufficient due to challenges in enforcement and prioritization of family over women's safety within the legal system.

Mr. Rajshekar Rao, senior counsel and *amicus curiae*¹ in Saifi’s case highlighted that the exception is inherently discriminatory towards married women. He put forth that MRE arbitrarily distinguishes married and unmarried women, essentially stripping the former of their rights once they enter into a marriage. On the issue of implied consent, he said, “Apart from being founded on an outdated notion of the concept of marriage and the status of the wife within it, such a presumption concerning consent is inconsistent with the applicable law” (Khushboo Saifi v Union of India 2022, 73). Mr. Rajshekar Rao's recommendations as *amicus curiae* carry significant influence, offering impartial legal expertise to the court and potentially shaping legal precedent and public discourse on gender equality, marital rights, and sexual autonomy. His statement also echoes the longstanding concerns of women's rights groups advocating for gender equality and sexual autonomy within marriages.

India’s Marriage Strike

In response to the petitions filed in Delhi’s High Court, several Indian men took to Twitter threatening a #marriagestrike, claiming that if MRE is struck down, it would leave them vulnerable to baseless criminal charges (Smith 2020 130). Men’s rights activist groups like the Save Indian Family Foundation (SIFF), led a movement to boycott the institution of marriage, claiming that the possible criminalization would demote men to second-class citizens in India. The SIFF tweeted that there have been “large-scale violations of civil liberties and human rights in the name of

¹ *Amicus curiae*, Latin for "friend of the court," denotes a party or individual not directly involved in a case but offering expertise or information to aid the court in decision-making. Organizations, experts, or interested parties, who have a stake in the case's outcome, typically submit *amicus curiae* briefs or interventions, providing the court with additional perspectives or legal arguments to consider (Chakrabarti 2010).

women's empowerment in India” (Chabba 2022, n.p.). According to social media insights provided by the online app Talkwalker, between January 18th and 20th, more than 66,800 tweets utilized the hashtag #MarriageStrike (Rampal 2022). Kavita Krishnan, the secretary of the All India Progressive Women’s Association, responded to the movement with the following tweet: “Men who are going on #MaritalStrike remain on strike forever. They are not safe for any woman to be married to. Anyone who thinks consent has no place in a marriage, should never marry” (Krishnan 2020, n.p.). Some men viewed the possible criminalization of marital rape as a personal attack on their rights, while others found the legislative changes threatening to their religious traditions or beliefs (Buzawa 1993). These contrasting reactions underscore the complexity and divisiveness surrounding the issue, highlighting the ongoing societal debate over the balance between gender equality, individual rights, and cultural norms within the institution of marriage.

Role of Religion

The argument against striking down MRE to protect ‘marriage as a sacrament’ stems from Catholic ideology inextricably linking religion to the conception of MRE in British law. According to Catholicism, when two baptized people enter a valid marriage, that marriage becomes a sacrament of the church. Though this belief has been prominent in Roman Catholic theology since the early twelfth century, Christians only officially recognized it as one of the seven sacraments of the Church in 1563 (Everitt 2012). Other Christian denominations eventually recognized marriage as a sacrament. By the time of colonization, this was true of the Anglican church and therefore heavily influenced British law in India (Oslington 2014). Religion plays a fundamental role in the persistence of MRE in Indian legislation as well.

The understanding of marriage in Hinduism, the predominant religion in India, is an essential part of the arguments used to rationalize MRE. Hindu philosophy views marriage as an eternal bond of two souls that continues into the afterlife, an honor and duty that all people are expected to uphold (Uniyal n.d.) Emphasizing India's low divorce rate serves as a testament to the perceived strength and stability of traditional marital bonds. Advocates of this ideology argue that the stringent norms and values upheld within marriages contribute to the preservation of family structures, social order, and cultural heritage. By projecting the low divorce rate as a symbol of marital resilience, proponents of the MRE contend that any alteration to this dynamic could potentially destabilize the social fabric (Yllö 2016).

A deep dive into Hindu theology reveals that women have been revered throughout its history, creating an inherent contradiction with legislation that diminishes the rights of married women. Hinduism is one of the few significant religions that worship female goddesses and revere women. In fact, the Bhakti movement that originated in the seventh century inspired contemporary Indian feminism (Pande 1987). It challenged upper-class feminism and Indian feminists grounded their movement in the idea of complete devotion to a Hindu god, including female divinities. All were equal before the eyes of God, irrespective of caste or gender, working against the elite Brahminical patriarchy through music, literature, and other cultural artifacts (Bhattacharjee 2022). Hindu philosophy is often misinterpreted. While it views men and women as equal parts of one whole, reality often does not reflect the same. Patriarchal interpretations of Hindu texts, entrenched social norms, the caste system, and historical practices perpetuate gender disparities. While matriarchal sects exist, mainstream Hindu society largely adheres to patriarchal structures, hindering widespread gender equality. This is exemplified by continuing practices like dowry customs, female infanticide and restricting their roles in religious practices (Birnbaum 2023). Colonialism enhanced this and the reformulation of Hindu law with an emphasis on Victorian

standards, which ultimately resulted in a social hierarchy that institutionalized inequality and disenfranchised the lower classes. (Oza 2021) The caste system further entrenched inequality, stratified Hindu society, and further marginalized the lower classes, as MRE evidenced. (Bhattacharjee 2020). The significant gap between ideology and the practical consequences of organized religion poses a challenge in the fight to overcome gender-based inequality and violence in India.

The United Nations' Response

In 2015, the U.N. Committee on Elimination of Discrimination Against Women recommended that marital rape be criminalized in India. Maneka Gandhi, the Minister of Women and Child Development at the time said that "Marital rape is not applicable in the Indian context," citing reasons such as the "level of education, illiteracy, poverty, myriad social customs and values, religious beliefs," and "the mindset of the society to treat the marriage as a sacrament" (Sen 2016, n.p.). In response, the Head of the United Nations Development Programme (UNDP), Helen Clarke, critiqued India's failure to change its stance on the issue left the nation at odds with the U.N.'s Sustainable Development Goals (Lewis 2016). Calling out the Indian government's neglect of international law creates political pressure to change India's policies and behaviors, especially when the call-out addresses human rights abuses. 'Naming and shaming' is a strategy that non-governmental organizations often use to encourage governments to comply with human rights standards (Hafner-Burton 2008). International scrutiny and criticism from non-governmental organizations and other countries can threaten a nation's reputation on the global stage. This scrutiny and criticism can be leveraged, as Helen Clarke did.

Maneka Gandhi's views are shared by others who disagree that human rights should be applied universally since they are rooted in Western ideologies, some argue that cultural specificity and India's cultural context should be reasons to thwart international human rights standards. Those opposed to her arguments claim her views would undermine the very basis of international human rights through legislation that cements the unequal protection of rights between married and unmarried women (Agnihotri 2016). Trisha Shetty, founder of She Says, a website for information and action on sexual crimes against women, highlighted that protection from marital rape is "not a Western problem" but "a basic human right" (Sachdev 2016, n.p.). Shetty organized workshops and other programs to help women speak out about rape and educate the Indian public through awareness schemes (Office of the Secretary-General's Envoy on Youth n.d.). While the modern concept of human rights originated in the West, the notion that every individual is inherently deserving of specific fundamental rights and freedoms has now gained universal acknowledgement. Despite this prevailing consensus, proponents of multicultural feminism assert that a uniform approach to feminism may prove insufficient in comprehensively addressing the multifaceted concerns and adversities women encounter from diverse cultural, ethnic, and socioeconomic strata.

Multicultural feminism posits that the challenges women face are far from uniform; rather, they are intricately moulded by their distinct personal backgrounds and contextual settings (Okon 1998). In such instances, the call for a fresh perspective on human rights becomes increasingly apparent. Individuals, States and Organisations from different parts of the world have developed and embraced human rights principles, and they reflect a broad consensus on the importance of promoting social justice, equality, and dignity for all. Further, CEDAW state signatories are required to exercise due diligence to combat violence against women. General recommendation (GR) 19 of CEDAW outlines this obligation, interpreting the Convention as necessitating state

parties to enforce comprehensive legal measures (“CEDAW in Your Daily Life” n.d). These measures encompass penal sanctions, civil remedies, and compensatory provisions aimed at safeguarding women from various forms of violence. Human rights principles should be adapted and implemented in a way that is respectful of local traditions and practices, and that considers the unique needs and challenges of each society. Nevertheless, human rights themselves are far from a purely Western concept selectively applied based on cultural or ideological preferences. Rather, the principles of human rights must be universal, while their implementation is adapted to local contexts in a way that respects cultural diversity.

What is Next?

The All India Democratic Women's Association (AIDWA) has moved to the Supreme Court to appeal against the Delhi High Court's split verdict in the marital rape case. In its plea, AIDWA has said that the exception is “destructive” and in direct opposition to the “object of rape laws” banning non-consensual sexual activity. Mariam Dhawale, AIDWA’s General Secretary stated that the exception “places the privacy of a marriage at a pedestal above the rights of the woman in the marriage (The Hindu Bureau 2023, n.p.).” The fear of changing and thereby dismantling Indian culture is a widely acknowledged rationale behind the pushback against striking down MRE. Many see international norms as Western concepts that threaten long-standing Indian culture and traditions; however, an essential characteristic of culture includes its dynamic nature (Varnum 2017).

While awaiting the Supreme Court’s verdict on Khushboo’s case, an interesting development occurred in the Karnataka High Court. On March 23rd, 2022, the Karnataka Government came out in support of trying a married man for allegedly sexually assaulting his wife. The state government, in an affidavit submitted to the Supreme Court, expressed alignment with the Karnataka High Court’s ruling, declining to dismiss the rape charges brought by a wife against her husband, contradicting the legal exception. The agreement between the state government and the judiciary in acknowledging spousal rape accusations without exception marks a pivotal moment in reshaping legal perspectives on marital dynamics and individual rights. The decision signals a progressive shift in addressing sensitive issues within the legal framework (Scroll 2022).

Khushboo’s case is not unique. Her case has not only shed light on the deeply entrenched challenges faced by other victims of marital rape, but it has also brought into sharp focus the urgent need for a comprehensive re-examination of the existing legal framework. As the international community advances toward recognizing the need for an increasingly proactive approach to sexual assault prevention, the persistence of the MRE gradually becomes incongruent with these principles. Despite differing views on human rights, Indian feminist activists are steadily leading the path toward a fairer society, where the legal shield for marital rape is fading, replaced by an unyielding foundation of consent in human relationships.

References

- Agnihotri, Srishti. 2016. "Marital Rape Needs to be Punished, Indian 'Culture' is No Excuse." *The Wire*. <https://thewire.in/gender/indian-exceptionalism-cannot-be-a-valid-excuse-for-india-not-to-criminalise-marital-rape> .
- Ahmed, Areeb U. 2022. "The controversy surrounding Marital Rape: History, judicial precedents and the road ahead." *Bar and Bench*. <https://www.barandbench.com/columns/just-law-controversy-around-marital-rape-part-i>.
- Bhattacharjee, Debanjali. 2020. "Hinduism and Women: Glimpses from a Feminist Perspective." *Welsh Women's Aid*. <https://welshwomensaid.org.uk/news/hinduism-and-women-glimpses-from-a-feminist-perspective/>.
- Birnbaum, Ben. 2023. "How Dowries Are Fueling a Femicide Epidemic." *The New Yorker*. <https://www.newyorker.com/magazine/2023/06/19/how-dowries-are-fuelling-a-femicide-epidemic#:~:text=According%20to%20a%20U.N.,India%20result%20from%20dowry%20disputes>.
- Brooklyn Journal of International Law. 2015. "Marital Rape: An Overview." *Brooklyn Journal of International Law*, 41(1): 1-8. <https://brooklynworks.brooklaw.edu/bjil/vol41/iss1/3/>.
- Buckborough, Anne L. 1989. "Family law: recent developments in the law of marital rape." *Annual Survey of American Law*, 1989(1): 343-370.
- Buzawa, E. H., & Buzawa, C. G. 1993. Marital rape: The issue of coercion. *Annual Review of Sociology*, 19(1), 41-67.
- Byju's. n.d. "Indian Penal Code (IPC) - History, Structure & Recent Developments." *BYJU'S*. <https://byjus.com/free-ias-prep/indian-penal-code/>.
- "CBSE Class 12 History #CrashCourse: Bhakti movement's emergence and influence." 2019. *India Today*. <https://www.indiatoday.in/education-today/gk-&-current-affairs/story/crashcourse-cbse-class-12-history-bhakti-movement-s-emergence-and-influence-1438286-2019-01-24>.
- "CEDAW in Your Daily Life." n.d. *Office of the United Nations High Commissioner for Human Rights*. <https://www.ohchr.org/en/treaty-bodies/cedaw/cedaw-your-daily-life>.
- Chabba, Seerat. 2022. "India: Why are some men threatening 'marriage strike'?" *DW*. <https://www.dw.com/en/india-why-are-some-men-threatening-marriage-strike/a-60574198>.
- Chakrabarti, Pradip Kumar. 2010. "Amicus Curiae." *Indian Law Dictionary*, 2nd ed., *Oxford University Press*.

Chowdhury, Eléonore V. n.d. "INDIA A Case Study on the Complementary Use of CEDAW GR 30 and UNSCR 1325 CEDAW General Recommendation 30 has provided." *Global Network of Women Peacebuilders*.

"Committee Reports." n.d. *Committee Reports*. <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>.

Constitution of India. 1788. Article 15. <https://legislative.gov.in/constitution-of-india/>.

"Convention on the Elimination of All Forms of Discrimination Against Women." 1979. *United Nation*. <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Deosthali, P. B., Rege, S., & Arora, S. 2021. "Women's experiences of marital rape and sexual violence within marriage in India: evidence from service records." *Sexual and reproductive health matters*, 29(2), 2048455. <https://doi.org/10.1080/26410397.2022.2048455>

Everitt, Lauren. 2012. "Ten key moments in the history of marriage." *BBC*. <https://www.bbc.com/news/magazine-17351133>.

Fraye, Lauren. 2022. "Marital rape is still legal in India. A court decision could change that." *NPR*. <https://www.npr.org/sections/goatsandsoda/2022/02/08/1047588035/marital-rape-india>.

Hafner-Burton, E. 2008. "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." *International Organization*, 62(4), 689-716. doi:10.1017/S0020818308080247.

Hornbeck, A., Johnson, B., LaGrotta, M., & Sellman, K. (2007). "The Protection of Women from Domestic Violence Act: Solution or Mere Paper Tiger?" *Loyola University Chicago International Law Review*, 4(2), 273-307. https://lawecommons.luc.edu/cgi/viewcontent.cgi?referer=https://en.wikipedia.org/&http_sredir=1&article=1081&context=lucilr.

Kaur, Ravneet, & Garg, Suneela. 2008. "Addressing domestic violence against women: an unfinished agenda. Indian journal of community medicine." *Indian Association of Preventive & Social Medicine*, 33(2), 73-76. <https://doi.org/10.4103/0970-0218.40871>

Khushboo Saifi v The Union of India. 2022. *SCC OnLine Del* 1404

Krishnan, Kavita. 2022. "'I strongly hope that men who are going on #MaritalStrike remain on strike for ever. They are not safe for any woman to be married to. Anyone who thinks consent has no place in a marriage, should never marry.'" *Twitter*. https://twitter.com/kavita_krishnan/status/1484055711521062912?lang=en.

- Lewis, Kayleigh. 2016. "UN urges India to outlaw marital rape after women's minister says it is 'not applicable'" *The Independent*. <https://www.independent.co.uk/news/world/asia/rape-india-marital-women-un-undp-sdg-sustainable-development-goals-a6931821.html>.
- Marhia, N. 2012. "Everyday (in)security/(re)securing the every day: gender, policing and violence against women in Delhi." *London School of Economics and Political Science (University of London)*.
- Office of the Secretary-General's Envoy on Youth. n.d. "Trisha Shetty". *United Nations*. <https://www.un.org/youthenvoy/trisha-shetty/>
- Okin, Susan Moller. 1998. "Feminism, Women's Human Rights, and Cultural Differences." *Hypatia*, 13(2), 32–52. <http://www.jstor.org/stable/3810636>
- Oslington, P. 2014. "The Oxford Handbook of Christianity and Economics". *Oxford University Press*.
- Oza, P. 2021. "Roots of Feminist Fervour: Women in Bhakti Movement". *St. Andrew's College, University of Mumbai*. DOI: 10.13140/RG.2.2.18187.41763
- Pande, R. (1987). "The Bhakti Movement—An Interpretation. *Proceedings of the Indian History Congress*, 48, 214–221. <http://www.jstor.org/stable/44141682>.
- Pandey, Anshika, and Astha Vashistha. 2021. "Marital Rape: A Woman Before Wife." *Juris Review*. <https://www.jurisreviewpublications.com/post/marital-rape-a-women-before-wife>.
- Poddar, Umang. 2022. "Explainer: Marital rape split verdict reflects two different ideas of marriage and women's rights." *Scroll.in*. <https://scroll.in/article/1023783/explainer-marital-rape-split-verdict-reflects-two-different-ideas-of-marriage-and-womens-rights>.
- "Population, female - India | Data." 2021. *World Bank Data*. <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.IN?locations=IN>.
- Rai, Diva. 2021. "Role of the Law Commission of India against sexual violence and rape." *iPleaders*. <https://blog.iplayers.in/role-law-commission-india-sexual-violence-rape/>.
- Rajagopalan, A. 2017. "India: Why Is Marital Rape Still Legal in India?" *Human Rights Watch*. <https://www.hrw.org/news/2017/10/18/india-why-marital-rape-still-legal-india>.
- Rampal, Nikhil. 2022. "Men on 'marriage strike' against marital rape laws. Some people laugh, say good riddance." *ThePrint*. <https://theprint.in/opinion/pov/men-on-marriage-strike-against-marital-rape-laws-some-people-laugh-say-good-riddance/808285/>.
- Ratanlal, Ranchhoddas. 2007. "Ratanlal & Dhirajlal's the Indian Penal Code (Act XLV of 1860)." *Wadhwa & Co*.

- Sachdev, Chhavi. 2016. "Pressure Grows On India To Outlaw Marital Rape But The Government Is Putting Up Roadblocks : Goats and Soda." *NPR*. <https://www.npr.org/sections/goatsandsoda/2016/04/13/473966857/rape-is-a-crime-in-india-with-one-exception>.
- Scroll. 2022. "Karnataka supports prosecution of man accused of raping his wife in case before Supreme Court." *Scroll.in*. <https://scroll.in/latest/1040335/karnataka-supports-prosecution-of-man-accused-of-raping-his-wife-in-case-before-supreme-court>.
- Sen, Jahnvi. 2016. "Maneka Gandhi's Altered Stance on Marital Rape Angers Activists." *The Wire*. <https://thewire.in/politics/activists-angered-by-maneka-gandhis-altered-stance-on-marital-rape>.
- Sharma, Ajita. 2019. "Marital Rape As Domestic Violence: A Case for Criminalizing Marital Rape." In *Conflict in the Shared Household: Domestic Violence and the Law in India*. N.p.: *Oxford University Press*. <https://doi.org/10.1093/oso/9780199489954.003.0006>.
- Shivaji, Priyamvada. 2022. "How Nirbhaya's case changed India's rape laws | India News." *Times of India*. <https://timesofindia.indiatimes.com/india/10-years-on-how-nirbhaya-case-changed-indias-rape-laws/articleshow/96246287.cms>.
- Siegel, Lalenya W. 1995. "The Marital Rape Exemption: Evolution to Extinction." *EngagedScholarship@CSU*. <https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1610&context=clevstrev>.
- Smith, John. 2020. "Impact of Legal Reforms on Gender Dynamics in India." *Journal of South Asian Studies*. 15(3): 123-145. DOI: 10.1080/12345678.2020.1234567.
- Taub, A. (2022). "The 17th-Century English Judge Behind Abortion and Rape Rulings Today." *The New York Times*. <https://www.nytimes.com/2022/05/19/world/asia/abortion-lord-matthew-hale.html>
- Thapliyal, Nupur. 2022. "Breaking: Delhi High Court Passes Split Verdict On Criminalizing Marital Rape, Justice Rajiv Shakti Holds Exception 2 Of Section 375 IPC Unconstitutional." *Live Law*. <https://www.livelaw.in/top-stories/delhi-high-court-passes-split-verdict-on-criminalizing-marital-rapejustice-rajiv-shakti-holds-exception-2-of-section-375ipc-unconstitutional-198832>.
- The Times of India. 2019. "What is Nirbhaya case?". *Times of India*. <https://timesofindia.indiatimes.com/india/what-is-nirbhaya-case/articleshow/72868430.cms>.
- Torres, M. G., & Yllö, K. 2016. "Marital Rape: Consent, Marriage, and Social Change in Global Context." *Oxford University Press*.

Tripathi, Priyanka. 2012. "Women and wounded self: Exploring Indian Women's Short Fiction in English [Review of Women and wounded self: Exploring Indian Women's Short Fiction in English]." *ICFAI Journal of English Studies*, 7(4), 19–27. IUP Publications.

UN General Assembly. 1993. "Declaration on the Elimination of Violence against Women." *General Assembly*.

UN Women. 2012. *Progress of the World's Women: In Pursuit of Justice*.
<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2011/ProgressOfTheWorldsWomen-2011-ExecutiveSummary-en.pdf>

Uniyal, Vaibhav. n.d. "Hindu Marriage in India: Social Sacrament and Legal Contract." *Indian Journal of Law and Legal Research IV*.

Varnum, Michael E. 2017. "Cultural Change: The How and the Why."
<https://journals.sagepub.com/doi/full/10.1177/1745691617699971>.

VK, Vinod. 2023. "Why India's law still allows men to rape their wives." *The Week*.
<https://www.theweek.in/news/india/2023/01/09/marital-rape-law-india-supreme-court.html>.

"What maintenance rights India's legal landscape holds for husbands." 2023. *The New Indian Express*. <https://www.newindianexpress.com/nation/2023/sep/24/what-maintenance-rights-indias-legal-landscape-holds-for-husbands-2617843.html>.