

**Theme :-**

- After declaring 'Right to Privacy' as a fundamental right, several NGOs are submitting petitions to make a law to criminalize 'marital rape'.

**In Favor :-**

- Sexual violence violates human rights, irrespective of the relationship between the criminal and victim.
- IPC 375, which criminalizes rape, discriminates married women from using the section on their husbands.
- Though one can file a case under domestic violence act for marital rape, not terming marital rape as a crime will deter the victims from filing cases.
- Every law in the planet is prone to be misused. That doesn't mean that we should not have laws in order to avoid false cases.

**Against :-**

- Article 15 of Indian constitution prohibits discrimination on the basis of gender. But the proposed law on marital rape in the petitions recognizes only female victims. Hence it is discriminatory to male victims.
- There is a mention of sexual harassment in 'Domestic violence act'. Hence there is no need of another law on marital rape.
- Consensual sex can also be termed as rape, if the wife is willing to file a false case. There will be no proof to prove whether it is consensual or not.
- Punishing men based on mere words of wives is completely wrong, because of the presumption that women do not lie. Good and bad are not related to gender. There are women criminals too.
- The most misused law in Indian judicial system is Section 498A, which allows women to file case on husband and his family in case of dowry harassment. Many women are using this law to extort money and properties from their in-laws. If law on marital rape comes into effect, many innocent men will be at threat.
- In India, women do not get penalized for filing false cases in general. This loophole will encourage more women to file false marital rape cases.
- If anyone is in bad relationship, they can come out of it by divorce. But filing case on abusive life partner and continuing the relationship is meaningless, and will only put pressure on judiciary.

**Conclusion :-**

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It is a progressive step to recognize marital rape is a crime, but making a separate law on it will have more negative consequences than positive ones amid the increasing number of false cases in family issues. Victims already have the option to file a case under domestic violence act. And ignoring male victims is discriminatory based on gender, which is unconstitutional. If marital rape is criminalized, it should include male victims too. And when we talk about false cases, it hurts a lot when one is wrongly accused irrespective of their gender. Hence central government should come to a conclusion to deal with false cases too.

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