International Journal of Transdisciplinary Research and Perspectives
Volume 2, Issue 5, May 2026
www.ijtrp.com | E-ISSN: 3107-7935 | RESAIM Publishing | www.resaim.com

Marital Rape – A Comparative Socio-Legal Analysis of Cultural Legitimacy, Norms, Religion, and Resistance to Reform

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***Abstract*: In modern criminal jurisprudence, especially in cultures where marriage is seen as a sacred institution both culturally and religiously. Marital rape continues to be one of the most debatable issues in modern criminal jurisprudence. This paper aims at conducting a comparative socio-legal study on marital rape by focusing on the interplay between law, cultural legitimacy, patriarchal norms, religion, and opposition to legal reform. It is more so concerned with the legal framework of India where the marital rape exception persists under Section 63 of the Bharatiya Nyaya Sanhita, 2023, despite the increasing constitutional and human rights issues. The paper follows the historical antecedents of the marital rape exemption to the common law doctrine of implied consent and theory of coverture, which denied married women independent sexual autonomy. The paper indicates how a number of legal systems have discarded marital immunity through a recognition of consent, dignity, and bodily autonomy in marriage. The paper also examines the role of conservative meanings of religion, family honour, gender roles, and fears of misuse of law in resisting criminalisation in India. It claims that the marital rape exception has been endured due to underlying socio-cultural disparities, and not necessarily due to legal restrictions. The paper finds that the remedy of the issue does not merely lie in the legislative amendments, but also in the institutional sensitisation, survivor support systems and the overall reformation of the societal attitudes towards marriage, consent, and autonomy of women.**

***Keywords*: Marital Rape, Socio-Legal Analysis, Gender Reforms, Legal Reform.**

1. Introduction

Historically marriage has been considered as a holy institution based on companionship, trust, and mutual duties. But in most cultures' marriage has also operated within the framework of patriarchy that subordinates females and denies them their freedom of choice. Marital rape is one of the most controversial manifestations of this inequality and the term marital rape is used to refer to non-consensual sexual intercourse or sexual acts perpetrated by a husband against his wife. Despite the fact that rape in marriage is a criminal offense that is universally understood as a violation of bodily integrity and human dignity, some legal systems have historically refused to acknowledge such a crime as a violation of bodily integrity and human dignity. The fact that marital rape exemptions seem to be here to stay shows that there is a conflict between constitutional principles of equality and autonomy on the one hand, and deeply rooted cultural, religious and patriarchal norms on the other.

The doctrine of immunity of marital rape began in the English common law in the writings of Sir Matthew Hale in the seventeenth century. Hale held that, in getting married, a wife gave irrevocable consent to having sexual intercourse with her husband, and as such, a husband could never be guilty of raping his wife.[1] This doctrine was directly associated with the theory of coverture where the legal personality of the woman became merged with that of her husband upon marriage. This meant that wives had no sexual autonomy and agency over their bodies as a part of the marriage relationship. Even though the principle has been long overdue and rejected in many countries, its presence is still felt in many post-colonial societies, one of them being India.

Marital rape in India is one of the most controversial questions of both criminal and constitutional law. Section 63 of the Bharatiya Nyaya Sanhita, 2023, does not abolish the marital rape exception by excluding sexual intercourse by a husband with his wife, provided she is over the age of eighteen years, as part of the definition of rape. This clause gives a legal difference between married and unmarried women in terms of sexual consent and protection against sexual violence. Critics cite that such an exception infringes on Articles 14, 15 and 21 of the Constitution of India guaranteeing equality, non-discrimination, dignity, privacy and personal liberty. The fact that this exception is still recognized indicates that the law still regards marriage as a relationship where the consent of a wife is not necessary but assumed.

The opposition to the criminalisation of marital rape in India cannot be viewed only as a legal problem, but it is closely linked with the cultural legitimacy, with religion and gender norms. Indian society tends to consider marriage as a sacrament and a family institution, instead of a partnership of equals. The

[1] R v. R, [1992] 1 A.C. 599 (H.L.) (U.K.).

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women are often supposed to uphold family honour, to keep the marital harmony intact and to serve their husbands sexually. Consequently, forcible sexual intercourse in the marital relationship is frequently normalised or disregarded as a family affair. The fear of being abandoned, social stigma, economic dependence, and a lack of institutional support further deter the women from reporting such abuse. Criminalisation has also been opposed by the conservative groups who argue that criminalisation would cause a destabilizing effect on marriage and would encourage misuse of law.[2] These arguments display the way in which patriarchal assumptions still influence the discourse of the people and reform of the law.

Comparative legal trends at the international level show that the immunity of marital rape cannot be combined with the current human rights principles. Countries like the United Kingdom, Canada, South Africa, Australia and the United States have realised that a woman is not extinguished of her right to consent through marriage. The decision represented a great change in the way marriage was perceived as based on the principle of ownership to the perception of marriage as based on equality and mutual respect. Comparative reforms in these jurisdictions indicate that criminalisation of marital rape does not undermine marriage instead it reinposes the principles of dignity and autonomy on marital relationships.

Socio-legal aspects of marital rape have also been highlighted in the scholarly literature. Their socio-legal approach shows that legal change is frequently opposed because of the cultural norms about the male dominance and female submission in marriage. This scholarship shows that the problem is not only the criminal law, but also much broader questions of gender justice, constitutional morality and social change.

To conduct a comparative socio-legal paper on marital rape, the relationship between law, culture, religion and resistance to change is examined. It examines the historical background of criminalisation of marital rape immunity, constitutional and legal discussions over criminalisation in India, and the experience of jurisdictions that have abolished marital rape immunity. The paper postulates that the consistent opposition to criminalising marital rape in India is a characteristic of patriarchal systems and not a valid legal justification. It also argues that to bring about meaningful reform, it is necessary not only to bring about legislative change but also to bring about change in social attitudes, institutional practices and conceptions of consent within marriage.

2. Historical and Comparative Socio-Legal Framework

The legal approach to marital rape has traditionally been based on patriarchal beliefs about marriage, sexuality and the role of women in society. In various legal systems marriage was traditionally not a relation between equal persons or a hierarchy of the institution of marriage where the husband had authority over the wife. The historical precursors of marital rape immunity were based on the English common law and trickled down to the colonized legal systems including India. Their continuity illustrates that legal systems tend to derive legitimacy on the basis of social and cultural norms as opposed to basing their legitimacy on the foundation of equality and autonomy. A comparative socio-legal study is thus necessary in the context of how various societies have either upheld or denounced the marital rape exemption over the years.

The historical basis to marital rape immunity is often considered to have been written by Sir Matthew Hale in the seventeenth century. Hale argued that in marriage, a wife provided irrevocable consent to sexual intercourse with her husband, and thus a husband could not be found guilty of raping his wife. This principle entered very deeply into common law jurisprudence, and was strengthened by the doctrine of coverture. With coverture, the legal personhood of a married woman became assimilated to that of her husband, denying her independent legal personality and bodily autonomy. Women, in turn, were considered to be unable to deny sexual intercourse in marriage since their consent was expected to be granted permanently at the time they entered the marital union.[3]

The doctrine of coverture was never a legal fiction but indicated more widespread patriarchal assumptions about the nature of marriage and gender roles. The women were supposed to follow their husbands, keep the family honour and meet the demands of the marriage. Sexual access to a wife was thus a necessary marital right as opposed to a situation that depends on ongoing consent. It was these thoughts that found their way into the colonial legal systems through British rule and played a major role in setting up the criminal laws in the colonies including India. Although the marital rape exception in India is said to be a legacy of colonial patriarchy and Victorian morality.[4]

In the Indian Penal Code, which was drafted in 1860 when the British ruled India, the marital rape exception was provided in Section 375. The definition of rape was not to include sexual intercourse by a man with his own wife, but only when the wife was above a certain specified age. The provision remained over one hundred years and is still in modified form under Section 63 of the Bharatiya Nyaya Sanhita, 2023. The fact that this exception has continued to serve as one of the ways in which the historical patriarchal assumptions can be perpetuated even after constitutional change and democratic reform. Even the Indian legal system has echoes of the doctrine of coverture since marriage remains a phenomenon that is treated as a relationship that restricts a woman in her sexual autonomy.[5]

Historically, the socio-legal justification of marital rape immunity was on the basis of the assumption that criminal law should not encroach on the privacy of marriage. Marriage was

[2] A. Anand and P. L. Nagaveni, "Marital rape in India: A socio-legal analysis," *Int. J. Pub. L. Policy*, vol. 14, no. 1, pp. 1–15, 2021.
[3] Id.
[4] S. Uma, "Marital rape in South Asia: Colonial origins and postcolonial challenges," in *Asian Yearbook of Human Rights and Humanitarian Law*, 2023. [Online]. Available: https://brill.com/edcollchap/book/9789004538627/BP000017.xml
[5] T. Solanki, "Marital rape: An analytical study of the wave of socio-legal transformation in India," *Indian J. Integrated Res. Law*, vol. 3, 2022.

considered to be a sacred and personal institution, in which the state had a weak role. The social norms supported this belief; they were based on the social norms that emphasized the importance of family stability over the rights of individuals. This led to the normalisation or covering of the violence in marriage including sexual violence. This division of the spheres of public and private life has been criticised by feminist scholars who argue that this division facilitated the systematic process of invisibilisation of violence against women in the family context.[6]

In the twentieth century, the constitutional reforms, feminist movements and human rights advocacy challenged the validity of the marital rape immunity in various jurisdictions. The change of the relationship of ownership to a relationship of equality and dignity changed rape jurisprudence dramatically. A landmark case that occurred in the United Kingdom was that of R v. R. In this case, the House of Lords turned down the doctrine of irrevocable marital consent and held that a husband could be prosecuted of raping his wife. The decision was a landmark in the history of common law jurisprudence since it confirmed that consent is still necessary in marriage.

The ruling in R v. R affected the legal changes in a number of jurisdictions. In the United States, the exceptions to marital rape were abolished step by step both legislatively and in judicial precedents throughout the late twentieth century. The previous American legislation had equally considered wives as legally inferior to their husbands, yet the feminist activism and the constitutional equality arguments questioned these premises. States gradually came to the understanding that marriage is not a procedure that kills the right of a woman to bodily integrity and sexual autonomy. As of the 1990s, all states of the US had criminalised some form of marital rape, but differences in standards of evidentiary and sentencing still persisted.[7]

Another major reform that Canada undertook was in 1983, Canada repealed the marital rape exemption. Canadian law has substituted the crime of rape with gender-neutral sexual assault clauses on the basis of the principle of affirmative consent. The Canadian jurisprudence gradually acknowledged that consent should be voluntary, sustained and had the capacity to be withdrawn at any point. These reforms were indicative of the wider constitutional undertakings to equality and human dignity. Comparative scholars have also pointed out that Canadian reforms provide examples of how the legal systems can be reconciled between protecting the marital relationships and acknowledging personal autonomy.[8]

Another significant comparative example given by South Africa due to its post-colonial constitutional system. Since the abolishment of apartheid, South African lawmakers and courts have been adopting a rights-based view on gender violence and sexual offences. The criminalisation of marital rape was based on the constitutional guarantees over equality, dignity and the absence of violence. The reforms of South Africa show that even in the societies with a strong traditional and patriarchal structure, there is still a possibility to adopt progressive legal approaches to the constitutional morality prioritised over conservative social norms.[9]

Australia and New Zealand also repealed the marital rape exemptions by enacting judicial and legislative reforms. In these jurisdictions, the courts did not accept the fact that marriage generates irrevocable sexual consent. The reforms were supported by more extensive public awareness programs and institutional reforms to make the treatment of survivors of domestic and sexual violence better. These movements were the result of increased international awareness that the rights of a woman in marriage are not the family business but human rights.

Nevertheless, in light of these developments around the world, there are still a number of countries in South Asia and the Middle East that still retain marital rape exemptions or that only partially protect against spousal sexual violence. The countries of India, Pakistan, Bangladesh and Sri Lanka have a history of common colonial law and patriarchal social construction that contributes to resistance to reform. Marriage in most of these jurisdictions remains a culturally constructed sacred institution where wives are supposed to submit to sexual obligations by their husbands. On the ground, legal reforms are often opposed based on the idea that criminalisation would jeopardize family stability, lead to false allegations, or erode traditional values.

The relative legal environment thus demonstrates that there is a big gap between the jurisdictions who have come to realise that marital rape is a form of violation of bodily autonomy and those who still believe that marriage is a justification of sexual immunity. Reform in the countries that had criminalised marital rape was generally motivated by the values of the constitution, feminist advocacy, human rights discourse, and the evolving social attitudes towards gender equality. Conversely, where marital rape exemptions still exist, such countries tend to use conservative interpretations of culture, religion and family structure as a justification to the legal exemption of marital rape.

In terms of socio-legal interpretation, the fact that marital rape immunity continues to exist cannot be interpreted only through a statutory interpretation. Law does not exist as an isolated entity out of the social environment; instead, law is the reflection of the existing social attitudes towards other members of the society, the existing social practices, and the existing cultural beliefs. According to Garg (2019), the law of rape in India is still influenced by the hegemonic construction of conjugality in which marital unity takes precedence over the consent of women. It proves that legal changes alone might not be enough without other more widespread changes in social perception of marriage and gender relations.

The comparative experiences of the jurisdictions, i.e. United Kingdom, Canada, South Africa, and Australia, have

[6] K. Patel, "The gap in marital rape law in India: Advocating for criminalization and social change," *Fordham Int'l L.J.*, vol. 42, no. 1, pp. 1–38, 2018.
[7] N. J. Dsouza, "A comparative analysis of the legal status of marital rape," *Indian J. Law Legal Res.*, 2023.
[8] V. Venkatesh and M. Randall, "International human rights law imperatives for criminalizing intimate partner sexual violence," SSRN Electron. J., 2017.
[9] A. Garg, "Consent, conjugality and crime: Hegemonic constructions of rape laws in India," *Soc. Legal Stud.*, vol. 28, no. 1, pp. 1–21, 2019.

demonstrated that criminalisation of marital rape does not destroy the institution of marriage. Rather, it enhances the idea that marriage should be founded on mutual respect, equality, as well as consent. These reforms acknowledge that a woman does not abdicate her bodily autonomy when she enters a marriage and that consent should always be central to all sexual relationships. By contrast, the fact that the marital rape exception remains intact in India to this day is indicative of the enduring nature of the patriarchal legal traditions that have their origin in the colonial past and are reinforced by the socio-cultural norms. The historical and comparative analysis thus reveals that the discussion on marital rape is not only about the criminal law but the larger issue between the patriarchal law and the constitutional law.

3. Cultural Legitimacy, Religion, Gender Norms and Resistance to Reform

The controversy of marital rape in India goes way beyond not only criminal law but also the interpretation of the Constitution. It is well entrenched in cultural validity, religious traditions, gender norms and societal interpretations of marriage. The continuation of marital rape exception under Indian law is a show of how legal systems can be largely shaped by the prevailing social values and patriarchal institutions. Marriage in most societies is not an individual relationship between two people but a social institution that relates to family honour, religion, caste and cultural continuity. Thus the need to criminalise marital rape is often framed as an assault on the holiness of marriage and traditional family values. The opposition to reform thus represents more general conflicts between constitutional morality and socio-cultural conservatism.

The issue of cultural legitimacy is very important in the maintenance of marital rape exception. Cultural legitimacy is defined as the process by which the social practices and legal norms gain acceptance as natural, moral or necessary within the society. The marriage traditionally is viewed to be sacred and permanent in the Indian social system and the marriage within the Indian social setup is often considered a sacramental event rather than being a contractual relationship. These cultural impressions lead to the belief that sexual intercourse within a marriage is an inalienable marital duty as opposed to something that has to be constantly consented to. Women are often socialised to accept that family stability and marital harmony are more important than personal autonomy whilst husbands are culturally positioned as the head of the household with authority in the marital relationship.[10]

Patriarchal gender norms that construct masculinity in terms of dominance and femininity in terms of submission support the idea that a wife owes her husband obedience through sex as a sign of submission. Since their childhood, women are commonly conditioned that marriage and making their husbands happy are the main elements of their social lives. This means that most women might fail to even identify forced sexual intercourse in marriage as rape since it is normalised through social norms that allow men to have the unquestioned right to force their women to have sexual intercourse with them. Socio-religious traditions in India have traditionally reinforced unequal gender roles and led to the normalisation of gender-based violence in domestic spaces.[11] These standards result in a space where marital rape is marginalized, hidden or a family issue, not a criminal act.

The significance of religion in the development of attitudes towards marital rape is also important. Although no major religion is expressly approving sexual violence, conservative interpretations of religious teachings have commonly been employed to justify male dominance and female submission in marriage. In India, religious personal laws govern various issues that affect family life both in marriage, divorce, inheritance, and maintenance. It is due to this that marriage is not only treated as a legal institution but as a religious and cultural institution as well. Discussions about marital rape thus come to be mixed up with larger debates about religious freedom, personal laws, and the role of the state in the structure of families.

Resistance to the reform of marital rape has often been observed by scholars as fears that criminalisation would disrupt the religious tradition and the cultural basis of marriage.[12] The conservative groups tend to believe that the introduction of criminal liability into marriage would undermine the family cohesion, promote false accusations, and destroy the social order. These points are related to the overall trend of giving greater priority to preservation of traditional institutions over protection of the bodily autonomy of women. But this argument fails to acknowledge the fact that in the absence of legalization, survivors do not have full solutions and the lack of legalization continues to perpetuate the culture of impunity in the face of sexual violence in marriage.

The role of religion in changing the law is especially evident in the Indian context since there are several systems of personal law that coexist. It has always been argued by feminist scholars that in some cases, personal laws serve as a tool of upholding patriarchal authority in the name of cultural autonomy. Legal accommodation of religious and cultural diversity in India has in many cases come at the expense of gender equality. Women rights reforms in the marriage sector are often opposed as they have been viewed as threats to the community and their religious freedom.[13] This strain is particularly evident in the discussions of the concept of marital rape where the insistence on the criminalisation of the issue is commonly visualised as either Western or anti-cultural in spite of the universal nature of bodily autonomy and human dignity.

[10] S. Mandal, "The impossibility of marital rape: Contestations around marriage, sex, violence and the law in contemporary India," *Austl. Feminist Stud.*, vol. 29, no. 81, pp. 255–272, 2014.

[11] Z. Pujari and S. F. Akhtar, "Cultural norms and gender-based violence in India: The interplay of patriarchy, tradition, and resistance in sustaining inequality," *Nat'l Cap. Law J.*, 2023.

[12] T. Herklotz, "Law, religion and gender equality: Literature on the Indian personal law system from a women's rights perspective," *Indian Law Rev.*, vol. 1, no. 2, pp. 181–200, 2017.

[13] Supra note 5

The other critical element that leads to opposition to reform is the social construction of marriage as a space that is privately owned and not to be interfered with by the state. Historically, domestic violence and sexual abuse in marriage was not considered as a social issue but as a family issue that should not be taken into social discussion. This is the reason why this public-private divide has enabled marital rape to continue to be largely invisible in legal discourse. Feminist critics have disputed this difference by claiming that even the family itself can serve as a location of violence and oppression. In India, marriage is often preserved at the expense of women being subjected to violence. The social pressure women have to maintain marriages at all costs discourages survivors to report abuse and leads to a high rate of underreporting marital rape.[14]

The social stigma and economic dependence only serve to make women more vulnerable in marriage. Most women are afraid of being abandoned, shunned in society or even lose their means of livelihood in case they confront abusive marriage relations. In societies that are patriarchal with the status of the woman being closely tied to marriage, abandonment or accusation of a husband can lead to serious emotional and economic repercussions. Women are also afraid of causing disgrace to their families by speaking in front of a large audience on the topic of sexual violence in marriage. These structural inequalities show that the problem of marital rape cannot be interpreted only as the problem of an individual case of legal dispute but has to be analysed within the broader system of gendered power and social control.

The institutional and the political level is also resistant to reform. Although the Justice Verma Committee in 2013 had proposed that the marital rape exception be criminalised, the Indian legislature decided not to repeal the exception. The Committee made it clear that marriage should not be considered an irreversible commitment to sexual relations and that the bodily autonomy of a woman is not lost in a marriage. However, political apprehension of criminalising marital rape still lingers because of the fear of public backlash and the concern relating to the misuse of the law.

The possibility of false complaints is one of the most widespread arguments that have been put forth against criminalisation. The opponents of reform usually argue that marriage rape laws might be abused in cases of matrimonial conflicts or when divorcing. This argument however is often criticised on the basis that it is based on stereotypes which depict women as manipulative or dishonest. The issue of misuse is inflated and should not be employed to deprive sexual violence survivors of legal protection.[15] Quite the same was said of laws touching on dowry harassment and domestic violence, but the fact that the law can be abused had never been deemed reason enough to deny a law its due legal recognition.

The opposition to the reform also indicates the wider fears of altering the gender roles in the modern Indian society. With more and more women demanding their right to equality, independence and sexual agency, traditional patriarchal frameworks are under strain and are in transition. The legalization of marital rape is a challenge to the historical understanding of husbands as having unrestricted control over the bodies of their wives. As a result, the discussions of the marital rape are frequently symbolic struggles between the relations of genders, family relations, and cultural identities. The fact that the marital rape exception remains continuous on a retention basis indicates that there is discomfort in society with the issue of acknowledging women as independent sexual beings and enjoy equal rights within marriage.[16]

The comparative legal developments reveal that these types of resistance are not peculiar to India. Historically, the immunity of marital rape was justified by many countries with references to religion, family values, and cultural tradition. Nevertheless, such changes as criminalisation in the jurisdictions of the United Kingdom, Canada, Australia, and South Africa demonstrate that criminalisation does not ruin marriage as an institution. Rather, these legal systems realised that marriage had to be based on equality, dignity and mutual respect. The acknowledgment of assent in marriage reinforced constitutional pledges to human rights as opposed to destabilizing social order.

Meanwhile, legal reform will not be sufficient to eradicate strongly held patriarchal attitudes. In jurisdictions where the crime of marital rape has been criminalised, the victims still experience the stigma, evidence barriers and institutional insensitivity. Thus, an effective change in India cannot be achieved solely through legislative reform but rather through a wider social transformation. There is a need to raise awareness in the masses, sensitize gender on issues, implement reforms in the education sector and involve the community and religious leaders in combating cultural norms that legitimize violence against women. Even the religious traditions themselves are not necessarily incompatible with gender justice, but instead, it is the conservative and patriarchal approaches to understanding the religious traditions, which are often incompatible with gender justice.

The controversy on marital rape eventually gives out the tussle between constitutional morality and social morality. Constitutional morality requires that equality, dignity, bodily integrity and personal autonomy should be considered as far as all individuals irrespective of their marital status are concerned. Conversely, social morale in patriarchal societies tends to favour family honour, cultural compliance as well as maintenance of traditional gender hierarchies. The fact that even after the decision was made to criminalise marital rape in India, the dominance of cultural practices advising against criminalising marital rape was witnessed. Nevertheless, the necessity to acknowledge marital rape as a crime against the basic rights of women is becoming more and more of an

[14] S. Basu, *The Trouble with Marriage: Feminists Confront Law and Violence in India*. Berkeley, CA, USA: Univ. of California Press, 2015. [Online]. Available: https://books.google.com/books?id=_PGGDwAAQBAJ

[15] K. Patel, "The gap in marital rape law in India: Advocating for criminalization and social change," *Fordham Int'l Law J.*, vol. 42, no. 1, pp. 1–38, 2018.

[16] A. Dhonchak, "Standard of consent in rape law in India: Towards an affirmative standard," *Berkeley J. Gender Law Justice*, vol. 34, no. 1, pp. 1–36, 2019.

imperative that cannot be ignored anymore.

So, the problem of marital rape cannot be confined to a limited question of criminal law per se. It is a larger battle over the meaning of marriage, the limits of state intervention, the role of religion in the reform of the law and the recognition of women as independent persons deserving to be seen as bodily and worthy. The question that Indian society is facing is not whether marriage rape should be criminalised or not but whether marriage itself will be able to remain as a space not subject to the laws of equality and consent as applies to all other human relationships.

4. Conclusion

Marital rape is one of the greatest contradictions in the modern legal systems, which proclaim equality, dignity, and personal liberty. The fact that feminine assumptions about marriage and gender roles remain unaltered despite modern constitutional democracies becoming more aware of sexual autonomy as a fundamental human right proves the point. As this paper has demonstrated, the historical basis of the immunity of marital rape can be found in the historical doctrines of implied consent and coverture which taught that wives were inferior to their husbands and denied them bodily autonomy. Although the world has undergone legal changes that disapprove of these principles, the Indian law still maintains the concept that marriage establishes a special realm, where consent is assumed but not constantly obligatory.

The comparative study of jurisdictions like the United Kingdom, Canada, South Africa, Australia and the United States shows that criminalising marital rape does not undermine the institution of marriage. Rather, the legal systems have realised that marriage has to be founded on equality, mutual respect and voluntary consent. The experience of these countries shows that legal reform is possible and necessary in the society where the rights and human dignity of women should be respected.

The paper has also determined that opposition to reform in India is not only a legal issue, but a highly socio-cultural one. Gender norms of patriarchy, conservative interpretations of religion, issues of family honour, and fear of state intrusion into the private realm all remain influential on shaping the discourse and legislative inaction of the people. These attitudes continue to be perpetuated, which adds to the normalisation and invisibilisation of sexual violence in marriage.

Thus, it takes more than just stripping the marital rape exception of criminal law to bring meaningful reform. It also requires institutional sensitisation, survivor support systems, publicity, and more holistic change in the societal attitudes to consent and gender equality. In the end, the acknowledgment of marriage rape as a criminal offence is nothing against marriage but it is the affirmation that marriage cannot exist beyond the constitutional provisions of dignity, autonomy, equality, and freedom of violence.