

ABSTRACT

**A CRITICAL ANALYSIS ON THE EFFECT OF PERSONAL LAWS ON
MARITAL RAPE IN INDIA**

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For centuries, women in India have been treated as subordinate and as the property of the male members of the family. When a certain section of the society is treated commodities, they are exploited in all forms possible. Rape on women in one such social evil which exists in the society, and despite laws which have been made to protect the rights of women and punish the offender, this crime continues to exist in the society. It is to be noted, that when there are laws to prevent rape in the country, and this crime is still so rampant, what will be the plight of adult married women, when there are no laws to prevent forceful sexual intercourse by a man on his wife. Such acts degrade the lives of women and prevent them from living a dignified life as provided by the Constitution to every single person under Article 21, irrespective of the person's age or marital status.

There is a dearth of proper laws, which protect the rights of the married women from getting sexually abused by their husbands in India. The interests of married women should be protected by the State and there should not be any discrimination against women solely based on age and marital status.

It is also been observed by the Courts in India that personal laws also play a role in treating women as inferior and as the property of men.

This paper will focus on the rights of married women to have sexual autonomy even after marriage and shall also take the help of various judicial pronouncements, which will substantiate the above. The authors have also examined the role of religions and personal laws in the country that directly or indirectly propagate the idea of marital rape.

Keywords: Rape, Marital rape, Discrimination, Sexual Assault, Marriage