

Marital rape: Dirty linen that needs to be aired

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MUMBAI: A few weeks ago, an email did the rounds of an alumni group of a south Mumbai college. It anonymously summarized the account of the author's friend who had recently married a [white collar](#) professional. They were barely a week into the marriage when the woman confessed to friends that she was being sexually abused by her husband, who forced her into violent intercourse with him. When she summoned the strength to confide in her parents, she was castigated for not giving the marriage her best. The author of the email hoped that her social group would help her friend.

The term for forced sexual relations with a spouse through violence or threat--is 'marital rape'. It is the non-consensual sexual invasion of one spouse of the other; and in that it counts as both, sexual abuse and domestic violence, and can be prosecuted under both rubrics. Under present provisions of the IPC, a husband can be charged with marital rape only if his wife is below 16.

And it's not as rare people may think it is. According to the UN Population Fund, more than two-thirds of married women in India, aged 15 to 49, have been beaten, or forced to provide sex. In 2011, the International Men and Gender Equality Survey revealed that one in five has forced their wives or partner to have sex.

"If not my wife, then from who else should I seek sex?" is a common refrain women encounter, said Hasina Khan, an activist with the women's rights group Awaz-e-Niswan.

Her organization counselled 87 women last year, and most of them about sexual violence.

In a culture that continues to confer on women 'owned' status (property of father/husband), their right of refusal in marriage--to dowry, intimidation and even sex, is unsettling for society.

More recently, women's groups petitioned the Justice J S Verma committee--instituted after Nirbhaya to strengthen anti-rape laws--to include marital rape in its purview. But some believe that the Domestic Violence Act may be enough. "On the ground, as lawyers fighting for women's rights, we know that a law to this effect will not make that much of a difference," says [Flavia Agres](#), women's rights lawyer with Majlis.

Others insist that a dedicated law would serve as a deterrent. Naseen Naik, an activist who helps women file complaints, says no matter how heinous the crime, the police will make her feel shame for making her private affairs public.

"About five years ago, I helped a woman file a case against her husband," recounts Naik, "When she spelled out the nature of his crimes--demands for unnatural sex and the insertion of objects, including a rolling pin into her--the police laughed at the victim. They called her [shameless](#) and said she shouldn't 'talk dirty'. Women have been taught to accept what the husband metes out, without question or protestation," Naik points out, "So what do we call this--a husband's right or rape?"

Dr Duru Shah, a gynaecologist, learns about the sex lives of her female patients through inquiries into their mental and physical health. "At the end of day, a man wants sex--irrespective if his wife wants it or not. This will have repercussions on the psychological and physical health of the woman," says Dr Shah.

Just as sexual coercion knows no class or social constituency in India, self-determination, in its own way, is gaining wide currency across all fronts. Women in metros have become vocal about transgressions and are seeking recourse. Anathema as it may sound to the 'sentinels' of society, perhaps some good may come of washing our dirty linen in public after all.

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