

'SEXUAL ASSAULT OF WIFE CAN TAKE FORM OF RAPE'

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The court also dealt with how married women, like single women, were exposed to sexual assault within the family and suffer forced pregnancies.

"A woman may become pregnant as a result of non-consensual sexual intercourse performed upon her by her husband. We would be remiss in not recognising that intimate partner violence is a reality and can take the form of rape. The misconception that strangers are exclusively or almost exclusively responsible for sex and gender-based violence is a deeply regrettable one. Sex and gender based violence within the context of the family has long formed a part of the lived experiences of scores of women," a Bench led by Justice D.Y. Chandrachud held.

"It is not inconceivable that married women become pregnant as a result of their husbands having 'raped' them. The institution of marriage does not influence the answer to the question of whether a woman has consented to sexual relations," Justice Chandrachud observed.

Marital rape is not recognised as an offence under the IPC. Exception 2 to Section 375 of the IPC removes marital rape from the ambit of rape. Another Bench of the court is currently hearing appeals to remove the Exception.

Justice Chandrachud said Medical Termination of Pregnancy Act recognises a husband's act of sexual assault or forced intercourse committed on his wife as 'rape'. It said the Exception to Section 375 (rape) was only a "legal fiction". However, the court stopped short there, saying understanding 'rape' under the MTP Act would not have the effect of striking down Exception 2 to Section 375 .

[Our code of editorial values](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com