

The Unspoken Violation: Understanding Marital Rape

**Ms. Arya Nanda Ajayan¹, Ms. I Niranjana², Mr. Logesh Bharani³,
Dr. Sudanva G Kulkarni⁴**

^{1,2,3}III B A Criminology student, Department of Criminology, Nehru Arts and Science College,
Coimbatore, Tamil Nadu,

⁴Assistant Professor, Department of Criminology, Nehru Arts and Science College, Coimbatore, Tamil
Nadu.

Abstract

This research study, “The Unspoken Violation: Understanding Marital Rape in India”, attempts to critically analyze the socio-legal scenario surrounding marital rape, an issue that continues to remain unaddressed in the Indian criminal justice system due to the marital rape exemption under Section 375 of the Indian Penal Code and the Bharatiya Nyaya Sanhita, 2023. The study attempts to explore the dichotomy between the constitutional provisions regarding equality and dignity (Articles 14 and 21) and the outdated patriarchal concept of “implied consent”, which assumes that the institution of marriage grants an automatic and irrevocable right to sexual access to the partner. The study uses a descriptive and analytical method and includes a structured survey among 100 respondents, most of the report suggests that the decriminalization of marital rape is a license for domination and thus advocates for legislative reform to decriminalize the act immediately, as well as the need for sex education to de-stigmatize the discussion of consent and body ownership in marriage. Marital rape, which has been identified as a type of domestic and sexual violence, is defined as sexual contact or sexual activity that is forced upon one spouse by the other without the other's free and voluntary consent. Marriage does not establish permanent consent. Due to cultural norms that view sex in marriage as a duty, victims' fears of stigma, family pressure, economic dependence, and retaliation, as well as legal ambiguity in some places that discourages complaints, it is frequently underreported. As a result, a significant hidden crime is created as many survivors normalize the abuse or think that reporting will not result in protection.

Keywords: Unspoken, Violation, Marital Rape, Consent.

INTRODUCTION

Marital rape is an important but “invisible” type of sexual violence that takes place within the institution of marriage. Marital rape is defined as “non-consensual sexual acts perpetrated by one spouse against another, with the absence of free, informed, and voluntary consent remaining the essential element”. The serious physical and psychological consequences of marital rape notwithstanding, the issue is often trivialized or ignored, especially in societies where the institution of marriage is perceived as conferring unqualified sexual rights. This is an “assault on the basic principles of bodily autonomy, dignity, and human rights, reducing the issue to the realm of the private rather than the public sphere as an issue of

domestic and sexual violence”.

In the context of the socio-cultural scenario in India, the institution of marriage is viewed as an unbreakable sacred bond that is deeply rooted in patriarchal ideology. In this context, the role of women is viewed as one of subordination, where they are expected to epitomize the qualities of submission, self-denial, and purity. The act of sex in the context of marriage is viewed as an obligation rather than an act that requires mutual consent, resulting in the elimination of the woman’s right over her own body. The lack of open communication on the issue of sex further aggravates the situation, where women are not even aware of their rights in the matter.

The concept of consent, which is central to sexual autonomy, is frequently misunderstood within marriage as permanent and irrevocable. This flawed assumption negates the dynamic and continuous nature of consent, reinforcing the idea that marital status overrides individual rights. Consequently, survivors of marital rape often face severe psychological trauma, including anxiety, depression, and long-term emotional distress, while simultaneously encountering social stigma, victim-blaming, and pressure to preserve family integrity.

Legally speaking, the matter remains a contentious issue in India. The existing legal framework and the provision of an exception in the rape laws do not acknowledge non-consensual sexual acts in marriage as a crime. Such a situation reflects a contradiction between constitutional provisions for equality, dignity, and liberty and the actual experiences of women. The continuation of such a legal and social framework reflects a general unwillingness to confront the existing patriarchal setup.

In addition to this, the main difference between rape and marital rape is not the nature and effect of the act, but the way it is dealt with. Rape outside marriage is seen as a criminal act, while marital rape is still shrouded in the idea of privacy, obligation, and tradition. It is time to rethink the idea of marriage as a partnership based on mutual respect, equality, and consent.

In a nutshell, marital rape is not just a personal problem; rather, it is a socially constructed problem facilitated by various social elements, including culture, law, and institutions. To effectively address marital rape as a social problem, a multi-dimensional approach is necessary. It is important to note that marital rape is a violation of human rights to bring justice and dignity to individuals in a marital relationship.

LITERATURE REVIEW

According to **Ankita Bera**, “Understanding and Addressing Marital Rape in India: Legal, Social, and Psychological Perspectives (2024)”. In addition to examining ingrained social norms and patriarchal views that normalize non-consensual sex within marriage, the author critically examines the legal void left by the marital rape exception under Section 375 of the Indian Penal Code. The book emphasizes the extreme emotional pain and negative effects on victims' mental health that occur when legal analysis is combined with psychological insights and survivor views. This study significantly contributes to the conversation on gender justice and human rights in India because of Bera's interdisciplinary approach, which is backed by case laws, surveys, and comparative viewpoints. Bera actively pushes for legislative reform and societal transformation.

Artun Onat Yilma “Marital Rape”, provides a thorough analysis of the legal, forensic, sociological, and medical aspects of marital sexual violence. Yilmaz illustrates the frequency of marital rape and its serious physical and psychological effects, such as PTSD, sexual dysfunction, and long-term health issues, using empirical research from Turkey and other nations. The study assesses changing legal reforms, especially

those pertaining to the Turkish Penal Code, and critically looks at the historical legitimization of marital immunity. Yılmaz skilfully draws attention to the ongoing underreporting and social normalizing of the crime by fusing medico-legal analysis with comparative international data. The article ends with a forceful plea for more social awareness and legal enforcement.

Elaine K. Martin, Casey T. Taft, and Patricia A. Resick, in their 2007 review article “A Review of Marital Rape”, published in *Aggression and Violent Behavior*, give a thorough overview of the literature on marital rape in the US. The study looks at the prevalence rates, risk factors, resistance patterns, typologies, legal history, theoretical frameworks, and physical and psychological effects of marital rape. The authors stress that marital rape affects 10–14% of married women and that it is strongly linked to PTSD and non-sexual domestic abuse. The study highlights the need for more thorough, theory-integrated research and efficient clinical interventions while critically addressing methodological flaws in previous studies.

Ishwar Singh Rathore, Nagendra Singh, and Raneeta Pal, in their article “An Insight into Marital Rape” (2022), give a thorough overview of the literature on marital rape in the US. The study looks at the prevalence rates, risk factors, resistance patterns, typologies, legal history, theoretical frameworks, and physical and psychological effects of marital rape. The authors stress that marital rape affects 10–14% of married women and that it is strongly linked to PTSD and non-sexual domestic abuse. The study highlights the need for more thorough, theory-integrated research and efficient clinical interventions while critically addressing methodological flaws in previous studies.

Research Gap

- Chapter II's literature primarily looks at the psychological effects, feminist viewpoints, constitutional arguments, and legal analysis of marital rape.
- Many of the review scholars criticize patriarchal norms and advocate for criminalization.
- Instead of being grounded in the field, the majority of current research is theoretical, comparative, or broadly generalized.
- Micro-level socio-criminological studies that concentrate on stigma, reporting practices, awareness, and perceptions in the broader married population are scarce.
- The regional context of Palakkad (Kerala) is the subject of relatively few studies.
- Most of the literature concentrates on the experiences of survivors, with little attention paid to societal perceptions and common marital customs.
- By providing empirical evidence on the ways in which legal invisibility aids in the social normalization of marital rape, the current study closes this gap.

RESEARCH METHODOLOGY

INTRODUCTION

This chapter discusses the systematic process and methodology that was followed to research the intricate socio-legal phenomenon of marital rape, which has been titled “The Unspoken Violation: Understanding Marital Rape”. The methodology that has been followed in the research ensures that it becomes easy to bridge the gap between the data that has been collected and the socio-legal scenario that exists in the country, with the help of statistical tools and percentage distributions.

STATEMENT OF PROBLEM

The issue of marital rape is grossly underestimated and underreported in the country of India because it has not been criminalized and is deeply rooted in patriarchal culture that considers forced sexual

intercourse an acceptable practice. The issue is rooted in the fact that marriage is considered a license for sexual access to the body of the spouse, thereby taking away the basic human rights of women to their own bodies. The study aims to explore the extent to which the practice has been normalized.

RESEARCH DESIGN

The study employs a descriptive and analytical research design. It is descriptive in the sense that it attempts to establish the state of awareness and attitude towards marital rape among the targeted sample group. It is also analytical in the sense that it analyzes these perceptions in the context of the existing legal framework, such as the implied consent theory, and constitutional provisions, such as equality and autonomy.

OBJECTIVES OF THE STUDY

- To study the importance of Consent in marital relationships.
- To identify the Impact of marital rape on men and women.
- To understand the difference between marital rape and domestic violence.
- To analyze the current Legal Status of the marital rape in India (BNS).

AREA OF STUDY

Geographically and socially, the study covers a diverse area of Palakkad City, Keralam, consisting of rural (43%), urban (32%), and semi-urban (25%) areas. This allows a comparative analysis of the effect of geographical and social backgrounds on the perception of marital rights and consent.

SAMPLE SIZE

To guarantee statistical accuracy and wider representation, the study's initial goal was to receive 384 responses. But in the end, only 100 valid answers were gathered. The sensitive and stigmatized nature of marital rape as a research topic is the main reason for the smaller sample size. Even after being assured of anonymity, many prospective participants still showed hesitancy, fear of social rejection, and concern about confidentiality. Participation was further restricted by privacy concerns, reluctance to share intimate experiences, and cultural norms surrounding marriage. Furthermore, a few respondents only filled out a portion of the questionnaire before it was submitted. The responses gathered are still important despite the smaller sample size, providing insightful information about experiences and viewpoints that are frequently suppressed.

The sample population is primarily composed of:

Age: 71% of the sample population belong to the 18-25 age bracket.

Gender: The sample population consists of 56% males and 44% females.

Residence: Most of the sample population, i.e., 43%, has a rural background.

METHOD OF DATA COLLECTION AND TOOL

The major tool used in the process of collecting the required data was the structured Google Form survey. It is important to note that the use of the Google Form survey provided the platform for collecting the required quantitative data regarding the age, gender, place of residence, and specific perceptions of the respondents regarding the issue of consent and marital rights. The data collected through the Google Form survey was analyzed through the application of statistical analysis, percentage distribution, etc.

LIMITATION OF THE STUDY

Sensitive Subject Matter and Social Desirability Bias: Because the subject of sexual relations is viewed as a major taboo in Indian society, especially about women, the study had difficulties about the respondent's willingness to share information. There is the possibility of "social desirability bias", whereby the respondents may have provided answers that are viewed as "acceptable" to maintain family dignity, as

opposed to what they may believe as individuals. In addition, the silence about domestic matters may have contributed to respondent's unwillingness or reluctance to participate in the survey altogether. Additionally, rather than being organized as a standardized scientific questionnaire, the instrument used was primarily. Because of this, the responses were subjective and narrative, making it impossible to use inferential analysis and sophisticated statistical testing. As a result, the results mostly depend on qualitative interpretation, which is instructive but restricts generalizability and makes it harder to prove quantifiable correlations or causal relationships.

ANALYSIS AND INTERPRETATION

INTRODUCTION

The fourth chapter entitled Analysis and Interpretation form the crucial confluence where empirical data and theoretical framework unite to present a meaningful socio-legal understanding of marital rape. With a structured Google Form among 100 participants, this analysis uses statistical tools like percentage distribution and comparative interpretation to decode the prevailing attitudes and awareness levels relating to spousal sexual violence. A look into the demographic variables reveals that the average reader seems to be quite young, with a majority, 71%, comprising those between the ages of 18 and 25. It is thus quite apparent that this discussion resonates with a generation that is yet to come of age. The data also shows that the respondents comprise a majority male, 56%, to female, 44%, which presents an interesting opportunity through which forced sexual acts in marriages can be analyzed from a gender perspective. Furthermore, a look at the locations of the respondents reveals that a majority, 43%, come from rural areas, followed by urban and semi-urban areas at 32% and 25%, respectively. Therefore, a dialogue that attempts to bridge the gap between abstract legal principles, including those that advocate for the marital rape exception under Section 375 of the Indian Penal Code, and human beings is essential in demonstrating the need for a narrative shift from antiquated understandings of marital duty to those that allow for bodily autonomy and consent.

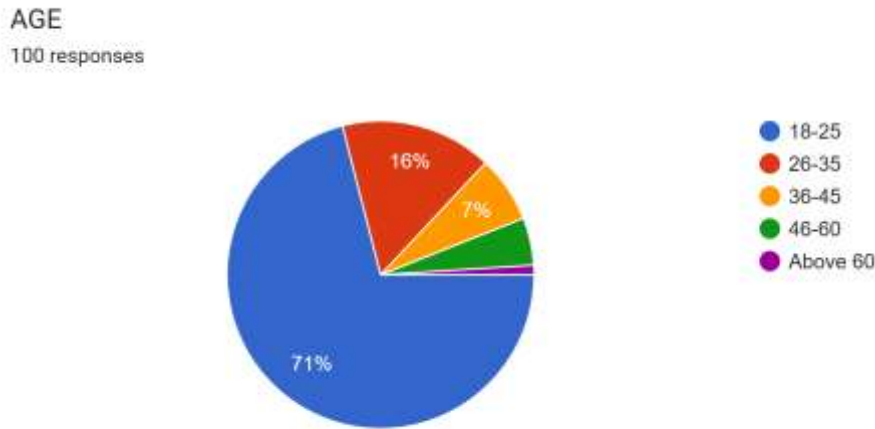
RESULT ANALYSIS

Table 1

Age	Frequency	Percentage
18-25	71	71%
26-35	16	16%
36-45	7	7%
46-60	5	5%
Above 60	1	1%
Total	100	100%

(source: Primary Data)

Figure 1

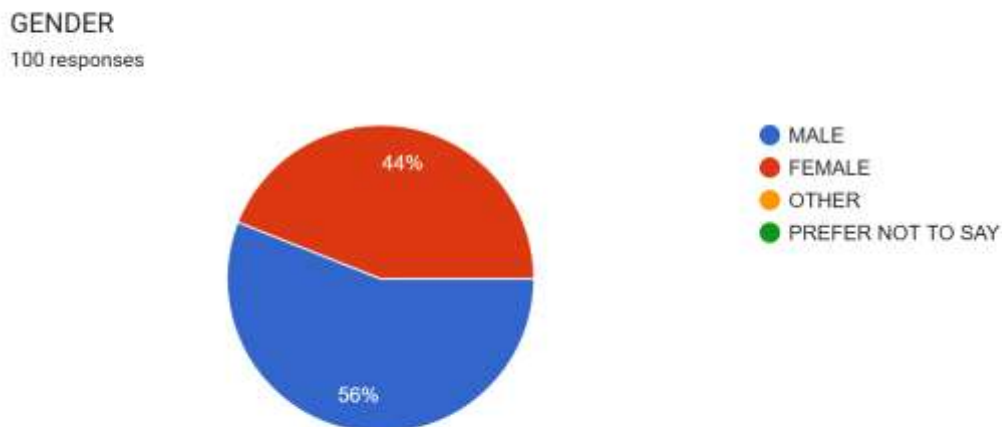


Out of these 100, most people who have only taken up to respond, implying that they are part of the larger population of young people falling in the age bracket of 18-25 years, as they formed most of the study of 71%. This is closely followed by those in the age bracket of 16% who fall between 26-35 years, while those falling between 7% are aged between 36 and 45 years. At 5%, those between the ages of 46 and 60 are the smallest, while only 1% of those who responded are aged above 60 years.

Table 2

Gender	Frequency	Percentage
Male	56	56%
Female	44	44%
Other	0	0%
Prefer not to say	0	0%
Total	100	100%

Figure 2



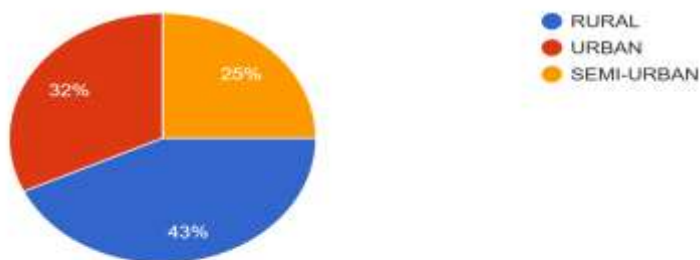
Out of the total of 100 results collected, 56% of the respondents were identified as males, whereas 44% were identified as females. This shows the dominance of male respondents in the total sample population.

Table 3

Residence	Frequency	Percentage
Rural	43	43%
Urban	32	32%
Semi-Urban	25	25%
Total	100	100%

Figure 3

PLACE OF RESIDENCE
100 responses



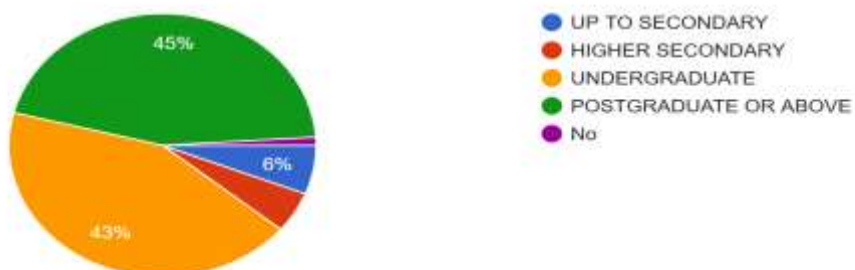
Of the 100, 43% of the participants who responded are from the rural areas, 32% from urban areas, and 25% from semi-urban areas. It is noted, therefore, that a larger number of people from a rural background have responded compared to urban and semi-urban areas.

Table 4

Education level	Frequency	Percentage
Up to Secondary	6	6%
Higher Secondary	5	5%
Under-Graduate	43	43%
Post-Graduate/Above	45	45%
Other	1	1%
Total	100	100%

Figure 4

EDUCATION LEVEL
100 responses

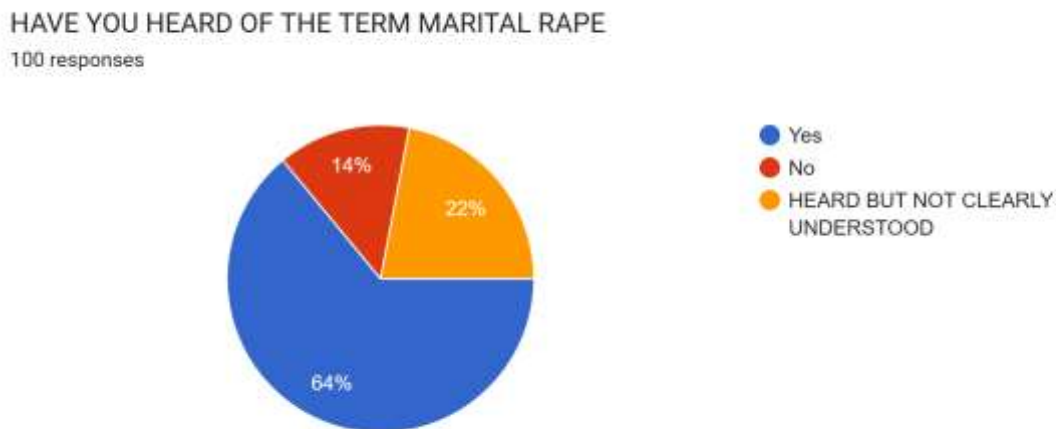


Five levels of educational attainment were identified among the 100 respondents: undergraduate, postgraduate, and above, higher secondary education, up to secondary education, and others. According to the distribution, 43% of respondents had Undergraduate degrees, 45% had postgraduate degrees or higher, 1% were classified as “other”, 6% had completed secondary school, and 5% had completed higher secondary education.

Table 5

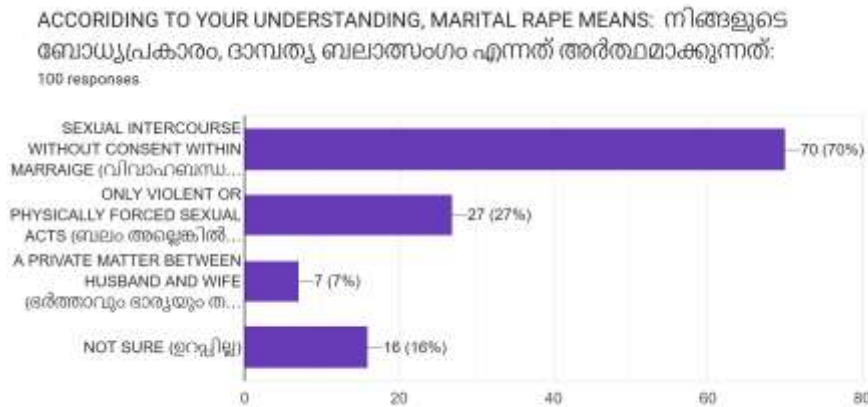
Have you heard of the term marital rape	Frequency	Percentage
Yes	64	64%
No	14	14%
Heard but not clearly understood	22	22%
Total	100	100%

Figure 5



Respondents had three choices when asked if they had heard the term “marital rape” in the survey: “Yes”, “No”, and “Heard but not clearly understood”. According to the results, 64% of participants said they were familiar with the term; 22% said they had heard of it but didn’t fully understand it, and 14% said they had never heard of it. This pattern indicates uneven depth of understanding but moderate conceptual awareness. The increased media coverage, scholarly debates, and social activism surrounding gender-based violence may be the cause of the comparatively high recognition rate. But the large percentage indicating only partial or no understanding reflects enduring cultural taboos, a lack of comprehensive sex education, and the legal ambiguity surrounding marital rape in some jurisdictions, all which limits. The high percentage of respondents who report having little to no understanding, however, is a result of enduring cultural taboos, a lack of thorough sex education, and the legal ambiguity surrounding marital rape in some jurisdictions. These factors taken together limit the public’s ability to engage with the issue in an informed manner.

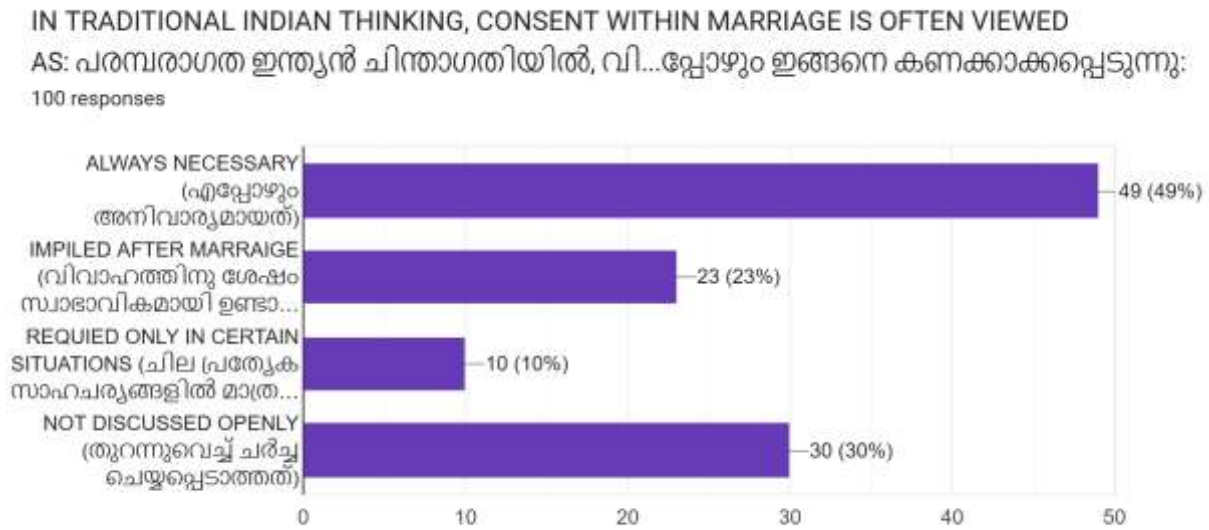
Figure 6



To gauge respondent’s conceptual clarity of the term, the survey asked, “According to your understanding, marital rape means....” Seventy percent of the 100 participants defined marital rape as “sexual intercourse without consent within marriage,” which is consistent with the generally recognized legal and human rights-based definition that is based on the lack of consent. But according to 27% of respondents, it is “only violent or physically forced sexual acts”, suggesting a more limited definition that only associates rape with overt physical force. Furthermore, 16% said they were “unsure”, and 7% said it was “a private matter between husband and wife”. This distribution demonstrates a wide range of normative views and legal knowledge. Increased discussion of gender equality, bodily autonomy, and developing feminist jurisprudence may be the reasons for the consent-based interpretation’s dominance. However, firmly ingrained patriarchal norms, marital entitlement ideologies, and the historical legal doctrine that regarded conjugal rights as implicit and irrevocable are all responsible for the continued use of force-based interpretations and privatized perspectives of marriage. The concept of continuous consent has been obscured in many societies by the traditional construction of marriage as a contract that grants sexual access. Conceptual confusion is also exacerbated by a lack of comprehensive sexuality education, poor public legal literacy, and the absence or ambiguity of criminalization of marital rape in some jurisdictions. The percentage of respondents who are unsure indicates that although the term may be becoming more widely known, substantive understanding is still uneven and is influenced by media framing, religious interpretations, sociocultural conditioning, and varying exposure to rights-based narratives. When taken as a whole, these results show that while most acknowledge the importance of consent, a significant portion still understands marital rape in terms of forces, restrictions, or privatization, highlighting the necessity of ongoing legal education and awareness campaigns.

The above findings indicate that there is a transitional period in society regarding the matter of consent in marriage. On the one hand, a significant proportion of respondents believe that consent is an essential part of sexual relations in marriage. On the other hand, a considerable proportion of the respondents still demonstrate a patriarchal approach to marriage, which is based on obligation, hierarchy, and the notion of sexual entitlement. The belief that consent is implicit in marriage can be attributed to the legal and religious approaches that considered marriage a lifelong contract that grants conjugal rights. At the same time, the belief that the matter is not openly discussed indicates that there are a social taboo and a sense of modesty in discussing sexual autonomy in the domestic sphere.

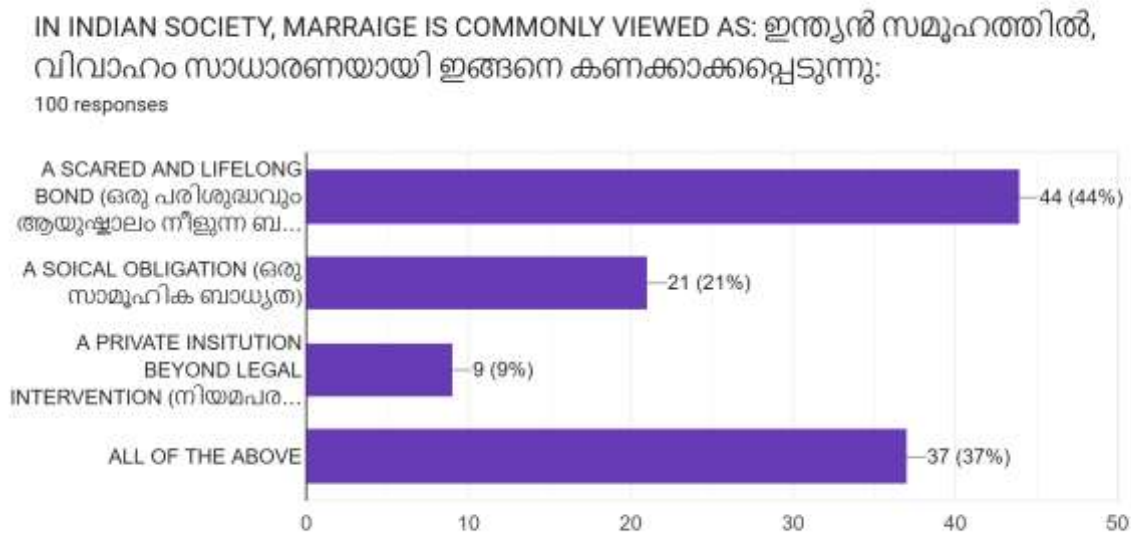
Figure 7



The survey question on perceptions of consent in marriage in traditional Indian thought shows a complex and changing attitude profile. Among 100 participants, 49% believe that “consent in marriage is always necessary”, suggesting that half of this sample accepts a rights-based approach to understanding marital relations, where continuous consent to sexual relations is a necessity. This shows a developing awareness of rights-based thinking on marriage, which prioritizes respect for bodily integrity, gender equality, and respect for each other. In contrast, 23% of participants believe “consent in marriage is implied after marriage”, suggesting a traditional approach to understanding marriage, which has its roots in patriarchal families and the traditional notion of implied marital rights. In this approach, marriage itself is seen as a continuous consent for sexual relations, as opposed to a negotiated interaction. In this sample, 10% of participants believe “consent in marriage is required only in certain situations”, suggesting a developing awareness of the need for consent, but not as a continuous necessity. Importantly, 30% of participants believe “the issue is not discussed openly”, suggesting that traditional cultural values on modesty, privacy, and taboo play a significant role in determining attitude to this issue.

Collectively, the data reveals a coexistence of progressive and conventional ideologies. While a substantial portion of the sample identifies the importance of consent regardless of marital status, a notable portion continues to perceive marital relationships in terms of implicit entitlement or cultural reticence. These results reveal a transition in Indian society, wherein new egalitarian ideals intersect with longstanding patriarchal constructs, creating a complex and often contradictory approach to the necessity and nature of consent in marital relationships.

Figure 8



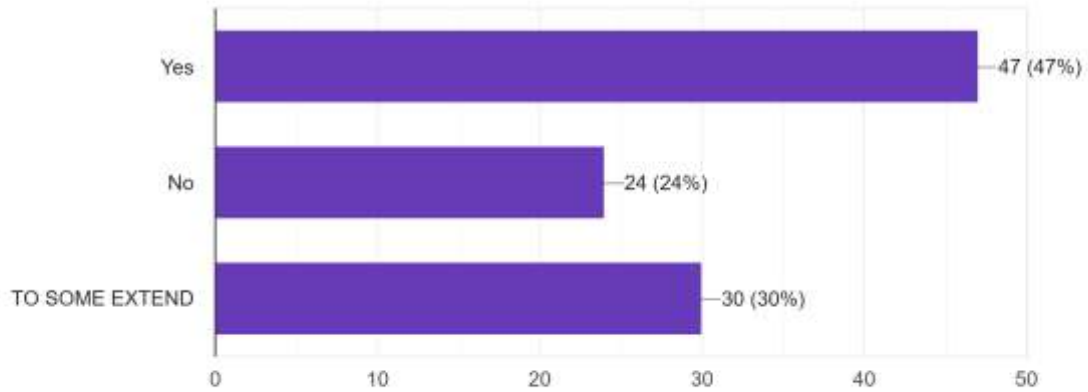
The question on the survey that asked about the perception of marriage in the context of the Indian society shows that the perception of marriage in the country is multi-faceted, with different perspectives on the cultural, religious, and social constructs that have been established in the country. Of the 100 respondents, 44 percent saw marriage as “a sacred and lifelong bond”. This implies that most of the population, at least in terms of the survey, view marriage from the perspective that it is traditional and spiritual, with the cultural construction in the country emphasizing the sacred nature of marriage, its lifelong nature, and its connection with religious doctrine and moral obligation. There was also the perspective that marriage was “a social obligation”.

A smaller percentage, i.e., 9%, believed that “marriage is a private institution beyond legal intervention”, indicating a sense of autonomy in the marital realm and the minimal intervention of the legal system in regulating marital relationships. It is important to note here that a percentage of 37% chose “all of the above”, indicating a comprehensive idea of the sacred, social, and private aspects of marriage in India. There is a sense of coexistence rather than exclusiveness of these aspects in the marital ideology of India. Overall, the results suggest that marriage in Indian society is largely understood as a sacred and lasting institution, while it also exists in the context of broader social commitments and is bolstered by a robust belief in familial privacy. The results are in line with the multi-layered and multi-faceted nature of marital values, showing the way in which traditional values continue to inform modern-day attitudes while also offering the capacity for multiple and overlapping understandings.

Figure 9

DO YOU THINK TRADITIONAL BELIEFS DISCOURAGES DISCUSSION ABOUT SEXUAL CONSENT IN MARRAIGE? പരമ്പരാഗത വിശ്വാസങ്ങൾ വിവാ...തുന്നുവെന്ന് നിങ്ങൾ കരുതുന്നുണ്ടോ?

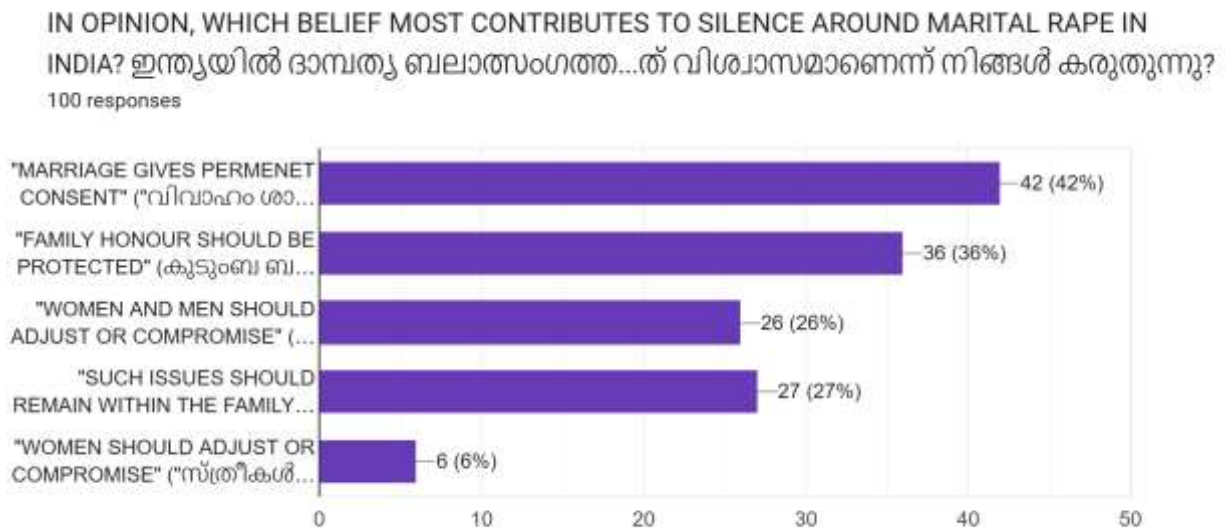
100 responses



The question that asks whether the beliefs that are held discourage the discussion of sexual consent in marriage gives valuable information regarding the socio-cultural beliefs that are dominant in society. Out of 100 people surveyed, 47% said “Yes” to the question of whether the beliefs that are held discourage the discussion of sexual consent in marriage. This shows that nearly half of the people surveyed think that the beliefs that are held are a major factor that discourages the discussion of sexual consent in marriage. Moreover, 30% of the respondents chose the answer “To some extent”, which, although showing a certain degree of recognition for the role of traditional beliefs, also points to the existence of other factors. In fact, this answer category points to the complex nature of the problem, suggesting that although there is a role for tradition, there could be other factors, such as generational differences, education, urbanization, and media, too, contributing to the willingness to engage in such discussions. On the other hand, 24% of the respondents chose the answer “No”, suggesting a certain percentage of people do not see traditional beliefs as a barrier to discussing issues of consent, possibly indicating a progressive or individualistic approach to marital discussions.

Overall, this distribution shows that a vast majority, 77%, believe that traditional values are either directly or partially discouraging discussions about sexual consent in marriage. Such findings highlight issues of cultural taboo regarding sexuality, marital privacy, as well as patriarchal constructs that, in traditional society, viewed marital relations as a duty rather than a mutually negotiated experience. However, there are also signs of a cultural attitude shift, indicating that society is moving in its perceptions regarding marital consent and discussion.

Figure 10



The question seeking to establish the belief most responsible for the silence on marital rape in India points to the prevalence of entrenched socio-cultural discourses. Of the 100 respondents, a staggering 42% cited the belief that “marriage gives permanent consent” as the most important contributor to the silence. This points to the persistence of the notion of implied or irrevocable consent, which forms a major part of the ideological obstacle to the recognition of non-consensual sex and the harm it causes. Ending second, 36% of respondents cited the belief that “family honor should be protected” as the most important contributor to the silence. In many societies, the need to uphold familial honor often takes precedence over personal concerns, thus contributing to silence.

Moreover, 27% of respondents also identified “such issues should remain within the family”, which indicates a sense of privatization of marital issues. Another 26% of respondents also identified “women and men should adjust or compromise”, which indicates a sense of normalization of endurance in marriage. It is interesting to note that 6% of respondents identified silence because of “women should adjust or compromise”, which also points to a sense of gender.

In conclusion, the information shows that the silence about marital rape is not maintained by a sole factor but rather an intricate system of patriarchal ideologies, honor-based morality, and the idea of marriage as an inviolable private domain. The dominance of the permanent consent idea indicates that misconceptions about conjugal rights are core to the maintenance of the invisibility and underreporting of the subject.

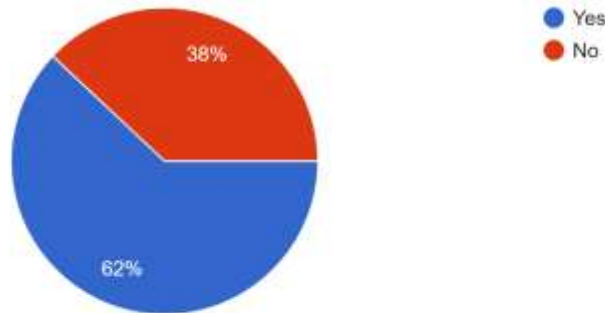
Table 6

Marital rape is not explicitly criminalized under Indian law (except in limited circumstances)?	Frequency	Percentage
Yes	62	62%
No	38	38%
Total	100	100%

Figure 11

ARE YOU AWARE THAT MARITAL RAPE IS NOT EXPLICITLY CRIMINALISED UNDER INDIAN LAW(EXCEPT IN LIMITED CIRCUMSTANCES)? ഇ...മായി കുറ്റകരമല്ലെന്ന് നിങ്ങൾക്കറിയാമോ?

100 responses



The question of awareness about the legal status of marital rape in India aimed at finding out whether a person knew marital rape was not explicitly criminalized under Indian law, except in a few circumstances. Of the 100 people surveyed, 62% of them claimed that they were aware of this legal status, while 38% claimed that they were not aware of it. The results show that a majority of people have knowledge about this legal status, but there is a significant number of people who do not have this knowledge.

This relatively higher degree of awareness may be linked to the increasing discussion, media coverage, and legal debate and activism related to gender justice and women’s rights in the recent past. Notably, the relatively low percentage of respondents without awareness may be linked to the general public’s lack of legal literacy and understanding of the provisions of criminal law, as well as the general public’s access to legal information and the general tendency of the public to view marital relations as private rather than legal.

On a general note, it can be concluded that the distribution of legal knowledge portrays a moderate level of legal awareness among respondents, but it also points out a need for a more comprehensive dissemination of information regarding the legal status of marital rape. The findings indicate that, although there is a lot of talk about this issue, legal knowledge is not equally distributed.

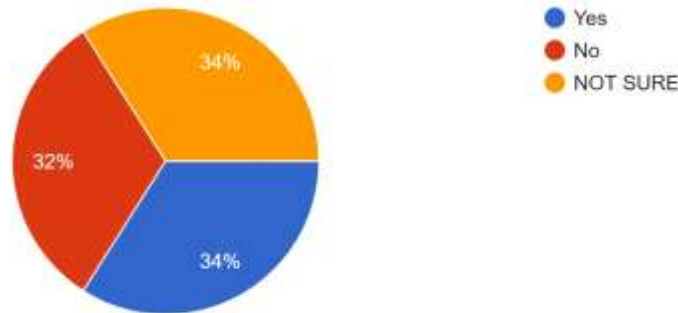
Table 7

The belief of: Current legal position in India adequately protects married men/women	Frequency	Percentage
Yes	34	34%
No	32	32%
Not Sure	34	34%
Total	100	100%

Figure 12

DO YOU BELIEVE THE CURRENT LEGAL POSITION IN INDIA ADEQUATELY PROTECTS MARRIED MEN/WOMEN? ഇന്ത്യയിലെ നിലവിലെ നിയമവ...വെന്ന് നിങ്ങൾ വിശ്വസിക്കുന്നുണ്ടോ?

100 responses



The question of whether the respondents believe that the legal position in India is adequate to protect married men and women shows a somewhat polarized view. In a sample of 100, there were 34% who answered “Yes”, indicating a figure slightly over a third who believed the legal position to be adequate in the protection of the interests of married people. Conversely, there were 32% who answered “No”, showing a similar percentage who do not believe the legal position to be adequate in its treatment of the subject. Perhaps most interestingly, there was a similar percentage, 34%, who answered “Not sure”, showing a high degree of uncertainty.

This near-equal division across these three categories may imply the lack of a dominant perception of consensus. Those who express a sense of adequacy may be placing reliance upon the various provisions of criminal law, domestic violence laws, and family law provisions to address the issues of spousal rights and the prevention of abuse. Those who express a perception of inadequacy may be swayed by the current legal debates in the area, particularly in relation to the marital rape exception.

The significant number of people who demonstrated a sense of uncertainty is a notable feature, as this demonstrates a lack of legal awareness and knowledge about marital protections. Such a sense of ambivalence may be attributed to a lack of exposure to legal discourse, inadequate civic education, and a complex legal regime applicable to marital relations. Overall, it may be noted that there is a sense of ambivalence and uncertainty in public opinion, as demonstrated by the survey results, which highlights a need for a better dissemination of legal information and a more informed approach to issues related to marital rights and protections.

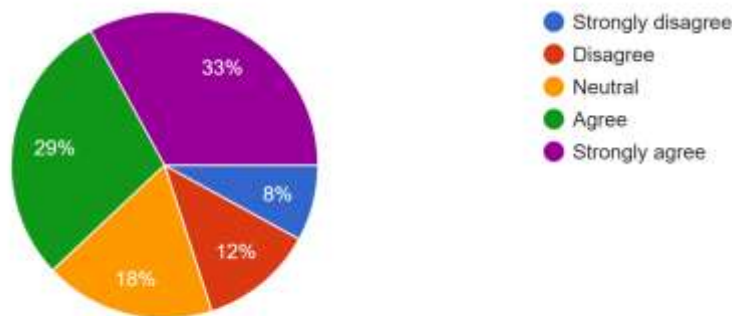
Table 8

Marital rape be criminalized in India despite culture and traditional oppositions	Frequency	Percentage
Strongly disagree	8	8%
Disagree	12	12%
Neutral	18	18%
Agree	29	29%

Strongly agree	33	33%
Total	100	100%

Figure 13

SHOULD MARITAL RAPE BE CRIMINALISED IN INDIA DESPITE CULTURE AND TRADITIONAL OPPOSITIONS? സംസ്കാരവും പരമ്പരാഗത...വാഹനിക ബലാത്സംഗം കുറ്റകരമാക്കണമോ?
100 responses

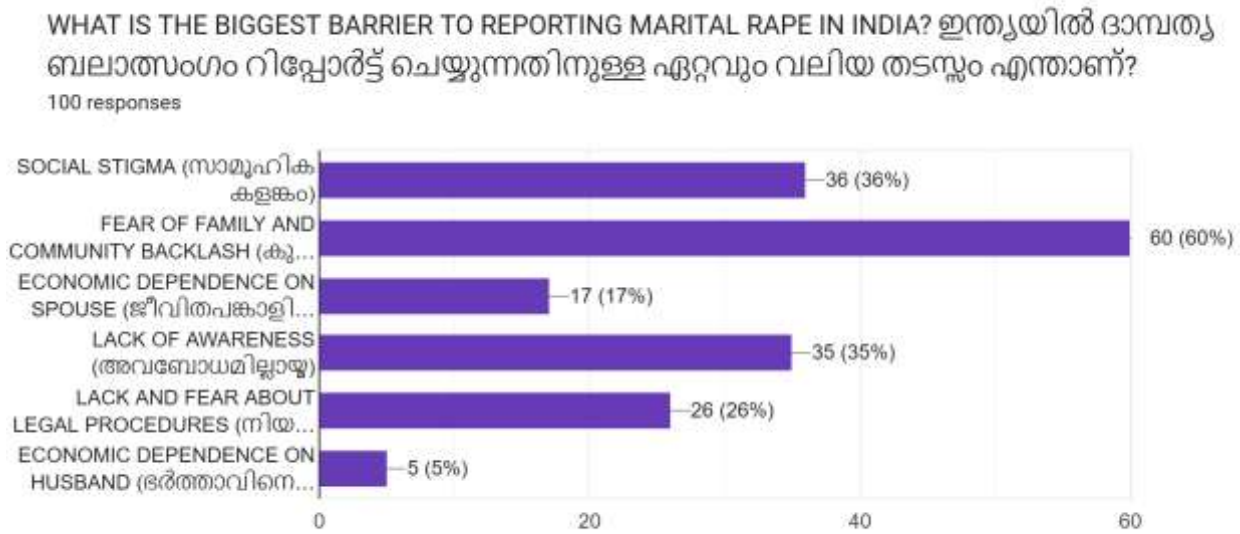


The survey question related to the criminalization of marital rape in India, despite opposition from cultural and traditional factors, shows most respondents supporting the criminalization of marital rape. In the sample of 100, it was found that 33% of the respondents strongly agree to criminalize marital rape, and 29% agree to criminalize marital rape, making a combined figure of 62% of the respondents supporting criminalization, despite opposition to it from cultural and traditional factors. This shows most respondents are inclined to view marital rape as a criminal offence, regardless of opposition from cultural and traditional factors.

At the same time, 18% of the sample also took the position of “neutral”, which could be interpreted as a sign of ambivalence or uncertainty, likely reflecting the tension between legal reform and social values. Further, 12% of the sample were found to be in a position of “disagreement”, and 8% were in a position of “strongly disagreed”, making a total of 20%. This could reflect the concern about the sanctity of marriage, the potential misuse of the provisions, or the adherence to the belief that marital relations are a private concern of the family.

Overall, the findings suggest that a clear majority of the sample is in favor of criminalization, but a considerable percentage is still resistant or uncertain about the matter. The findings suggest a normative change in society in which the progressive legal awareness is challenging the traditional view of conjugal rights and privacy.

Figure 14



The question that seeks to find the biggest barrier in reporting marital rape in India showed that social and structural factors were a hindrance in reporting the crime. Among the 100 respondents, the biggest barrier in reporting marital rape was the fear of backlash from the family and the community, which was cited by 60%. This only proves the strength of social norms in a collectivist culture, where the concern for family reputation is paramount. Closely following this was the social stigma, which was cited by 36%.

In addition, 35% identified “lack of awareness” as a major factor, which implies that there is still a problem of knowledge about one's rights and available remedies. Furthermore, 26% identified “lack of and fear of legal procedures,” which implies that there is still a fear of complex judicial procedures. Economic dependence on a spouse was also identified as a factor, with 17% identifying “economic dependence on spouse” and 5% identifying “dependence on husband”.

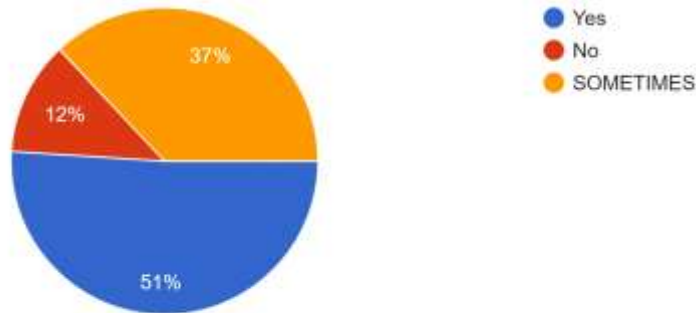
Overall, the results show that there are cultural, economic, and institutional factors that limit reporting marital rape. The preponderance of fear-related responses suggests that societal pressure and reputation are more important factors for victims to consider than actual knowledge of law. Overall, the data show that there are a variety of reasons why victims do not report marital rape, including a lack of law, socio-cultural norms, and structural vulnerabilities.

Table 9

Fear of breaking the family or marriage prevents women/men from reporting such abuse	Frequency	Percentage
Yes	51	51%
No	12	12%
Sometimes	37	37%
Total	100	100%

Figure 15

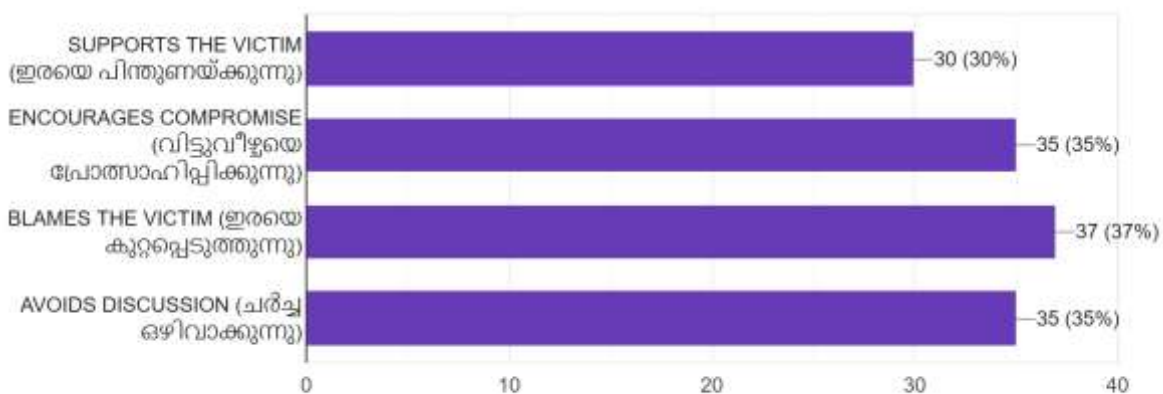
DO YOU THINK FEAR OF BREAKING THE FAMILY OR MARRIAGE PREVENTS WOMEN/MEN FROM REPORTING SUCH ABUSE? കുടുംബമോ വിവാഹമോ തടയുമെന്ന് നിങ്ങൾ കരുതുന്നുണ്ടോ?
100 responses



The survey results show a notable correlation with this fear of domestic or marital dissolution and the inherent underreporting of abuse. When queried on whether the fear of “breaking the family” serves as a deterrent for victims to seek redress, a majority of the 100 surveyed individuals acknowledged this as a psychological and social deterrent. To this end, 51% of those surveyed offered a definitive “Yes” response to this query, indicating a broad recognition that the integrity of the domestic unit is prioritized over individual concerns for safety and seeking redress. Furthermore, 37% of those surveyed offered a “Sometimes” response, indicating that despite individual circumstances, there is a notable trend towards prioritizing familial integrity. Overall, 88% of this surveyed population recognized that the fear of social stigma or dissolution of the domestic unit serves as a notable deterrent for victims to seek redress. Only 12% of those surveyed recognized that this fear does not serve as a deterrent.

Figure 16

HOW DOES INDIAN SOCIETY GENERALLY RESPOND TO ALLEGATIONS OF MARITAL RAPE? വൈവാഹിക ബലാത്സംഗ ആരോപണങ്ങൾ... എങ്ങനെയാണ് പ്രതികരിക്കുന്നത്?
100 responses



The data provided in this survey demonstrates a complex and mostly dismissive attitude of society in

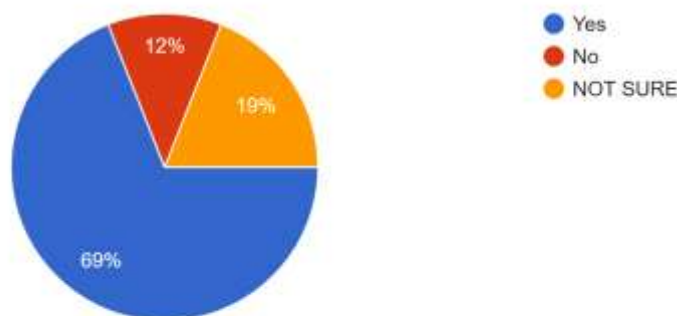
relation to the issue of marital rape in India. According to the data provided by the 100 participants of the survey, the most common response to the issue of marital rape in India is the victim-blaming attitude, which accounted for 37% of the total number of participants. The second most prominent attitude in relation to the issue of marital rape in India is the tendency to avoid the issue by either suppressing it or encouraging the victim and the perpetrator to compromise, which accounted for 35% of the total number of participants. The tendency to avoid the issue by suppressing it or by encouraging the victim and the perpetrator to compromise is closely linked to the tendency to avoid the issue by refusing to discuss it, which accounted for another 35% of the total number of participants. Moreover, the survey also points out the lack of institutional and social empathy, as only 30% of the respondents think that “society supports the victim”. Overall, these findings demonstrate the absence of advocacy, as many of the responses are geared towards the maintenance of traditional marital structures and silence, as opposed to the legal and psychological rights of the victim, thereby creating an environment where sexual violence in the institution of marriage remains unchecked.

Table 10

Causes psychological & emotional harm	long-term	Frequency	Percentage
Yes		69	69%
No		12	12%
Not Sure		19	19%
Total		100	100%

Figure 17

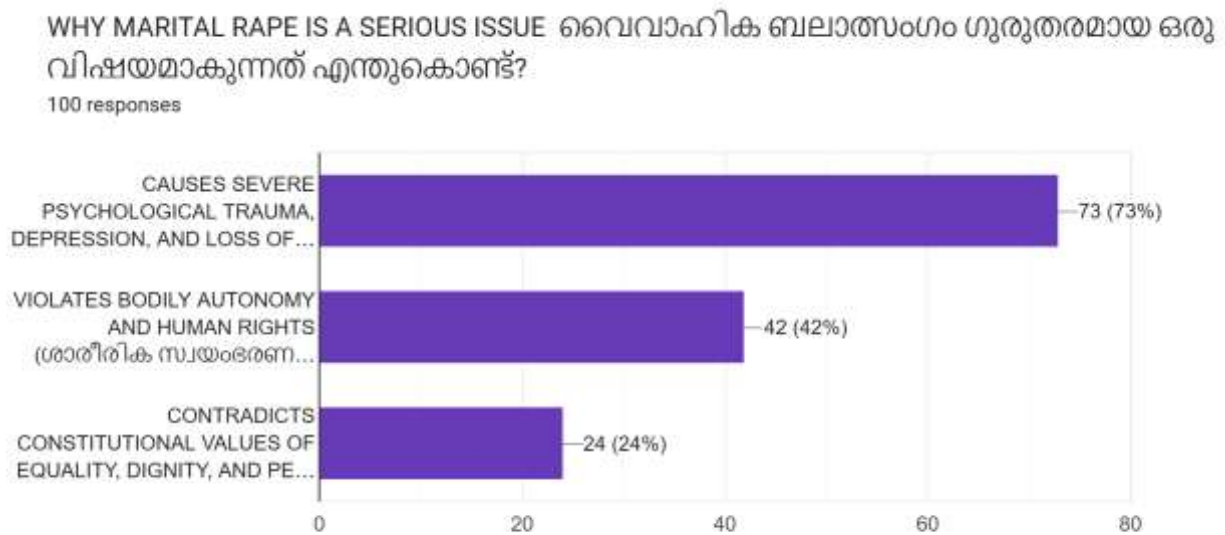
DO YOU BELIEVE MARITAL RAPE CAUSES LONG-TERM PSYCHOLOGICAL AND EMOTIONAL HARM? ദാമ്പത്യ ബലാത്സംഗം ദീർഘകാല മാ...തുമെന്ന് നിങ്ങൾ വിശ്വസിക്കുന്നുണ്ടോ?
100 responses



The results obtained from the survey reveal the large gap between the acknowledgment of the trauma experienced in the event of marital rape and the support that the victim subsequently receives from society. When determining the overall societal response in the country of India, the results show that the overall attitude within the country is hostile and avoidant, with the most prevalent response being victim-blaming, which was recorded at 37% of the 100 results, followed by “encouraging compromise” and “avoiding

discussion”, both at 35%. This implies that in seven out of every ten cases, society’s response is either to silence the victim or to maintain the marriage, with 30% recognizing society’s support for the victim. The interesting aspect, however, is that this lack of support from society exists despite the overall acknowledgment of the severity of crime. Significantly, 69% of the population believes that marital rape does indeed cause long-term psychological and emotional harm, suggesting that the culture of silence may not be so much based on a lack of knowledge about the harm, but possibly a lack of willingness to challenge the status quo. With 19% of the population still unsure and 12% in denial about the long-term harm, we still see a segment of the population that underrepresents the psychological toll of the crime, making the route empathy even more complex.

Figure 18



The empirical data thus reveals a considerable cognitive dissonance in the sampled population in terms of the severity of the crime of marital rape compared to the social support mechanisms available to the victim. In terms of the underlying reasons why the crime of marital rape is a significant concern, a considerable 73% of the sampled population of 100 respondents identified the severe psychological trauma and depression, while 69% of the sample population directly confirmed their belief in the fact that the act causes severe psychological trauma and depression. The identification of this crime is thus further reflected in the fact that 42% of the sample population identified the act as a violation of bodily autonomy and human rights, while 24% identified the act as a violation of constitutional values. Nevertheless, this level of awareness in relation to the “serious” nature of crime does not translate into a protective approach from a larger society. Rather, the data points to a dominant culture of secondary victimization, where victim blaming emerges as the most dominant trend at 37%, and the tendencies to “encourage compromise” and “avoid discussion” at 35% each point to a larger culture of social silence. Thus, where only 30% of the victims perceive the larger society as supportive, the data points to a culture where the unspoken truth of the psychological and constitutional cost is acknowledged at the intellectual level, but the functional approach remains embedded in the maintenance of marital structures at the expense of the individual.

MAJOR FINDINGS & CONCLUSION

In this study on marital rape in India, based on a survey and legal provisions, we find a complex interplay between legal provisions, societal perceptions, and awareness levels.

The demographic profile indicates a predominantly young population (71% in the 18-25 years age group), a relatively balanced gender representation, and a sizeable rural population (43%). However, a majority of 64% are aware of the term “marital rape,” but a large percentage are either not aware or aware in a vague manner.

Although 70% of those interviewed correctly saw marital rape as non-consensual sex, a significant percentage still saw marital rape as linked to physical aggression only, indicative of a narrow understanding of consent. Attitudes to consent are also ambiguous, with close to half seeing consent as always necessary, while others saw it as assumed within a marital context, indicative of traditional attitudes. Cultural taboos also affect the ability to discuss sexual consent.

The major obstacle to reporting marital rape, according to the study, is fear. The majority cited fear of family and social community reprisals (60%) and fear of disrupting the family structure (51%) as major barriers to reporting marital rape. The social response to victims is generally poor, with 37% blaming the victim and 35% advising the victim to compromise.

From a legal point of view, there is a high level of awareness regarding the fact that marital rape is not specifically addressed under Indian law (62%). At the same time, an equally high percentage of people advocate for its criminalization. The persistence of this exemption for marital rape reflects a clash between constitutional ideals of equality and liberty.

From a psychological point of view, it is seen that a vast majority of people understand the impact of marital rape, including trauma, depression, and emotional consequences. These findings correlate with overall literature, which suggests that “the consequences of marital rape are similar to the consequences of non-marital rape”.

The findings clearly indicate that India is at an interesting juncture where new ideals of consent are challenging traditional notions of marriage.

In conclusion, the problem of marital rape in India is not only legal but also deeply rooted in the country's socio-cultural fabric. The legal exception continues to undermine the fundamental rights of the victims, essentially condoning the crime. Although the increased awareness and support for criminalizing the offense are positive, the problem is far more complex and requires not only legal reform but also significant changes in the country's socio-cultural fabric. The stigma associated with crime, the need to promote the concept of consent in education, and the concept of marriage as an equal relationship are the first steps toward solving the problem.

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