

*Letter to the Editor*

---

## **Law on Marital Rape in India: a concern for mental health professionals**

Nilesh Shah

Professor and Head, Department of Psychiatry, Lokmanya Tilak Municipal Medical College, Mumbai

**Corresponding Author:** Nilesh Shah

**E-mail:** drnilshah@hotmail.com

---

Dear Sir,

The split verdict of Delhi High Court in the case challenging the validity of the marital rape exemption in law (The editorial, 'Debating the exception', The Indian Express News Paper, 13th May 2022 edition) is a matter of debate and concern for everyone and particularly for the mental health professionals.

Rape is a sexual assault and marriage doesn't give right (legal or otherwise) of any kind of assault to the spouse.

One fails to understand that when domestic violence is considered as a crime and punishable offense, then why under Indian law, marital rape is not considered as a crime, (except during the period of marital separation of the partners).

A husband and a wife should have equal say in the marriage. If the wife is not interested in sex for whatever reason, the husband should respect her wish. Husband should not, under any circumstances, force her overtly or covertly for sex and if he does so, it should be considered as sexual assault.

Marriage does not mean that a husband can demand and have sex with his wife anywhere at any time irrespective of his wife's wish and consent.

If the marriage is not working out, then the couple can opt for marital counselling and even seek separation or divorce.

It is imperative that to stop marital rape, it should be considered as a crime and should not be exempted. The law exempting it should be considered as unconstitutional and should be amended.

\*\*\*\*\*

*Acknowledgements: Nil*

*Conflict of interest: Nil*