

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.6572
TO BE ANSWERED ON 06.04.2018

SPOUSAL VIOLENCE AGAINST WOMEN

6572. SHRI MALYADRI SRIRAM:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state

- (a) whether the Government is aware that a high percentage of married women experienced spousal violence during pregnancy as per the National Family Health Survey-4 (2015-16);
- (b) if so, the details thereof along with the measures taken by the Government to address this issue;
- (c) the views of the Government on spousal intimate violence qualifying as marital rape; and
- (d) the measures, if any, taken by the Government to address marital rape?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI MANEKA SANJAY GANDHI)

- (a) to (d) : As per the National Family Health Survey (NFHS 4) (2015-16), 3.3% women have experiences violence during pregnancy.

Ministry of Home Affairs has informed that the Law Commission of India, while making its 172nd Report on “Review of Rape Laws” in March 2000 did not recommend criminalization of marital rape. However, the Justice J.S. Verma Committee, while giving its Report on “Amendments to Criminal Laws” in January 2013, recommended that law ought to be amended to delete the marital rape exception. The Department-Related Parliamentary Standing Committee on Home Affairs presented its 167th Report on their Criminal Law (Amendment) Bill, 2012 in the Rajya Sabha on 1st March 2013, in which it inter alia considered both the 172nd Report on “Review of Rape Laws” given by the Law Commission of India, and the Report of the Justice J.S. Verma Committee. The Committee deliberated the amendments to section 375 of IPC including issue of marital rape and observed that is marital rape is brought under the law, the entire family system will be under great stress and the Committee may perhaps be doing more injustice. The Ministry of Home Affairs has requested the Law Commission to deliberate upon the subject of marital rape during the course of its comprehensive review of the Criminal Justice System.

Despite no explicit law addressing marital rape, there are measures for women to access justice. Section 498A of IPC addresses physical and mental cruelty by husband which may include sexual cruelty as well. The Protection of Women from Domestic Violence Act, 2005 offers a civil remedy to women facing violence from their husbands.

The Government has initiated the 181 women helpline to provide 24x7 assistance to women, including those facing violence. This helpline is currently available in 29 States/UTs. Further, 170 One Stop Centres have been set up across the country which are providing one stop convergent support to women facing violence. One Stop Centres provide medical, police and legal aid, psycho-social counselling and temporary shelter to women, which is essential support to women facing spousal violence.
