

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 345**

**TO BE ANSWERED ON THE 05<sup>TH</sup> FEBRUARY, 2019/ MAGHA 16, 1940 (SAKA)**

**MARITAL RAPE**

**345. DR. SHASHI THAROOR:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether the Government is aware that the Supreme Court had criminalized marital rape with a minor bride in Independent Thought v. Union of India [W.P. (c) 382/2013] and if so, the details thereof;**

**(b) whether the Court has held that the legislature must decide on the legal exception to marital rape, as the Court cannot legislate even if the 'law is asinine';**

**(c) if so, whether the Government is likely to introduce legislation to remove Exception 2 to Section 375 of the Indian Penal Code;**

**(d) if so, the details thereof; and**

**(e) if not, the reasons therefor?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HANSRAJ GANGARAM AHIR)**

**(a): The Hon'ble Supreme Court in its Order dated 11.10.2017 in Independent Thought v/s Union of India in W.P. (C) 382/2013 has held that Exception 2 to Section 375 of the Indian Penal Code is now required to be meaningfully read as sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.**

**(b) to (e): No such proposal is under consideration of the Government. However, amendments in the criminal laws are a continuous process and are made in consultation with various stakeholders including State Governments.**

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