

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS

LOK SABHA  
UNSTARRED QUESTION NO.2872

TO BE ANSWERED ON THE 15<sup>TH</sup> MARCH, 2016/PHALGUNA 25, 1937 (SAKA)

MARITAL RAPE

2872. SHRI R. DHRUVA NARAYANA:

SHRI DALPAT SINGH PARASTE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any recommendation has been received from Law Commission regarding criminalization of marital rape and if so, the details thereof and the response of the Government thereto;

(b) the total number of petitions received by the Government for criminalisation of marital rape along with the action taken by the Government in this regard; and

(c) whether the Government has any proposal for amendment in section 375 of IPC in this regard and if so, the details thereof along with the time by which the amendment is likely to be effected?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (c): The Law Commission of India, while making its 172<sup>nd</sup> 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 Law" 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 167<sup>th</sup> Report on the

Criminal Law (Amendment) Bill, 2012 in the Rajya Sabha on 1<sup>st</sup> March, 2013. While giving its report the Department-Related Parliamentary Standing Committee on Home Affairs, inter alia, considered both the 172<sup>nd</sup> 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 the issue of marital rape and observed that if the 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. Representations on the matter are received from time to time. This Ministry has requested the Law Commission to deliberate upon the matter during the course of its comprehensive review of Criminal Justice System.

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