

MARITAL RAPE – A CURSE OR A CAUSE

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When we talk about rights it is must that we are providing remedies too and marital rape is not having any consequences taking the right to life mentioned in article 21 of Indian constitution act. According to this article every person is allowed to live the life within dignity and when a women is derived of that right to prove some sacrament agreement we see that by consequences for what that she has done in her past life. I don't feel it appropriate that a women has suffer for the decision taken in past life because at the time of the rape the women doesn't have any will or consent to involve in that type of activities but the men wants them to and she has to do because the law doesn't provide any remedy to her for the same. It is necessary that we should produce a law to stop these type of activities. Nowadays in society a confrontation is occurring between the two ideologies in which one is termed as chauvinism and the other is feminism. If a person say anything to protect the right of the female or his fellow human being he is said to be a feminist but on the other hand if a person obtain a thinking that there should be a regulation over every human being immaterial of the fact that he/she is capable to do anything wrong or not they term them as chauvinist. Basically in Indian society we all have been observed that women are discriminated by the men or public over the period of time again and again, so it is the duty of the government to protect and take basic needs on every ground. As nowadays marital rape is considered as a grey area in law because in every divorce related cases it has been endowed before the court so it has to be requisite law with some reasonable restriction without any loop holes.

JUDICIAL VIEW

If we talk about law which are made for the betterment or protection of female whether it domestic violence act to the provisions of Indian penal code related to women sexual harassment the conviction rate is very low because it being thought by some people that due to procedural failure or improper investigation occurs that's why the conviction is less. But I think that it is low because when we see the law provides the unjust enrichment to any part it is very evidently seen that the one gets it misused its power and waste the time of judiciary by just making

inappropriate filing to pressurize someone to act on their terms accordingly their greedy needs or want that's why judiciary is not allowing marital rape as a judicial precedent for the society because they have the view of the other cases in which they provide it. Sometimes the wrong doers eat the rights and remedies of innocent people in order to satisfy their needs. Through the medium of my pen I want to request the competent authorities that there is a heavy need to amend the laws related to this concern. As per the current scenario we have to generate some competent test to check whether the women is telling the truth or not because as a principle of criminal law that "hundred convicts can move freely but no innocent should be guilty" this principle is the base for the justice in the criminal law and it needs to be fulfilled. There should be some reasonable restrictions for the application for the same law to as it should not termed as an offence because it shall provide to the person the rights against the uncertainty.

SOCIETY V. LAW

When we talk about the personal law such as Hindu Law or Muslim Law which have different provisions on the matter of marriage, where in some laws marriage is a contract and in some it is not. But when we apply the public policy doctrine of judiciary we have to consider the associated pressure behind marriages which is very high in our country. Marriages are termed as a partial agreement on which people have much faith as on their good and though the whole society would lose faith over the religion when any such law creates an opportunity to any party in marriage to break it just on grounds some sexual malpractices and if we see the other side of the coin if we find that in many religious marriage is also termed as the way towards the continuity in the reproduction process which makes it biological fact that it is necessary that marriages include a sexual practices as a matter of fact because it necessary to run the universal biodiversity or to generate mankind. It is also necessary to understand this fact with comparability over the happenings because in this modern world mental piece of happiness is important for life, so it is a practice that in many countries that they calculate gross national happiness under small countries such as Bhutan are held as top for Happiness Index because of the fact that they consider happiness more that life. Hence it is considered marital rape as a validate reasoning to give mental piece to the women which is necessary to be provided.

CONCLUSION

At last I want to conclude by saying that there are some feeling which are very important for every personal whether male or female and I want that law should protect those common feelings of the people or a group of peoples by framing some guidelines which are appropriate to prevail justice in our society regarding this matter. I would also like to raise that there should be side standing in the court unlimited powers so that the whole judicial process is helpless to do anything. Marital rape is a practice which causes a huge loss to the mental peace of a women and it should be punishable but on the other hand there should adequate legal framework to test whether the act is occurred to the women or not so that no men can be hurted for just making a sexual relationship with his particular lady whom he is married to with her consent and after any conflicts he needs to suffer without any adequate action of law towards the matter. At least just want to say there are two sides but we have to figure out a middle ways out of both of them to save and secure the public interest.