



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

Marital Rape Law

Death of Marriage Institution

&

Indian Society.

Prepared By: Rudolph D'Souza & Hiren Parikh

Date: 14/January/2022

MyNation Hope Foundation (INDIA)

Reg : S/1934/2018

Address: 133A, Pocket-C, Siddhartha Extn., New Delhi - 110014.

Phone: +91-9972718212



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

WHOMSOEVER IT MAY CONCERN

"In India marital rape exists de facto but not de jure. While in other countries either the legislature has criminalized marital rape or the judiciary has played an active role in recognizing it as a gender neutral offence, in India however, the judiciary seems to be operating at cross-purposes.

Recently we have witnessed the over activism of Judiciary who has been entertaining & hearing the PIL to remove exception under IPC 375 and make consensual sex between husband & wife as marital rape. The purpose of this letter is to strongly protest any such act and bring your attention towards the impact of society and institution of marriage.

Historically, all cultures have had a concept of a spouses' conjugal right to sexual intercourse with each other to create a difference between a Animal vs Human society and to stop the father less child.

The foundation of this exemption can be traced back to statements made by Sir Matthew Hale, C.J., in 17th century England. Hale wrote:

"The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto the husband, which she cannot retract."

This established the notion that once married, a woman does not have the right to refuse sex with her husband. This allows husbands rights of sexual access over their wives in direct contravention of the principles of human rights and provides husbands with a right to have sexual relationship with their wives. If in a marriage sex is controlled by one spouse with legal means then no marriage will survive and same is held in it is held in **Meena Rani Vs. Madan Lal of Punjab and Haryana Highcourt** that Marriage without sex is an anathema

Or else, Government of India should legalize prostitution and ban the concept of marriages and criminalize it too.

MyNation Hope Foundation (INDIA)

Reg : S/1934/2018

Address: 133A, Pocket-C, Siddhartha Extn., New Delhi - 110014.

Phone: +91-9972718212



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

As per current trend and rise of feminism which is against family system which promote open sex, multiple partners, pre-marital sex etc. Today women dare to have children without marriage openly after September 2018, where Supreme Court unanimously struck down IPC Section 497.

Rape is Rape. It is not a gender issue. But when a women or Wife commit the rape (sex without mutual consent), It is not considered as rape. Not only that it is not even considered as criminal offence. As per Rape law, any sex without mutual consent to be considered as "Rape" and surprisingly, the Law assumes that the Victim of Rape is only a woman and men never face the "Rape".

We are only looking at rape on Women but sexual assault or rape on men are never ever recognized by any Government. The result is ; India witnesses married Husbands are committing suicide 2 times than married women as per NCRB, though rape and sexual abuse also occur too frequently in same-sex relationships.

In the name of women empowerment; several dozen of women centric laws have been passed to shut the mouth of men and gained the whole sale free license to rape the husband / men.

As per Women Groups and feminist lobbyist; women are being raped by our husbands, It is often argued that because even smallest fraction of women or class who are suffering it is the duty of Government to enact the legislation and protect them. If this holds true than why entire MEN/Husbands as class is deprived of protection when crime is committed by women such as rape & domestic violence

It is normally accepted nomenclature that It is not the Government's job to enter into house or bedroom of family. However, with several women centric laws Government has already entered the house & bedroom of the family. In criminalizing so called Marital Rape plea at Delhi HC; Amicus Curie Rao already stated that "The law is already in the bedroom". However no one is considering the impact on entering into the bedroom. Misuse of 498A & DV is well known and it has already crumbled the institution of marriage and if exception under IPC 375 is struck down making sexual intercourse between husband and wife as marital rape; **it would be the final nail to the death of institution of marriage, create a havoc & chaos in society and may create a gender and civil war which can weaken & destabilize the country**

if such exception under IPC 375 is removed; **consequences** will be dangerous and unimaginable

MyNation Hope Foundation (INDIA)

Reg : S/1934/2018

Address: 133A, Pocket-C, Siddhartha Extn., New Delhi - 110014.

Phone: +91-9972718212



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

- Women can file a rape case against their husbands on the drop of hat, sending them into jail with min. imprisonment of 10 years
- Both Supreme court guidelines of Armesh Kumar vs State of Bihar and CrPC 41 will not be applicable because of nature of rape crime allegation
- Because law assumes that only husband can rape wife and not a vice versa; in such case Indian Evidence Act 114A would kick in; and presumption of guilt and burden of proof would be on the husbands to prove that they have not raped their wives and it was consensual sex.
- Husbands will be sent to jail. Without doubt they lose their jobs too.
- Husbands cannot get Bail due to severe nature of the alleged crime.
- The entire society ostracizes the husband and his family members (parents, brother, sister etc). Husband's sibling future prospects of job and marriages are also in jeopardy.
- There will be some severe consequences on Children's future, education and health.
- Men can never prove that the act of consensual sex was never a rape.
- *Since Rape is a non-compoundable offence* hence there cannot be any settlement at all.
- This will be another legal terrorism tool for extortion and settle the score similar to 498A & DV laws
- There are grave and serious consequences on the half of Indian population. Approx. 700 Million MEN
- The institution of marriage will die and there will be havoc and chaos in society resulting in gender war

It is often argued that all laws are misused so it does not mean that there should not be any new law. However, there was no iota of deliberation or thought that those laws are being misused or will be misused what would be the impact on society. Misuse of 498A, DV & Marital rape (if exception under IPC 375 is stuck down) has impact on entire family members, children

Women NGOs & Feminists often argue that

- Women are not stupid why would they level false allegations of Rape against their husbands?
- Do they not want to save the marriage and family?
- Do they not have any common sense to understand what they are doing?

MyNation Hope Foundation (INDIA)

Reg : S/1934/2018

Address: 133A, Pocket-C, Siddhartha Extn., New Delhi - 110014.

Phone: +91-9972718212



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

The answer to such questions are already available with us. Over 85% of 498A cases result into acquittal. It clearly establishes the proof that Women do file false cases to settle the score, to take revenge and to extort the money.

The Law Commission in one of its Report dated March, 2000 had recommended that laws relating to rape (Sec 375 IPC) be made gender neutral. It had deliberated upon widening the scope of offence under Sec 375 & 376 IPC, and also that it be made more comprehensive to bring it in tune with current times. But the recommendation was not accepted.

PRAYER

- Make all Laws Gender Neutral including Marital Rape, should Judiciary decide to struck down exception under IPC 375.
- Insert clause of Lie detector test / Polygraph in every matrimonial cases.
- Amend word Husband/Wife as spouse in all matrimonial cases.
- Should enact the strict penalty provision if any one Misuse of Law
- False complaint should be ground for divorce.
- Should have monetary compensation by the accuser should complaint found to be false.
- Setup a National Commission for MEN (NCM) in line with NCW.
- Appoint neutral Amicus curiae in every debate in the process of law.
- There are already 4.5 crore pending cases, all these one sided laws will increase backlog unless proper remedies inserted to avoid any misuse, and unless false cases dealt with rigorous punishment to misuser and compensation to victim of LEGAL TERRORISM.

MyNation Hope Foundation (INDIA)

Reg : S/1934/2018

Address: 133A, Pocket-C, Siddhartha Extn., New Delhi - 110014.

Phone: +91-9972718212