

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

LOK SABHA

UNSTARRED QUESTION NO. 2431

TO BE ANSWERED ON THE 02ND JANUARY, 2018/ PAUSHA 12, 1939 (SAKA)

CRIMINALIZATION OF MARITAL RAPE OF MINORS

2431. SHRI KESINENI NANI:

SHRI PRASUN BANERJEE:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court in a recent ruling criminalized marital rape of a minor;**
- (b) if so, whether the Government is planning to introduce a legislation to the effect;**
- (c) if so, the details thereof and the time by which it is likely to be introduced;**
- (d) the number of marital rape cases reported/recorded on an annual basis during the last three years, State-wise including Andhra Pradesh; and**
- (e) the Government's stand on marital exception to rape as defined under Exception 2 to Section 375 of the Indian Penal Code?**

ANSWER

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

- (a) to (e): The Hon'ble Supreme Court, in its Order dated 11.10.2017 in Writ Petition (Civil) No.283 of 2013, ordered that Exception 2 to Section 375 of the Indian Penal Code should now 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." The Hon'ble Court also observed that the judgment did not deal with the issue of marital rape. As per Article 141 of the Constitution of India, the Law declared by the Supreme Court shall be binding on all Courts within the territory of India. No specific database is maintained with respect to part (d).**
