

**LAW SHOULD UNEQUIVOCALLY PROSECUTE MARITAL RAPE.**

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I REFER to the Review article, 'Other ways to punish violence' (ST, Nov 27).

I am surprised at the way the author differentiates the course of law for punishing rape, in a situation where a woman is raped by her husband and a situation where a man physically injures and rapes his wife.

Both these acts are despicable and must be punished severely. However, the author argues for professional counselling and to give the husband 'a chance not to repeat his act' in the case of the former. Rape, as explicitly defined, should be punished with the same severity in both cases.

Family- and criminal-law procedures provide women with comprehensive protection from physical abuse by their husbands. In a situation where a man is physically violent and rapes his wife, he should be prosecuted for a) the rape, and b) for causing physical injury.

Rape and physical violence are extremely traumatic experiences. Given the cultural values and socio-economic setting of Asia, it takes a lot of courage for women to stand up in open court, admit being raped and fight for justice.

If the law is indifferent or unclear on marital rape, it sends out a wrong message.

Under the proposed amendment, to prosecute a man for marital rape, the law requires the wife to a) be living separately while waiting for the divorce to be finalised, or b) have filed an injunction against her spouse, and c) have a restraint or protection order against her spouse.

There isn't much difference between a stranger, and a husband who qualifies under any of the above criteria.

There are no 'two extremes' - unconditional exemption of a husband from the charge of rape, and total abolition of the exemption - or a possible 'bold compromise' while considering the issue: the law should unequivocally prosecute marital rape and rape by a stranger with the same severity.

While I strongly support the Penal Code being revamped, a closer look at this pressing issue is required.