

Critical Analysis on Marital Rape and Its Legal Consequences: Bangladesh Perspective

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ABSTRACT : *Marital rape is non-consensual sex in which the perpetrator is the victim's spouse. As such, it is a form of partner rape, of domestic violence, and of sexual abuse. Once widely ignored by law, spousal rape is now repudiated by international conventions and increasingly criminalized but still, in many countries, spousal rape either remains legal or is illegal but widely tolerated and accepted as a spouse's prerogative and Bangladesh is not out of it. This paper focuses on the prevalence of this problem in the society. In its justification, this article identifies the motivations & other co-factors for why men rape their own wives in order to ensure gender justice.*

Keywords - *Perpetrator, Victim's Spouse, Sexual Abuse, Intercourse, Rape, Marital Rape.*

I. INTRODUCTION

When someone thinks of rape, the first thing that pops into their mind is to think of someone who is a stranger, a malicious person. Usually no one thinks of rape in the context of marriage. Even woman themselves find it difficult to believe that a husband can rape his wife. After all, how can a man be accused of rape if he is availing his conjugal right? It is indicative that a woman has no right to her own body and her will is subject to that of her husband. Though marital rape is the most common and repugnant form of masochism in the society, it is well hidden behind the iron curtain of marriage. While the legal definition varies, marital rape can be defined as any unwanted intercourse or penetration (vaginal, anal, or oral) obtained by force, threat of force, or when wife is unable to consent. Despite the prevalence of marital rape, because of marital exemption this problem has received relatively little attention from social scientists, practitioners, the criminal justice system and larger society as a whole.[1] The concept of marital exemption is actually a social view, which states that a husband cannot be charged with the rape of his wife. The U.S. and English law subscribe until the 20th century to the system *Covertures*, which was a doctrine whereby, upon marriage, a woman's legal rights and obligations were subsumed by those of her husband. An unmarried woman had the right to own property and make contracts in her own name but a married woman does not have that right.[2] *Covertures* were enshrined in the common law of England for several centuries and throughout most of the 19th century influencing some other common-law jurisdiction. Marriage was understood as an institution where a husband had control over his wife's life, control over her sexuality was only a part of the greater control that he had in all other areas concerning her. A husband's control over his wife's body could also be seen in the way adultery between a wife and another man was constructed; for example in 1707 English Lord Chief Justice John Holt described the act of a man having sexual relations with another man's wife as "the highest invasion of property".[3] From this it is completely clear that wife is regarded as a property of the husband and for this reason, in many cultures there was a conflation between the crimes of rape and adultery since both were seen as a violation of the rights of the husband. Rape as a crime was constructed as a property crime against a father or husband not as a crime against the woman's right to self-determination. Bangladesh as Common law successor state adopted the similar outlook. As it is discussed though once marital rape is widely ignored by law but now repudiated by international conventions and increasingly criminalized in some countries but still marital rape has not been criminalized for long in many countries and Bangladesh is not out of it. Here in Bangladesh traditional views on marriage states that a woman must be sexually submissive to her husband. It is easily understandable that woman in Bangladesh who are raped by their husbands are likely to experience multiple assaults and often suffer severe long-term physical and emotional consequences as maximum number of woman are financially dependent on the husband. So, it is clearly a serious form of violence against women and worthy of public attention. Moreover, marital rape is actually more traumatic than rape because rape is done by a stranger while marital rape is done by the husband and the wife lives with her assailant and she may live in constant terror of another assault whether she is awake or asleep.[4] It is high time that the concept of "rape is rape, irrespective of the relationship between the victim and perpetrator" is recognized by the law and put strictly to force.

II. RATIONALE AND OBJECTIVES OF THE STUDY

The main objective of this study is to give preference as separate sexual offence committing by the husbands over their wives in determining legal liabilities on marital rape. To fulfill the main objectives, the following mentioned objectives have been taken into consideration:-

1. To make focus on identification of marital rape as different from rape.
2. To examine the legal frameworks & different perceptions on marital rape.
3. To suggest some rational measures to be added in existing penal laws of Bangladesh.

III. RESEARCH METHODOLOGY

The present study is an outcome of amalgamation of types of work: Methodologies for this research study through qualitative for data collected from publications of concerned authorities, available books, research studies, articles on related topic, key note paper presented in conference, news paper reporting, internet.

IV. CONCEPT OF MARITAL RAPE

The word 'rape' has been derived from the term 'rapio', which means 'to seize'. Rape is therefore, forcible seizure, or the ravishment of a woman without her consent, by force, fear or fraud. It involves coercive, nonconsensual sexual intercourse with a woman. Rape can be viewed as an act of violence against a woman, an outrage by all means. It is ultimate violation of the self of a woman. The Supreme Court of India has aptly described it as 'deathless shame and the gravest crime against human dignity.[5] On the other hand, marital rape is sexual intercourse forced by a spouse on the other spouse, against that person's will. It also can be defined as any unwanted intercourse or penetration (vaginal, anal or oral) obtained by force, threat of force, or when the wife is unable to consent. According to Oxford dictionary, marital rape is sexual intercourse forced on a woman by her husband, knowingly against her will. A state statute (California) defined 'spousal rape' as rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(a) Was unconscious or asleep.

(b) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(c) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a government agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.[6] To summaries it can be said that marital rape means any unwanted sexual acts by a spouse that is committed without the other person's consent. Such illegal sexual activity is done by using force, threat of force, intimidation, or when a person is unable to consent. The sexual acts include intercourse, anal or oral sex, forced sexual behavior with other individuals, and other sexual activities that are considered by the victim as degrading, humiliating, painful, and unwanted.

V. EXISTING LEGAL FRAMEWORK ON MARITAL RAPE IN BANGLADESH AS A MUSLIM MAJORITY COUNTRY

We have a very strong set of penal laws against rape in Bangladesh. In our penal code, the definition of rape is very wide. A man is said to commit "rape" when he has sexual intercourse with a woman under circumstances falling under any of the five following descriptions: First, against the will of woman, Second, without her consent, Third, with her consent obtained by putting her in fear of death, or of pain, Fourth, with her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married, and Fifth, with or without her consent, when she is under fourteen years of age. In explanation, it is said that penetration is sufficient to

constitute the sexual intercourse necessary to the offence of rape. There is an exception in the penal code and that is sexual intercourse by a man with his own wife is considered rape when the wife is under thirteen years of age. So, if the wife is under thirteen years of age only then marital rape is recognized otherwise it clearly excludes marital rape. In section 9 of “Nari-o-Shishu Nirjaton Daman Ain, 2000”, it is said whoever commits rape against with a woman or child shall be punished with rigorous imprisonment of life with fine. But in explanation it is said whoever has sexual intercourse with his lawfully married wife not being fourteen years of age- against her will or with her consent obtained- or by putting her in fear or by fraud or with a woman not being above fourteen years of age with or without her consent, he shall be said to commit rape. However, as in common law husbands were exempted from prosecution for raping their wives. Over the past quarter century this law has been modified somewhat but not entirely. A majority of states still retain some form of common law regime; they criminalize narrower range offences if committed within marriage. Unfortunately we are among those states. Marital rape is non-consensual sex in which the perpetrator is the victim’s spouse. As such, it is a form of partner rape, of domestic violence, and of sexual abuse. Once widely ignored by law, spousal rape is now repudiated by international conventions and increasingly criminalized but still, in many countries, spousal rape either remains legal, or is illegal but widely tolerated and accepted as a spouse’s prerogative. In 2006, it was estimated that marital rape could be prosecuted in at least 104 countries (in four of those countries, marital rape could be prosecuted only when the spouses were judicially separated), and since 2006 several other countries have outlawed spousal rape. In many countries it is not clear if marital rape may or may not be prosecuted under ordinary rape laws. Several countries in Eastern Europe and Scandinavia made spousal rape illegal before 1970, but other countries in Western Europe and the English-speaking Western World outlawed it in the 1990s and 2000s.[7] As most of the people of our country are Muslim, this might have been the cause for the lawmakers for not including marital rape as a crime in the penal law legislation. Even the courts are also reluctant to make the interpretation as they find it confusing whether the shariah narrates it as crime. Recently in India a man has been discharged by Delhi court of charges of raping his wife on the ground that having sexual relation with his spouse, even forcibly, does not amount to “marital rape”. District Judge JR Aryan let off accused Hazi Ahmed Saeed, agreeing with his counsel’s submission that the Indian Penal Code does not recognize any concept of “marital rape”. The Court remanded the case back to a magisterial court as rest of the alleged offences, including those of causing hurt, criminal intimidation and theft, for which the accused was charge-sheeted.[8] So the question strikes, does Islamic law or Shariah approves marital rape? As for “marital rape” Islam teaches both husband and wife the understanding of having to minimize the times when they are reluctant to respond to their spouses’ sexual demand. Unless there are really serious reasons concerning, for example, health or mental difficulties, they should not refuse such demand. This is not because any side is a “property” of the other or because Islam approves what is called “marital rape”. On the contrary, this is because Islam prohibits adultery and marital infidelity. This, in fact is prohibited for both parties. Therefore, Islam urges both parties to be always welcoming to meet the other party’s needs. Both parties are also obliged to make sure that this affair has ended with full satisfaction for one’s partner. Islamic teaching also made it obligatory for husbands to offer sex to their wives. But we have understood this is due to the fact that the woman might be shy or embarrassed to ask it for herself. In addition, a ruler should not send soldiers in an army- even if it is wartime- for more than four months, just for this reason! Also, Ibn Magah reported that the Prophet (PUBH) has commanded husbands not to start a sexual intercourse, unless they start by ‘flirting, talking to and kissing the wife’ till she is ‘in the mood’ and capable of sharing the pleasure of these moments. Not only that the Prophet (PUBH) warned husbands against what he called: “falling onto woman like animals.” Thus we can say Islam has no bar to enact laws against marital rape, as it clearly discourages marital rape.[9]

VI. MAJOR REASONS OF MARITAL RAPE IN BANGLADESH

There are many cause of marital rape in Bangladesh. Amongst them the principal causes of marital rape are-

a. Religious cause:

In Bangladesh most of the people live in rural areas and the majority of them are Muslim. Literacy rate is very low. Though bulk of the people are very religious but they don’t have enough change to get proper religious education. As a result they do have several types of religious superstition which never goes with the true meaning and object of Islam. There is a religious believe in Bangladesh that the wife has a sacred duty to please his husband anytime he wants.

b. Illiteracy:

Illiteracy is a curse for every nation. As most of the people in Bangladesh do not know how to read or write it is very difficult for them to realize the concept of woman right.

c. Poverty:

Bangladesh is one of the world’s most densely populated countries with 160 million people. 26 percent of whom live below the national poverty line of US \$2 per day.[10] In additional, child malnutrition

rate is also high, in condition that is tied to the low social status of woman in Bangladeshi society. The scope of quality entertainment is very low in Bangladesh as there is not any minimum infrastructure. So one of the popular forms of entertainment is considered to have sexual intercourse with the wife. In that case if the wife does not give the consent marital rape frequently occurs.

d. Absence of penal law against marital rape:

In Bangladesh a lot of laws have been passed to protect the woman from violence and rape. Among them “Nari-o-Shishu Nirjaton Daman Ain, 2000” is the most popular. But unfortunately nowhere in this law or any other law marital rape is addressed or made penal offence. Only raping under wife under 14 years of age is crime over here.

e. Lack of woman empowerment:

Empowerment is the process of giving power of authority to the powerless. Empowerment of woman is a process through which woman in general and poor woman in particular get the opportunity to join the workforce and contribute to family income and interfere on the decision making of the family as well as get the opportunity to raise their voice against the injustice and exploitation. In past Bangladeshi women were segregated from out of home productive work. They were kept within the four walls. The hearth became the place for them. So cooking, cleaning, washing, giving birth and rearing children became their jobs. Men became the wage earners and all other activities became their responsibilities. Though now a days we have come a long way as today women are playing important role in all spheres of life. Many of them have come out of the kitchens. They are working hand in hand with men in all spheres of work i.e. from garments workers to pilots, doctors, engineers, teachers, administrators etc. But still most of the woman live in the rural areas and if they are empowered only then they would have the capacity to raise the voice against the marital rape otherwise they don't have any scope but to accept all the oppression against them.

f. Forced and early child marriage:

Forced marriage and early marriage are prevalent in this part of the world, especially in South Asia and in Bangladesh it is very common. A forced marriage is a marriage where one or both participants are married without their freely given consent.[11] So, a child marriage is a marriage where one or both parties are younger. These types of marriages are associated with a higher rate of domestic violence, including marital rape. In Bangladesh traditionally woman are very shy and they do not express their feelings publicly. If they do not have visible physical injuries from the assault and/or rape, friends and family may think you are okay. Many people do not understand the extent of trauma that is suffered by rape and sexual assault victims, even if the offender is a loved one. Moreover as a victim of spousal or relationship sexual assault and/or rape, victim will probably have to deal with additional effects and experience that are very different from the experience had by victims of stranger sexual assault and/or rape.

VII. IDENTIFICATION OF ADVERSE CONSEQUENCES OF MARITAL RAPE

- a. Having to deal with ongoing contract with the abuser;
- b. Being in love with/having romantic feelings for the abuser;
- c. Further sexual assault and/or rape by the abuser as well as the possibility of different types of violence d.(for example, woman being sexually assaulted and/or raped by their partners are also more likely to be even murdered by them).
- e. There are also further emotional effects that you may have to face based on the abuse you had to endure from your spouse. Because woman who are raped by their partners are raped by someone they loved and trusted.
- f. Be diagnosed with depression or anxiety than those who are victims of abuse by someone other than a spouse or partner;
- g. Have trouble forming trusting relationships;
- h. Have a poor body image which may lead to an eating disorder;
- i. Have more negative ideas about themselves and blame themselves for happened.

VIII. RATIONALITY AND EXEMPTION OF MARITAL RAPE

The idea that is responsible for leaving scope for the wife to accuse her husband of rape has the potential to destroy the institution of marriage. There are many provisions under the law for cruelty against women, it was, therefore, felt that if marital rape is brought under the law, the entire family system will be under great stress and it will end up perhaps be doing more injustice. The concept of a marital exemption, is a legal framework, or, perhaps even more importantly, a social view, stating that a husband cannot be charged with the rape of his wife, must be understood in the historical context of marriage, rape, and of women's position of society. Through much of history, and still in some countries today, women were considered legal minors belonging at first to their fathers, and then to their husbands. As such, women had very few rights of their own, and the relationship between husband and wife, in terms of authority and balance of power, was mirroring that

between father and daughter. Apparently marital rape is not something that is yet discussed publicly in Bangladesh. If anything, a woman is not supposed to contemplate sexual autonomy once she is married. This harkens back to the patriarchal society that governs much of Bangladesh, where 'virginity', 'chastity' and 'purity' are concepts that are crucial to a family's 'honor.' Not only Bangladesh throughout the history of most societies, it has been acceptable for men to force their wives to have sex against their will. The traditional definition of rape in most countries was 'sexual intercourse with a female not his wife without her consent'. This provided the husband with an exemption from prosecution for raping their wives or a license to rape. The foundation of this is an exemption that can be traced back to statements made by Sir Matthew Hale, Chief Justice in 17th Century England. Lord Hale wrote, 'the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual consent and contract, the wife hath given up herself this kind unto her husband which she cannot retract'. [12] It is very shocking to note that Lord Hale did not offer any argument, case law nor legal basis to support his assertion. He asserted that, upon marriage, the wife automatically hands over her legal person to the husband and consents to all sexual acts, which cannot be retracted at any later date for no reason whatsoever. He introduced within the marriage, a notion of 'implied consent' that started at the time of marriage and continued for the entire course of the marriage, and such consent was deemed irrevocable by Lord Hale. This established that once married, a woman does not have the right to refuse sex with her husband. Due to construction of sex as a woman's duty within a marriage, there is always a presumption of her consent. [13] Even a female slave has an admitted right, and is considered under a moral obligation, to refuse her master the last familiarity. Not so the wife. [14] As long back as in 1869, John Stuart Mill observed that marital rape is never welcome to women for it represents a surrender of dignity so absolute in nature, that it lowers the stature of the wife beneath that of a slave. The basic premise for this assumption lies in the fiction that the wife is considered to have given her irrevocable consent to sexual intercourse to the husband at the time of the marriage and hence the husband cannot be held guilty of rape, which he may commit upon his wife. The tenets of the marital rape exemption were based on the notion of 'irrevocable implied consent'. As per this notion once a woman is married to a man, there is believed to be implied consent to sexual intercourse, which is irrevocable in nature. The other traditional justifications for the marital exemption were the common law doctrines that a woman was the property of her husband and that the legal existence of the woman was 'incorporated and consolidated into that of a husband'. [15]

IX. CONSEQUENCES OF MARITAL RAPE IN BANGLADESH

The problems those are faced by marital rape survivors are enormous. Some of the consequences are discussed below-

- a.** Longer recovery from trauma. Contrary to popular belief, the trauma actually may last longer for the marital rape victim than for the stranger rape victim. Reasons include lack of recognition and ability to share the pain, and the profound sense of a betrayal of trust.
- b.** Higher likelihood of repeated assaults. The women who are marital rape victims are more likely to experience repeated assaults than other rape victims; in fact, among battered women, sexual assault may be a routine part of the pattern of abuse. As in Bangladesh because of agricultural economy and patriarchal influence women are raped and battered by their partners experience the violence in various ways-e.g., some are battered during the sexual violence or the rape may follow a physically violent episode where the husband wants to 'make up' and forces his wife to have sex against her will.
- c.** The married perpetrator is more likely to use "anal and oral rape to humiliate, punish and take 'full' ownership of their partner. At the same time there could be the negative effect on children on the household. Such children may witness the sexual violence or otherwise be affected by it.
- d.** Pressure to stay with perpetrator. A victim with children who lacks outside employment specially in a economy like Bangladesh may be financially dependent on the spouse and feel there is no way to leave the situation, and the victim basically face additional pressure from family members or friends to remain with the perpetrator because otherwise they think she will be dependent on the relatives.
- e.** Difficulty in identifying what happened as a crime. A victim may find it difficult, for cultural reasons, to define the other spouse's conduct as rape or identify someone she married and loves as a "rapist".

X. PROSECUTING HUSBAND FOR MARITAL RAPE

The criminalization of marital rape does not necessarily mean that these laws are enforced in practice, with lack of public awareness, as well as reluctance or outright refusal of authorities to prosecute being common in many countries. For instance, in Ireland, where marital rape was made illegal in 1990, by 2006 there had been only one person convicted of marital rape in a case which involved a man who raped his wife shortly after she had given birth and when she was still leading. [16] So, it can be perceived that in many countries, most often, in practice, there will be no prosecution except in extreme cases that involve a very high level of violence. In the

United Kingdom, such a category of rape was only recognized by a 1991 House of Lords decision known simply as *R v. R* (1991 All ER 481). While most parties agreed with the House of Lords' motive in making the decision, there were many who were of the opinion that the decision involved post facto criminalization, since the House of Lords were imprisoning spouses for doing what was once, according to the law, their right. In order for any law to be successfully enforced, the acts which it prohibits must be perceived by society as abusive. That's also the problem in case of Bangladesh as they literacy rate is very low would they perceive? So, even if lawmakers in Bangladesh enact adequate laws against marital rape, in practice, these laws will be ignored if the act of marital rape is not socially considered a crime.

XI. SUGGESTIONS

There is an immediate need to enact laws for prevention of marital rape or to amend Nari-o-Shishu Nirjatan Daman Ain, 2000 (Amended in 2003) [17] and insert section regarding marital rape and the definition of marital rape should be expanded as there are many ways in which marital rape can happen but that law at least should list some of the facts or expand the definition such as-

a. If the spouse has sex with the wife when he is On Drugs. Several women wake up to their spouse having sex with them when they are under the influence of drugs. As Prescription drugs or even liquor can cause a woman to not be able to make choice or fight the person off of her since she is under the influence of drugs.

b. When the husband commits Sodomy without the consent of wife, it is rape sodomy is the most painful. The husband has no right to commit sodomy just because of the fact that he is doing it to his own wife. A wife has a right to say no regarding to what happens to her own body.

c. If women's spouse doesn't stop the sexual intercourse when she say no, it should be considered rape. Wife should not have to say no more than once. Any man that keeps going after the wife say no once than it should be rape no matter what the situation is.

d. If the husband uses religion against the wife. Some husbands attempt to use religious lines against wife in order to force sex upon her. Husbands can still be charged with rape when they use religion to force themselves upon wives. Some husband says that they have a right to wife's body by using the name of religion in order to justify what they do. Religion is something that sometimes husbands turn around on the wife in order to make her feel like it isn't really rape that happened. So the husband should have no right to use any religious line on you to strip wife of all of her rights as a human being.

e. If the husband threatens the wife with force if she fights him. Many husbands tell their wife that it can happen in the easy way or the difficult way if the wife refuses. It is way of force someone to submit to something that they don't want to do in the first place. It is no different than when a man beats his wife until she does something that he wants no matter what the situation is.

f. At the same time law should also provide damage with penal provision so that victim could have the courage to stand the perpetrator. Secondly the government has to raise awareness among the public about the marital rape. Legal aid groups and government legal aid agencies should come forward to provide legal assistance to victims.

XII. CONCLUSION

Despite the fact that marital rape has not been criminalized in Bangladesh, there is no doubt marital rape is clearly a serious form of violence against women and worthy of public attention. It indicates those women who are raped by their husbands are likely to experience multiple assaults and often suffer severe long-term physical and emotional consequences. Marital rape may be even more traumatic than rape by a stranger because a wife lives with her assailant and she may live in constant terror of another assault. Given the serious effects, there is clearly a need for those who come into contact with marital rape survivors to provide assistance and challenge the prevailing myth that rape by one's spouse is inconsequential. Rape crisis counselors and advocates for battered women are in particularly important leadership positions should play a pivotal role to address the problem of marital rape in society and to assist survivors from this form of violence. In the future, researchers should continue to try to determine the prevalence of this problem in the society. More research on the effects of marital rape, particularly for pregnant women and the children who witness the sexual violence is necessary. Additionally, researches should investigate the motivations for why men rape their wives and address prevention.

REFERENCES

- [1] Dr. Bhavish Gupta & Dr. Meenu Gupta, Marital Rape: "Current Legal Framework in India and the Need for Change" 2013 Vol.1 of Galgotias Journal of Legal studies at p.17, ISSN. 2321-1997.
- [2] Marital rape, From Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Marital_rape > accessed on 13th December, 2014.

- [3] Samuel H Pillsbury, *Judging Evil: Rethinking the Law of Murder and Manslaughter*.(2000-07-01). ISBN 9780814766804. <http://www.quickwiki.com/en/Marital_rape> accessed on 13th December,2014.
- [4] Marital Rape (1999) p.7 of 10 VA Wnet is a project of the National Resource Center of Domestic Violence 800-537-2238. TTY 800-553-2508, Fax. 717-545-9456
- [5] *Bodhisattwa Gautam v. Subhra Chakraborty* AIR, 1996 SC 922.
- [6] Cal Penal Code, p.262.
- [7] Witte, John; Rebert M. Kingdon (2005), *Sex, marriage, and familylife in John Calvin's Geneva, Grand Rapids, Michs W.B. Eerdmans Pub. Co. pp. 120-22, ISBN 978-0-8028-4803-1* <http://www.quickwiki.com/en/Marital_rape> accessed on the 20 September 2014.

- [8] *Hindustan Times* Friday, 23 May 2014, <<http://www.hindustantimes.com/india-news/newdelhi/forcible-sex-with-wife-doesn-t-constitute-rape-court/article-968113.aspx>> accessed on 13 September,2014.
- [9] Islam, Md. Shibly, Report on newspaper “The Daily Independent Bangladesh”,17 Febuary,2013, p.6.
- [10] “After Much Heartbreak, Some Good News at Last for Bangladesh”, *Time* Retrieved 22th July, 2013. <<http://world.time.com/2013/07/18/after-much-heartbreak-some-good-news-at-last-for-bangladesh/>> accessed on 17th January,2014.
- [11] BBC, Ethics guide <http://www.bbc.co.uk/ethics/forcedmarriage/introduction_1.shtml> accessed on 13th September 2014.
- [12] Mathew Hale, *1 History of the Pleas of the Crown*, (1736, London Professional Books,1972), p.692
- [13] Dr. Bhavish Gupta & Dr. Meemu Gupt, *Marital Rape; “Current Legal Framework in India and the Need for Change”*2013 Vol. 1 of *Galgotias Journal of Legal Studies* at p.17, ISSN. 2321-1997.
- [14] J.S. Mill, *The Subjection of Women*. S.M. Okin, Indianapolis, Hackett,1988, p.33
- [15] “To Have and Hold- The Marital Rape Exemption and the Fourteenth Amendment”, 99HARV.1., REV.1255,1256 (1986) p.442.
- [16] *Man jailed again for marital rape* <<http://www.irishhealth.com/article.html?id=8909>> accessed on 20th April,2014.
- [17] See provisions of *Nari-o-Shishu Nirjatan Daman Ain, 2000 (Amended in2003)*.