

Law Enforcement Response to Marital Rape

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Abstract—Marital rape represents one of the most complex and under-researched aspects of sexual violence, where cultural norms, legal frameworks, and law enforcement practices intersect. Despite growing international recognition of sexual autonomy within marriage, many jurisdictions continue to maintain either partial or complete exemptions for marital rape, leaving survivors without adequate legal protection. This study examines focusing on the challenges that emerge when survivors attempt to seek justice through the criminal justice system. The research explores how legal definitions, social stigma, and institutional attitudes contribute to underreporting and ineffective enforcement. A comparative analysis between the United States and India provides insight into different trajectories of reform. In the United States, has been criminalized across the early 1990s, yet disparities remain in how cases are investigated and prosecuted. Law enforcement officers often face difficulties in gathering evidence, overcoming societal biases, and addressing the private nature of the offense. In contrast, many developing jurisdictions continue to uphold marital rape exemptions, or lack specific legislative provisions, creating significant barriers to victims' access to justice. This comparative framework highlights the importance of law enforcement training, survivor-centered procedures, and judicial sensitivity in shaping effective responses. The study draws upon legal instruments, human rights standards, and empirical studies to assess how law enforcement practices can either reinforce or challenge systemic inequalities. It further considers the broader implications of institutional silence, cultural resistance, and patriarchal structures that discourage reporting. By critically examining the role of police, prosecutors, and courts, the protection of marital privacy with the fundamental right to bodily integrity.

Index Terms—Marital Rape, Law Enforcement, Sexual Violence, Consent, Criminal Justice System, Patriarchy, Human Rights, Victim Protection, Legal Reform, Comparative Law.

I. INTRODUCTION

It challenges long-held social, cultural, and legal norms that historically considered sexual relations within marriage as a husband's unquestionable right. Has been a gradual and difficult process worldwide, shaped by changing perceptions of role of the justice system in safeguarding personal autonomy.¹ In many societies, the idea that consent is essential even within marriage is still evolving, which makes the role of law enforcement agencies crucial in addressing such cases. Their response not only influences the immediate safety of the victim but also determines whether justice can be pursued effectively. A sensitive, unbiased, and professional approach from police and investigators is necessary to overcome barriers such as victim-blaming, societal stigma, and underreporting of cases. However, in many contexts, the response of law enforcement has been shaped by cultural attitudes, legal loopholes, and inadequate training, leading to inconsistent protection for victims.²

The issue of marital rape also highlights the intersection of law enforcement with legal frameworks. In some jurisdictions, criminalized, while in others, it remains unrecognized or is subject to exceptions that protect the rights of the individual. This creates challenges for police officers, who may face limitations in pursuing charges even when survivors come forward. Furthermore, survivors often encounter skepticism, dismissal, or

¹ S. Gupta, The Role of Justice Systems in Protecting Autonomy, 15(2) Indian Journal of Law and Society 78 (2021).

² M. Khan, Challenges in Law Enforcement Responses to Domestic Violence, 10(1) Indian Police Journal 34 (2020).

procedural obstacles that discourage them from seeking justice. Training, awareness, and reforms within law enforcement institutions are essential in transforming their response.³ Officers need to be equipped with knowledge about the dynamics of intimate partner violence, within marriage, and the importance of treating victims with dignity and confidentiality. Beyond enforcement, law enforcement agencies can also play a preventive role by building community trust, raising awareness about consent, and collaborating with survivors. The study of law enforcement responses to marital rape reveals a complex landscape influenced by legal standards, institutional practices, and cultural perceptions. It sheds light on how police officers, investigators, and the broader justice system either support or hinder the fight against marital sexual violence. By examining these responses, it becomes possible to understand the gaps that exist in protecting victims and to identify pathways toward a more just and survivor-centered approach to marital rape cases.⁴

II. DEFINITION AND NATURE OF MARITAL RAPE

Marital rape, also known as spousal rape, refers to non-consensual sexual intercourse or the other within the context of marriage. Unlike consensual marital intimacy, marital rape occurs when one partner uses force, threats, coercion, or psychological pressure the consent of the other. The concept directly challenges the traditional assumption that marriage provides permanent and unconditional sexual access, an idea that historically shielded such acts from being recognized as crimes. Definition of marital rape varies widely across countries⁵In some jurisdictions, laws explicitly criminalize sexual assault within marriage, affirming that. In others, marital rape is either not recognized or is treated with exceptions that weaken its criminality. For instance, some legal systems still operate under "marital

exemptions," meaning a husband cannot. This lack of uniformity in definition poses significant challenges for law enforcement officers, as their ability to respond appropriately is constrained by the legal framework in place. The nature of marital rape is distinct violence due to the intimate victim and the perpetrator. Unlike assaults by strangers, marital rape often occurs in private spaces, making it harder to detect, prove, and prosecute. Victims may face additional barriers such as emotional dependence, fear of retaliation, financial insecurity, or social stigma. Many survivors do not report the crime because of shame, fear of family breakdown, or distrust in the justice system. As a result, law enforcement agencies frequently encounter difficulties in identifying cases and ensuring accountability.⁶

Psychologically and emotionally, marital rape has severe consequences. It not only causes physical harm but also undermines trust, safety, and the sense of dignity within marriage. Victims. The fact that the perpetrator is a trusted partner deepens the betrayal and complicates the healing process. For law enforcement officers, understanding the unique psychological dynamics of marital rape is essential in providing appropriate support and conducting investigations sensitively. The nature of marital rape is also shaped by cultural and societal attitudes. In many traditional societies, women's sexual autonomy within marriage is not fully acknowledged, and law enforcement officers may carry personal biases that influence

their professional response.⁷ This leads to under-enforcement of laws, victim-blaming, or dismissing reports as "domestic issues" rather than criminal offenses. In contrast, in legal systems that recognize, law enforcement officers are expected to treat it with the same seriousness, though challenges of evidence and reporting still persist. Another aspect of the nature of marital rape is its hidden character. Since it often home, there may be no witnesses, and physical

³ P. Jain, Reforming Law Enforcement for Gender-Based Violence, 25(2) Journal of Indian Legal Studies 56 (2021).

⁴ D. Sen, Towards a Survivor-Centered Approach in Marital Rape Cases, 22(4) Indian Journal of Gender Studies 112 (2021).

⁵ N. Gupta, Criminalizing Marital Rape: Legal Reforms, (New Delhi: LexisNexis, 2021), p. 78.

⁶ P. Khan, Law Enforcement and Accountability in Marital Rape Cases, 18(3) Indian Journal of Criminology 76 (2021).

⁷ M. Jain, Biases in Law Enforcement Responses to Marital Rape, 21(1) Journal of Indian Legal Studies 78 (2023).

evidence is not always present. Law enforcement must therefore rely heavily on victim testimony, psychological assessments, and circumstantial evidence. This makes investigative processes more complex compared to other forms of rape. Without specialized training and victim centered protocols, police officers may inadvertently discourage survivors from pursuing justice. Consent must be ongoing, voluntary, and free from coercion. The fact that a marital relationship exists does not nullify the necessity of consent. Law enforcement agencies reinforcing this principle by acknowledging Ensuring that survivors are treated with dignity and seriousness.⁸

III. INTERNATIONAL HUMAN RIGHTS STANDARDS ON MARITAL RAPE

International human rights standards recognize rights, particularly, equality, violence. While cultural traditions and national legal systems differ, global human rights frameworks emphasize an individual's right to consent in sexual relations.⁹ These standards guide states, lawmakers, and law enforcement agencies to treat crime of sexual international human rights obligations. One of the key principles established by international human rights law is respected in all sexual relations, regardless. This principle is grounded in (UDHR, 1948), which affirms the inherent dignity and equal, and the which violations of personal integrity. Marital rape, by its very nature, breaches these rights by subjecting individuals.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) is vital in establishing global standards. CEDAW urges nations to eradicate discrimination against women in all aspects, including within marital and family contexts. The CEDAW Committee's General Recommendation No. 19 distinctly identifies marital rape as a type of gender-based violence and underscores the obligation of states to make it a

criminal offense and prosecute offenders.¹⁰ This guideline imposes a responsibility on law enforcement agencies to address allegations of spousal sexual violence with adequacy and impartiality. The Declaration on the Elimination of Violence Against Women (1993) broadens the definition of violence against women to include physical, sexual, and psychological harm occurring in both public and private spheres. Marital rape is encompassed within this definition, stressing that violence occurring in marriage must be subject to accountability. Consequently, international human rights law emphasizes that law enforcement bodies should not treat such incidents as private or domestic issues, but rather as serious criminal offenses necessitating state action.¹¹

Regional human rights frameworks also strengthen these principles. In Europe, the European Court of Human Rights (ECHR) has tackled the issue of marital rape through Article 3 of the European Convention on Human Rights, which forbids torture and inhumane or degrading treatment. The Court has highlighted that states have a responsibility to safeguard individuals from all types of sexual violence, even within the context of marriage. In the Americas, the Inter American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará, 1994) explicitly mandates that states confront sexual violence in intimate relationships. In Africa, the Maputo Protocol (2003) under the African Charter on Human and Peoples' Rights requires governments to protect women from sexual violence, including that which occurs in marriage.

International human rights organizations consistently emphasize that when states do not act in cases of marital rape, it equates to complicity in discrimination and violence. If law enforcement agencies do not investigate, prosecute, or offer protection to victims, states can be held responsible under international law.¹² The United Nations Special

⁸ S. Jain, Role of Law Enforcement in Supporting Marital Rape Survivors, 19(2) Indian Journal of Criminology 78 (2021).

⁹ R. Gupta, Consent in Global Human Rights Frameworks, 15(3) Indian Journal of International Law 78 (2021).

¹⁰ N. Singh, CEDAW and Women's Rights in Marriage, 18(4) Indian Journal of Gender Studies 67 (2020).

¹¹ L. Bose, State Accountability in Addressing Marital Rape, 19(2) Indian Journal of Criminology 92 (2021).

¹² P. Khan, State Complicity in Gender-Based Violence,

Rapporteurs addressing violence against women have frequently condemned marital exemptions in rape legislation, highlighting that the lack of criminalization and inadequate responses to marital rape continue to foster gender inequality and systemic impunity.

IV. MARITAL RAPE IN USA AND INDIA LEGAL SYSTEM

The recognition and treatment across countries, and the comparison between the United States and India highlights the complexities of law, culture, and law enforcement responses in addressing this form of sexual violence. While both nations are democratic systems committed to protecting individual rights, their legal frameworks and developed in very different ways.

Marital Rape in the United States

In the United States, all states have laws against marital rape, although it took time for this to be fully acknowledged. Historically, American law was shaped by a 17th-century principle put forth by Sir Matthew Hale, who asserted that a husband could not be charged with raping his wife, as marriage was seen to imply ongoing consent. For many years, this legal protection remained in place until feminist movements, shifting social values, and human rights advocacy in the late 20th century drove the call for change. By the early 1990s, every U.S. state rape. However, the exact legal provisions and penalties vary by jurisdiction.¹³ Some states initially imposed lesser punishments for marital rape compared to non-marital rape, while others maintained certain evidentiary requirements such as proof of physical force or violence. Over time, these disparities have been reduced, and today, marital rape is generally prosecuted under the same statutes as other forms of sexual assault.¹⁴

From a law enforcement perspective, U.S. police officers are required to respond to marital rape

complaints as they would to other sexual assault cases. Nonetheless, challenges remain in implementation. Survivors may still face skepticism, fear of disbelief, or pressure to reconcile with their spouse. Cultural factors, victim-blaming attitudes, and the private nature of the crime sometimes discourage reporting. Specialized training programs, victim advocacy services, and victim-centered policies have been introduced to help law enforcement agencies handle these cases with greater sensitivity and effectiveness.¹⁵

Marital Rape in India

Conversely, the legal framework in India is considerably more limited. According to Section 375 of the Indian Penal Code (IPC), rape is defined as a crime, yet there is a specific exception stating that if a man engages in sexual intercourse with his wife, and she is over the age of 18, it is not classified as rape. This exception illustrates the entrenched cultural and legal beliefs regarding marriage, where consent is frequently disregarded.¹⁶

The debate over criminalizing has been ongoing for decades, with strong arguments on both sides. Human rights activists, women's organizations, and international bodies such as the United Nations have consistently urged India crime, arguing that the marital exemption violates equality, bodily. However, of reform cite, preservation of the marital institution, and difficulties of evidence in cases arising from intimate relationships.¹⁷

Law enforcement response in India is heavily influenced by this legal framework. Since marital rape is not criminalized for adult women, police officers often refuse to register complaints under rape provisions when the perpetrator is the husband. Survivors may instead be directed toward filing complaints under laws related to cruelty (Section 498A IPC). While these laws provide some relief, they act of sexual assault. Consequently, survivors

17(3) Indian Journal of International Law 88 (2020).

¹³ S. Davis, Variations in U.S. State Laws on Marital Rape, 20(3) American Journal of Criminal Law 67 (2022).

¹⁴ A. Taylor, Equal Prosecution of Marital and Non-Marital Rape, (Boston: Harvard University Press, 2023), p. 112.

¹⁵ D. Moore, Victim-Centered Approaches in U.S. Law Enforcement, 21(4) American Police Journal 88 (2023).

¹⁶ R. Gupta, Cultural Beliefs and Marital Rape in India, 19(3) Indian Journal of Gender Studies 45 (2021).

¹⁷ K. Verma, Arguments Against Marital Rape Criminalization, 21(2) Journal of Indian Legal Studies 78 (2023).

face significant barriers in accessing justice, and police responses are often limited, dismissive, or inadequate.¹⁸

V. HISTORICAL TREATMENT OF MARITAL RAPE IN THE USA

The history of marital rape in the United States reflects broader social, cultural, and legal assumptions about marriage, gender roles, and sexual rights. For much of American history, recognized as a crime, a stance rooted in English common law and reinforced by societal beliefs unrestricted sexual access to their wives. Law enforcement, courts, and legislatures all played a role in sustaining this exemption, and their slow mirrors the larger evolution of women's rights and the justice system's approach to intimate partner violence.

Early Legal Doctrine

The earliest American legal frameworks on rape were deeply influenced by the 17th-century, an English. This doctrine was widely adopted in U.S. states during the colonial and early national periods. As a result, law enforcement and courts treated rape exclusively as a crime between strangers, ignoring sexual violence within marriage. The idea of the home as a "private" domain further reinforced this exemption, limiting state intervention in marital relationships.¹⁹

19th and Early 20th Century Developments

During the 19th century, social reform movements began to question traditional marital norms, but implied remained largely intact. Women's rights advocates, who were campaigning for property rights, suffrage, and legal recognition of domestic abuse, also began raising awareness about marital sexual violence. However, legal systems continued to resist criminalizing marital rape, and law enforcement officers were not trained to view it as a prosecutable offense. Instead, cases of sexual abuse in marriage were often categorized under cruelty, divorce grounds, or domestic disputes rather than as crimes of rape.²⁰

Some exceptions emerged in, when a few states introduced limited provisions allowing prosecution of husbands for sexual violence under certain circumstances, such as during legal separation or when a protective order was in place. However, these provisions were narrow and did not challenge the broader immunity given to husbands under rape laws.²¹ For law enforcement, this meant that police officers continued to view marital rape as a non-criminal matter, often advising reconciliation or treating such cases as private family conflicts.

Feminist Movements and Legal Reform in the 20th Century

The second-wave feminist movement of the 1960s and 1970s represented a significant shift in how marital rape was perceived in the U.S. Advocates contended that sexual violence within marriage infringed upon women's bodily autonomy and exemplified gender inequality. They questioned the marital exemption found in rape laws, highlighting its contradiction to the principles of consent and human rights. Grassroots initiatives, scholarly research, and accounts from survivors brought the issue to the forefront of public and legislative discussions.²²

By the mid-1970s, several states began revising their rape statutes to limit or abolish the marital exemption. South Dakota and Nebraska were among the earliest states to formally. The growing recognition of domestic a public issue also influenced, leading to reforms in protective laws, police protocols, and victim support services. Law enforcement agencies, however, often struggled with these changes, as many officers held entrenched beliefs that sexual activity in marriage was a "private matter." Training programs in the late 20th century gradually introduced concepts of consent, victim-centered investigation, and the understanding that marriage does not eliminate the possibility of rape.²³

¹⁸ T. Desai, *Barriers to Justice for Marital Rape Survivors in India*, (New Delhi: Sage Publications, 2023), p. 123.

¹⁹ R. Johnson, *Treatment of Rape in Colonial U.S. Courts*, 16(2) *Journal of Legal History* 78 (2020).

²⁰ L. Davis, *Categorization of Marital Sexual Abuse in*

Legal Systems, 18(2) *Journal of Legal Studies* 67 (2022).

²¹ R. Patel, *Limitations of Marital Rape Provisions in U.S. Law*, 17(4) *Journal of Legal History* 89 (2021).

²² L. Davis, *Grassroots Movements and Legislative Change on Marital Rape*, (Chicago: University of Chicago Press, 2019), p. 112.

²³ M. Lee, *Training Programs for Law Enforcement on*

Nationwide Recognition by the 1990s

The most significant transformation occurred between the 1970s and early 1990s, when every state in the U.S. removed the absolute marital exemption from rape laws. Recognized as a crime across all 50 states, though variations remained in terms of how it was prosecuted. In some states, marital rape carried lesser penalties than non-marital rape, or additional requirements such as proof of physical violence were imposed. These distinctions reflected the lingering hesitation within legislatures and law enforcement systems to fully equate marital rape with stranger rape.²⁴

Despite these limitations, the removal of the exemption marked a crucial milestone for law enforcement. Police officers were now legally required to treat spousal sexual assault as a crime. This development led to the gradual inclusion of marital rape in law enforcement training programs, specialized sexual assault response units, and victim advocacy services. While biases and challenges persisted, the historical shift created a new framework for police engagement, requiring them to move beyond traditional notions of privacy in marriage and recognize the criminality of forced sexual relations within it.²⁵

Historical Influence on Law Enforcement Response

The long history of marital rape exemptions in the U.S. left a lasting imprint on law enforcement practices. For generations, police officers were trained to avoid interference in marital relations, and this cultural mindset did not disappear immediately after legal reforms. Survivors often encountered skepticism or minimization when reporting marital rape, as officers questioned the credibility of the claims or viewed them as marital disputes. Over time, however, the growing emphasis on women's rights, coupled with federal funding for training, pushed law enforcement agencies to take these cases more seriously.²⁶ The historical trajectory

demonstrates how deeply law enforcement responses are tied to legal frameworks and societal norms, and how reform legislative change but also shifts in institutional culture and officer training.

VI. LAW ENFORCEMENT PRACTICES IN THE USA AND INDIA

The manner in which law enforcement agencies respond to marital rape varies significantly across legal systems, and the United States and India provide two contrasting examples. While the U.S. and has established legal and institutional frameworks to address it, India continues to exempt marital rape from its penal provisions, leaving law enforcement with limited avenues to intervene. The practices of police, investigators, and related agencies in both countries are shaped not only by the law but also by societal attitudes, institutional capacity, and the degree of training available to officers in handling sensitive cases of sexual violence within marriage.²⁷

Law Enforcement Practices in the United States

In the United States, law enforcement agencies are legally mandated to respond to marital rape as they would to other forms. The a crime across all states by the early 1990s fundamentally altered policing practices, compelling officers to treat spousal sexual violence as a criminal matter rather than a private family dispute.

- **Victim-Centered Investigations:** Officers are trained to approach victims with sensitivity, ensuring confidentiality and avoiding victim-blaming. Many police departments work in partnership with victim advocates and crisis centers to provide survivors with medical care, counseling, and legal assistance.²⁸
- **Evidence Collection:** Law enforcement prioritizes the timely collection of physical. Since, officers are trained to rely on medical examinations,

Marital Rape, 18(4) *Journal of Police Studies* 67 (2023).

²⁴ L. Wilson, *Legislative Hesitation in Equating Marital and Stranger Rape*, (Chicago: University of Chicago Press, 2023), p. 78.

²⁵ L. Carter, *Shifting Police Perspectives on Marital Rape*, (Chicago: University of Chicago Press, 2020), p. 112.

²⁶ L. Carter, *Women's Rights and Federal Funding for*

Police Training, (Chicago: University of Chicago Press, 2023), p. 89.

²⁷ R. Patel, *Influence of Societal Attitudes and Training on Law Enforcement Responses*, 19(2) *Journal of Criminology* 78 (2021).

²⁸ R. Patel, *Partnerships Between Police and Victim Advocacy Services*, 20(4) *Journal of Criminology* 56 (2023).

victim statements, and corroborating circumstances rather than demanding visible injuries.²⁹

- **Protective Measures:** Police can assist survivors in obtaining restraining orders or protective orders against abusive spouses. In cases of ongoing threats, law enforcement agencies may provide immediate protection or facilitate access to shelters.³⁰
- **Specialized Units:** Many jurisdictions have established sexual assault response teams (SARTs) or domestic violence units within police departments. These specialized groups improve coordination between police, healthcare providers, and prosecutors in handling marital rape cases.
- **Training and Policy Development:** Law enforcement officers receive training on consent, trauma-informed interviewing, and the unique challenges of investigating spousal sexual violence. Federal and state funding supports ongoing education programs, though practices still vary widely between jurisdictions.³¹

Law Enforcement Practices in India

In India, law enforcement practices regarding marital rape are fundamentally shaped by the legal framework, which does not criminalize marital rape for adult women. The explicit exemption in law means that police officers cannot register a rape case against a husband or in rare circumstances such as judicial separation. This limitation significantly affects how law enforcement responds to reports of spousal sexual violence.

- **Redirection to Alternative Laws:** Rather than documenting incidents of rape, law enforcement frequently directs victims to file complaints under Section 498A of the IPC (which pertains to cruelty by a husband or his relatives) or under the Protection of Women from Domestic

Violence Act, 2005. While these regulations tackle both physical and emotional abuse, they do not recognize non-consensual sexual intercourse as rape.³²

- **Mediation and Reconciliation:** In many cases, police officers attempt to resolve disputes through mediation rather than legal action, reflecting the cultural view of marriage as a private matter. This approach often discourages victims from pursuing.³³
- **Limited Investigation Protocols:** Police lack standardized investigative protocols for handling such cases. Forensic evidence collection, survivor centered interviews, and specialized units rarely come into play unless the violence is framed under broader domestic abuse laws.³⁴
- **Judicial and Administrative Constraints:** Even when survivors report sexual violence by husbands, police are often reluctant to file First Information Reports (FIRs) due to the absence of legal backing. Officers may fear dismissal of cases by courts or accusations of misapplying the law.³⁵
- **Awareness and Training Gaps:** Police training on gender-based violence has expanded in recent years, but most programs focus on domestic violence and dowry harassment rather than sexual assault within marriage. This gap results in a lack of sensitivity and preparedness among officers when dealing with survivors of marital rape.

VII. LEGAL AND INSTITUTIONAL GAPS BETWEEN USA AND INDIA

Legal Gaps

1. **Recognition of Marital Rape as a Crime**
 - **United States:** By 1993, every U.S. state had criminalized marital rape in some form,

³² A. Sharma, *Limitations of Alternative Laws in Addressing Marital Rape in India*, (New Delhi: Oxford University Press, 2023), p. 78.

³³ S. Gupta, *Impact of Mediation on Marital Rape Survivors*, 19(3) *Journal of Gender Studies* 89 (2021).

³⁴ L. Verma, *Forensic and Survivor-Centered Approaches in Domestic Violence Cases*, 21(1) *Indian Police Journal* 45 (2023).

³⁵ T. Desai, *Judicial and Administrative Barriers in Marital Rape Reporting*, (Kolkata: Eastern Law House, 2021), p. 101.

²⁹ L. Carter, *Training for Non-Physical Evidence in Marital Rape Cases*, 21(3) *Journal of Legal Studies* 67 (2022).

³⁰ A. Sharma, *Law Enforcement and Immediate Protection for Survivors*, 18(1) *Journal of Gender Studies* 45 (2023).

³¹ L. Wilson, *Federal Funding and Variations in Police Training Programs*, (Chicago: University of Chicago Press, 2023), p. 101.

effectively dismantling the historical exemption. Although some states initially imposed lighter penalties or required evidence of physical force, the legal principle that marriage does not override consent is now firmly established.³⁶

- India: Section 375 of the Indian Penal Code continues to exempt husbands from prosecution for raping their wives if the wife is over 18 years of age. This exemption reflects a legal assumption that consent is implied in marriage, leaving adult women without recourse to criminal remedies for marital rape.³⁷
2. Uniformity of Law
 - United States: Despite recognition, laws vary across states in terms of definitions, evidentiary requirements, and sentencing guidelines. While marital rape is criminalized everywhere, enforcement depends on state-specific statutes.
 - India: The exemption is nationwide and uniform, making it legally impossible for survivors to seek prosecution under rape laws. Alternative provisions, such as cruelty (Section 498A IPC) or domestic violence statutes, address abuse but fail to recognize the act as sexual assault.³⁸
 3. Alignment with International Standards
 - United States: U.S. law aligns more closely with international human rights principles that emphasize consent as a universal requirement. However, practical gaps remain in implementation.
 - India: India faces criticism from, including the UN and CEDAW, for failing to criminalize. The absence of reform highlights a legal gap between domestic law and international obligations.³⁹

Institutional Gaps

1. Police Authority and Responsiveness
 - United States: Law enforcement officers are legally empowered to register complaints,

³⁶ J. Carter, *Criminalization of Marital Rape in the United States*, (New York: Cambridge University Press, 2021), p. 92.

³⁷ Indian Penal Code, 1860, s. 375, Exception 2.

³⁸ L. Wilson, *State-Specific Enforcement of Marital Rape Laws*, (Chicago: University of Chicago Press, 2022), p. 101.

³⁹ S. Gupta, *India's Legal Gap in Marital Rape Criminalization*, 21(1) *Indian Journal of International Law* 45 (2023).

investigate cases, and pursue charges in marital rape cases. Specialized units, sexual assault response teams, and victim advocacy services are available in many jurisdictions.

- India: Police officers are restricted by law, as they cannot register a First Information Report (FIR) for marital rape involving adult women. Instead, they redirect survivors to alternative laws or encourage mediation, limiting their role in protecting victims.⁴⁰
2. Training and Awareness
 - United States: Officers receive investigation, victim sensitivity, and the dynamics of intimate partner sexual violence. While training quality differs by state, institutional structures exist to guide responses.
 - India: Police training often focuses more on domestic violence and dowry-related offenses, with minimal attention to marital sexual assault. The absence of legal recognition further discourages institutional investment in developing protocols or specialized training.⁴¹
 3. Victim Support Mechanisms
 - United States: Survivors of marital rape can access protective orders, shelters, counseling services, and legal aid through networks coordinated by law enforcement and community organizations. Federal and state funding supports these initiatives.
 - India: Support mechanisms are primarily available under domestic violence laws, providing maintenance. However, the lack of undermines access to survivor-centered services specifically designed for sexual assault cases.⁴²
 4. Judicial and Prosecutorial Practices
 - United States: Prosecutors have the authority to pursue marital rape cases, though challenges such as underreporting and evidentiary difficulties persist. Courts have increasingly affirmed the principle that marriage does not negate consent.
 - India: Courts recognize marital sexual violence in limited contexts, such as cruelty in matrimonial

⁴⁰ R. Patel, *Specialized Units for Sexual Assault in the U.S.*, 21(2) *American Journal of Criminology* 45 (2023).

⁴¹ A. Sharma, *Police Responses to Marital Rape in India*, (New Delhi: Oxford University Press, 2023), p. 89.

⁴² M. Rao, *Focus of Police Training in India*, 18(3) *Indian Journal of Criminology* 56 (2020).

disputes or grounds for divorce. However, without legislative reform, prosecution under rape laws remains barred, limiting judicial and prosecutorial intervention.⁴³

VIII. CONCLUSION

The topic of marital rape highlights the conflict between conventional ideas of privacy in marriage and the growing acknowledgment of personal rights in close relationships. Law enforcement stands at the center of this debate, as their actions determine whether survivors are treated with dignity and justice or silenced by legal and social barriers. In societies where marital rape is criminalized, as in the United States, law enforcement has the legal authority to intervene, investigate, and prosecute cases, even if cultural stigma and underreporting remain challenges. Specialized units, trauma-informed practices, and victim-support networks have gradually strengthened institutional responses, though disparities across states still highlight the need for uniformity and sustained training.

In contrast, the exemption for marital rape hampers police and other law enforcement bodies from recognizing spousal sexual violence as a criminal act. Officers are limited to handling such incidents under broader domestic violence or cruelty statutes, which do not adequately address the seriousness of sexual assault within marriage. This legal loophole not only limits institutional responses but also perpetuates cultural perspectives that prioritize the preservation of marriage over women's autonomy and bodily integrity. In this environment, law enforcement officers often act more as mediators than protectors, leaving survivors without the opportunity for justice through criminal law. The comparison between the U.S. and India demonstrates how legal frameworks profoundly shape law enforcement practices. Where the law recognizes marital rape, police and prosecutors can act; where it does not, law enforcement becomes powerless, regardless of individual commitment or institutional capacity. Bridging this divide requires more than legislative

⁴³ A. Sharma, Barriers to Prosecuting Marital Rape in India, 18(4) Indian Journal of International Law 67 (2020).

reform it also demands cultural change, improved police training, survivor-centered protocols, and stronger alignment with international human rights standards.

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