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MARRYING THE RAPIST: A DARK REALITY HIDDEN BEHIND 'COMPROMISE' IN INDIAN SOCIETY

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ABSTRACT

This study critically investigates an approach of pursuing compromising marriages to rape survivors with the perpetrators, an approach that greatly undermines not only legal but also moral framework. Rooted in socio-legal and psychological studies, this paper challenges such a regressive thought process-the thought that marriage could be a solution to rape or the rescue of the woman's "honour". This paper exposes the post-2012 legislative reforms like the Bhartiya Nyaya Sanhita (2023), POCSO Act, and some constitutional provisions such as Articles 14 and 21 and pits them against the unfortunate judicial precedents that endorse compromise marriages. Drawing extensively from case law, literature, and psychological inputs, the paper illustrates how such traditions enforce trauma upon consenting women, institutionalize coercion, and trivialize the idea of justice. It also discusses the social factors-patriarchy, victim-blaming, ignorance of the concept of consent-that sustain this phenomenon. In the final analysis, it adumbrates reforms that attend to the survivor; that hold the State accountable; that embrace trauma-informed support systems; and that categorically repudiate compromise marriage as a resolution for rape. Only when the chasm between legal theory and social reality is bridged can true justice stand.

Keywords: Rape, Marriage with Rapist, Psychological Trauma, Indian Judiciary, BNS Act, POCSO Act, Article 21, Patriarchy, Social Stigma.

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I. INTRODUCTION

'Rape' is offence that has become a prevailing concern for our society. A sexual offence predominantly committed by a man against women and a prevalent offense in most of the countries across the world. Before 2012, the offense of rape was defined as;

[A man is said to commit the offence of rape with a woman under the following six circumstances;

- i. if the sexual intercourse against her will;
- ii. without her consent;
- iii. with her consent, when her consent has been obtained by putting her or any other person that she may be interested in fear of death or hurt;
- iv. with her consent, when the man knows that he is not her husband;
- v. with her consent, when at the time of giving such consent, she was intoxicated, or is suffering from unsoundness of mind and does not understand the nature and consequences of that to which she gives consent;
- vi. with or without her consent when she is under sixteen years of age.]²

In the aftermath of the Delhi Gang Rape case (Nirbhaya Case), the entire section and related provisions were amended, and significant alterations were made in the laws in order to cover all possible circumstances that are to be covered under the ambit of rape.

Further explanation provided to the section states that penetration is sufficient to constitute the sexual intercourse necessary to constitute the offense of rape, whereas the exception leaves out marital rape altogether if the wife is not under fifteen years of age.³

In 2016 an analysis of 28 studies of nearly 6,000 women and girls aged 14 or older who had experienced sexual violence found that 60% of survivors didn't label their experience as "rape." But survivors themselves don't recognize it as a 'rape' but consider it to be a bad experience or miscommunication.⁴ A lack of education on consent and misconceptions about

² Indian Penal Code, 1860, § 375.

³ Stellina Jolly & M.S. Raste, *RAPE AND MARRIAGE: REFLECTIONS ON THE PAST, PRESENT AND FUTURE*, 48 *Journal of the Indian Law Institute* 277–284 (2006), <https://www.jstor.org/stable/43952037> (last visited Jul 2025).

⁴ Laura C. Wilson & Katherine E. Miller, *Meta-analysis of the prevalence of unacknowledged rape*, 17 *Trauma, Violence, & Abuse* 149–159 (2015), <https://journals.sagepub.com/doi/10.1177/1524838015576391> (last visited 2025).

sexual violence can make it difficult for someone to identify when an assault or rape is taking place.⁵

In *Atul Gautam vs State of Uttar Pradesh* (2025)⁶ case. the Allahabad High Court, granted bail to a man who has been accused of raping his inter-faith live-in partner on the 'promise of marriage'. The court granted the bail on the condition of his marrying the survivor under the Special Marriage Act and arranging for a deposit of ₹5 lakh.⁷

Similarly, *Abhishek vs. State of Uttar Pradesh and Ors.* (2024)⁸, the aforementioned High Court has granted bail to the accused on the condition of his marrying the victim and taking care of both the mother and their child.

In 2020, the Orissa High Court granted bail to a rape accused, arrested under a Protection of Children from Sexual Offences (POCSO) case, for marrying the girl he had raped, now that she was an adult. They married when the accused was released on an interim bail of 30 days.⁹

Marriage is said to be a holy relationship between a man and a woman and a socially accepted sacrament. According to the Hindu Marriage Act, 1995, a marriage is a ceremony performed with religious rites in a way so that the two individuals follow the path of Dharma, Artha, and Kama. The very sanctity of the marriage is being mocked by such a suggestion set by the apex court.¹⁰

In any way, the proposal doesn't contribute to the purpose of serving justice; in fact, it paves the path to taking the victims of a hideous crime like rape lightly. It is going to cause a fallacious impact on society in the modern era and set an erroneous precedent for the upcoming times. One of the concerns is the fact that a large section of people in our society believes that marriage is the only way to re-establish rape victims in society.¹¹

⁵ Rachel Thompson, Unacknowledged rape: The sexual assault survivors who hide their trauma – even from themselves *The Guardian* (2021), <https://www.theguardian.com/society/2021/aug/26/unacknowledged-the-sexual-assault-survivors-who-hide-their-trauma-even-from-themselves> (last visited Jul 2025).

⁶ *Atul Gautam vs State of Uttar Pradesh* (2025), Allahabad High Court, 2024: AHC-LKO:81431

⁷ Eesha Shrotriya & Shantanu Pachauri, *A legal 'remedy' that perpetuates survivor trauma*, *The Hindu*, February 12, 2025, <https://www.thehindu.com/opinion/op-ed/a-legal-remedy-that-perpetuates-survivor-trauma/article69207860.ece> (last visited Jul 2025).

⁸ *Abhishek vs. State of Uttar Pradesh and Ors.* (2024)

⁹ Poorvi Gupta, *How India's rape-survivors end up marrying their rapists* *Article 14* (2020), <https://article-14.com/post/how-india-s-rape-survivors-end-up-marrying-their-rapists> (last visited Jul 2025).

¹⁰ KUSHI RAJANAHALLI, *Is Marriage with Rapist, a Solution to Lost Honour?*, *3 International Journal of Legal Science and Innovation* 111 (2020), <https://www.ijlsi.com/wp-content/uploads/Is-Marriage-with-Rapist-A-Solution-to-Lost-Honour.pdf> (last visited Jul 2025).

¹¹ *Supra* Note (3)

In *Aparna Bhat vs State of Madhya Pradesh* (2021),¹² the Supreme Court of India, issued guidelines for bail conditions under Section 437 of CrPC, and emphasis on the courts, stating that they must ensure the conditions of bail strictly prohibit any contact between the accused and the survivor to avoid secondary trauma. The bail conditions put forth the accused to marry the survivor shall be violative to the guidelines. The Court directed that the bail conditions should not reinforce gender stereotypes and patriarchal notions on women and must strictly adhere with the bail provisions defined in Code of Criminal Procedure, 1973 (now BNSS).¹³

The paper further focused on the social, legal, moral and psychological aspects of the crime in an appropriate detailed and tactical manner.

II. RESEARCH METHODOLOGY

This research adopts a qualitative and socio-legal approach. It combines legal analysis with psychological, sociological, and case-based inquiry to examine the practice of marrying rape survivors to their attackers. The study looks at how law, society, and mental health intersect. It aims to understand both the legal and real-life experiences of survivors.

A deep analysis on legal frameworks under the *Bhartiya Nyaya Sanhita, 2023*, focusing on Sections 63; rape and 64; punishment of rape, the *Protection of Children from Sexual Offences (POCSO) Act, 2012*, and constitutional rights under Articles 14 and 21 of the Indian Constitution. Judicial decisions from various High Courts, including *Atul Gautam v. State of U.P. (2025)*, *Abhishek v. State of U.P. (2024)*, and cases involving conditional bail based on marriage, are reviewed to find legal trends and contradictions.

Moreover, the study includes insights from secondary data sources. This includes survivor narratives, qualitative interviews from published studies, and psychological assessments of trauma effects. These elements help to understand the emotional, social, and mental health consequences of rape and the impact of court-facilitated marriages on survivors.

A literature review was conducted using academic articles, legal commentaries, and socio-psychological research. This review examines the assumptions of purity, honor, and reconciliation found in judicial reasoning.

¹² *Aparna Bhat vs State of Madhya Pradesh* (2021) AIR 2021 SUPREME COURT 1492

¹³ *Supra Note* (6).

By bringing together legal texts, case law, and psychological findings, this paper aims to reveal the gap between the law as it is written and how it is applied in real life. The methodology is both descriptive and analytical. It seeks not only to critique current practices but also to suggest reforms centered on the needs of survivors, based on constitutional values and human dignity.

III. STATEMENT OF PURPOSE

In many corners of India, a harrowing narrative unfolds where survivors of sexual assault are forced, threatened and coerced to marrying their rapists, all in the name of preserving family “honour” and societal respectability. Ever thought about the feeling of the victim that has been raped by a man and end up marrying him for the stake of society that says it’s a “compromise” worth making. This deeply disturbing practice is not a relic of the past, but a cruel reality that continues to exist behind closed doors, masked as a solution to restore lost “purity” and avoid public shame. Beneath the language of reconciliation lies a dark truth: such marriages do not offer justice, they perpetuate trauma, normalize violence, and silence the voices of victims. Despite the existence of laws that criminalize the non-compoundable offences; of sexual offences like rape, this regressive practice continues to thrive, often encouraged by informal societal structures, family pressure, and at times, even by members of the legal and judicial system. Such "compromise marriages" deeply undermine the principles of justice, deny agency to the survivor, and perpetuate cycles of violence and trauma. There is a disturbing gap between legal provisions and social reality, which needs to be bridged and reformed.

IV. OBJECTIVE

The objective of this research paper is to critically analyze the practice of marrying survivors to their rapists is an alarming social act. This study has the following key points for consideration:

1. To consider the socio-cultural and patriarchal structures fostering the normalization and sustenance of the practice of marrying a rape survivor to the perpetrator.
2. To analyze the legal framework and judicial incidents in such matters.
3. To analyze the impact on the psychological and emotional impact of these survivors.
4. To make recommendations in the form of viable reforms in laws, policies, and society as a whole.

V. LITERATURE REVIEW

A. *Rape and Marriage: Reflections on the Past, Present and Future*¹⁴: An article co-authored by Stellina Jolly and M.S. Raste. This article explores the persistent notions regarding rape and marriage in Indian society. They analyze the judicial mindset that often views marriage as a solution to rape, thereby undermining the survivor's dignity and justice. Drawing on historical, religious, and comparative legal perspectives, the authors trace the roots of this belief to patriarchal notions of women as property and the marital rape exemption that still exists in Indian law. While acknowledging limited reforms, such as Section 376A of the IPC, the article argues that these are inadequate. The authors call for the complete abolition of the marital rape exception and advocate for a legal system that upholds a woman's sexual autonomy and human rights. The paper underscores the urgent need for legal and social reform to break the regressive link between rape and forced marriage.

B. *Is Marriage with a Rapist a Solution to Lost Honor?*¹⁵: A research paper written by Kushi Rajanahalli. This paper acknowledges that rape and sexual violence are widespread in every society and culture, crossing national and regional boundaries. Setting these unique and increasingly frequent phenomena within the nexus of sexual assault as a global issue in a world that demands uncompromising accountability, the research paper is deeply concerned. The study critically interrogates the contentious idea of marrying the rapist by arguing that this cannot provide justice or reparation to the survivor but has a further traumatizing effect on her. Conducting a comparative study of legislative enactments relating to rape within different jurisdictions and looking at the evolution of the legal and social responses to sexual violence, the study questions the legitimacy of such "compromise" solutions and their undertones. Moreover, the paper reflects upon the changing social attitudes and the gradual acceptance of the principles of autonomy and dignity of women. The study ends with a call for the need for legal reform and a change in society to certainly reject such arrangements as a form of justice in the case of sexual violence.

¹⁴ Supra Note (3)

¹⁵ Supra Note (10)

C. *How India's Rape Survivors End Up Marrying Their Rapists*¹⁶: An article written by Poori Gupta. In this article, the author described the disturbing trend of rape survivors being married to their rapists that continues in India. Rape survivors are often coerced into marriages to preserve family honor or help the accused escape punishment, and this happens with the support of law-enforcement agencies, courts, police, panchayats, and families. Prominent cases, like that of Kerala's ex-priest Robin Vadakkumchery, reveal how marriage is misused as a tool for taking the accused on bail.

These marriages are often forced and against the will of the rape survivors, especially in cases involving minors, unwanted pregnancies, or financial hardship. NCRB data and court studies show thousands of such cases, many ending in withdrawal of complaints that resulted in low conviction rates. Survivors frequently face re-traumatization, social stigma, and abandonment. This practice reflects a deep-rooted patriarchy where rape is treated as a family shame rather than a criminal act. Experts stress the need for legal reform, gender sensitization of courts and police, and survivor-centered support systems to ensure justice is not replaced by coerced compromise.

D. *A legal 'remedy' that perpetuates survivor trauma*¹⁷: The article was co-authored by Eesha Shrotriya and Shantanu. The article analyzes the growing trend of courts granting bail to the rape-accused on the condition of marrying the survivor, exposing a deeper failure of justice and welfare systems. Rather than treating rape as a grave criminal offense, these judgments reflect a shift towards viewing it as a social problem resolved through marriage, undermining both legal principles and survivor autonomy. At the core, authors argue that such bail conditions reinforce patriarchal notions of purity, dignity, and honor, positioning marriage as a remedy for rape. This not only re-traumatizes survivors but also risks coercive dependency on the accused, influencing the fairness of the trial and compromising judicial neutrality. Underlying these judicial decisions is the state's neglect in offering adequate support to survivors, compelling courts to fill the welfare gap through problematic solutions. The literature calls for a systemic re-evaluation of both judicial attitudes and institutional responses to ensure justice prioritizes survivor dignity over societal conformity.

¹⁶ Supra Note (9)

¹⁷ Supra Note (7)

VI. SOCIO-CULTURAL PERSPECTIVE OF RAPE AND RAPIST-VICTIM MARRIAGE IN INDIA SOCIETY

The Indian society has a different attitude towards crimes like ‘rape.’ In India, women are treated as goddesses; they are professed with utmost respect. Despite such respect for women, India’s socio-cultural and historical roots are deeply under rooted by predefined gender roles by society, perception and approach towards, and the deep-rooted beliefs of myths among individuals are associated with the lack of appropriate awareness and understanding of woman.¹⁸

Indian society has been considered a male-dominant or patriarchal society, where the dominant attitude is inculcated in them from childhood: gender-specific power, culture, and masculine nature. They were given more responsibility on their shoulders, especially women, when it comes to bread winning responsibilities. Due to which women are regarded as a vulnerable or weak section of society. So that could be one of the ways they try to show their dominance over women and commit rape on women.¹⁹

Not just male dominance, but the sexual restrictions imposed on women play a crucial role here. When the teenagers become adults, they experience a variety of hormonal changes in their bodies, and unavailability or no prospect of sexual activities might direct them to turn towards unhealthy behaviors. Nowadays, an individual fulfils his/her sexual desires before committing to a conjugal relationship. However, having sex before the marriage is considered inappropriate in Indian society.

People believe that westernization has become a triggering factor for sexual assaults; they believe that the way women walk, the way they speak, and how they dress themselves—as women's clothing is revealing, inappropriate, and provocative—results in the rape of women because men will be attracted to such behavior.

Upbringing plays a crucial role in society; a child learns from the environment, society, and parents surrounding him. But when a man commits a rape, no one questions his upbringing but

¹⁸ Reshma J K et al., *Socio-cultural and psychological aspects of rape: Perspectives of young men from Kerala*, 8 *Cogent Social Sciences* (2022), <https://www.tandfonline.com/doi/epdf/10.1080/23311886.2022.2064589?needAccess=true> (last visited Jul 2025).

¹⁹ Ibid.

questions the character and chastity of the woman and blames her, saying that she must have provoked him.

VII. LEGAL FRAMEWORK

The term 'rape' originated from a Latin term, *rapine or rapere*, which means violation, including looting, destruction, enslavement, taking away, and capture of citizens inflicted upon a tribe, town, city, or country during war.²⁰ It was later associated with sexual context, wherein if a man commits rape on an unmarried woman without her consent and will.

Indian legal frameworks that deal with provisions pertaining to rape and other sexual offenses committed against a woman are the Bharatiya Naya Sanhita, 2023, in BNSS, the Protection of Children from Sexual Offense (POCSO), and constitutional protections such as Articles 14 and 21.

Indian Legal frameworks which deal with provisions pertaining to the rape and other sexual offences committed against a woman are Bhartiya Naya Sanhita, 2023, in BNSS, Protection of Children from Sexual Offence (POCSO), and constitutional protections such as Articles 14, and 21.

A. Bhartiya Nyaya Sanhita, 2023²¹

In Indian laws, 'Rape' is defined in Chapter V Section 63 of Bhartiya Nyaya Sanhita (2023). According to section; [A man is said to commit "rape" if he:

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

²⁰ Supra Note (4)

²¹ The Bhartiya Nyaya Sanhita, 2023, § 1(1)

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions²²: —

(i) against her will;

ii) without her consent;

(iii) with her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt;

(iv) 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;

(v) with her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent;

(vi) with or without her consent, when she is under eighteen years of age;

(vii) when she is unable to communicate consent.

Explanation 1: For the purposes of this section, “vagina” shall also include labia majora.

Explanation 2: Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1: A medical procedure or intervention shall not constitute rape.

Exception 2: Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.]²³

²² Ibid

²³ Ibid § 63

In Section 64 of BNS, punishment for the rape is defined: whoever commits rape shall be punished with rigorous imprisonment for a term that shall not be less than ten years but that may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to a fine.²⁴

Similarly, the punishment for rape in certain cases is also described in Section 64 of the BNS. In this section, a person who commits rape against a woman below sixteen years of age shall be punished with rigorous imprisonment for a term that shall not be less than twenty years but that may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to a fine for reasonable medical expenses and rehabilitation of the victim.²⁵

B. Prevention of Children against Sexual Offences (POCSO), 2016²⁶

POCSO is legislation that was made in 2016 with an objective for the welfare and safety of children regardless of their gender. According to Section 2(d) of the POCSO Act, a child is any person who is below eighteen years of age.²⁷ The act has defined the various types of sexual assaults, such as sexual assault, sexual harassment, penetrative sexual assault, and aggravated sexual assault, and their respective punishments. The degree of punishment is based on the nature of the sexual offense and the age categories of the victim, including the below-twelve-years category, the below-sixteen category, and the below-eighteen category, where the court may sentence the accused to a term of imprisonment and shall be liable to pay a fine.

For instance, whoever commits sexual assault by means of touching the vagina, penis, anus, or breast of a child or makes the child do it with any other person is said to commit the sexual assault. In this scenario, that person will be punished under Section 8 of the Act: "*Whoever commits sexual assault shall be punished with imprisonment of either description for a term that shall not be less than three years but that may extend to five years, and shall also be liable to a fine.*"²⁸

²⁴ Ibid, § 64

²⁵ Ibid, § 65(1)

²⁶ Prevention of Children from Sexual Offences Act, 2016, S.1

²⁷ Ibid, § 2(d)

²⁸ Ibid, § 8

C. The Constitution of India, 1950 ²⁹

Since the adoption of the Indian Constitution, various provisions have been incorporated in the Constitution regarding gender equality and non-discrimination. The Constitution recognized human rights in 1993 by including them in the fundamental rights that ensure equal rights for men and women without any gender bias or discrimination.

Article 14 of the Indian Constitution says, *“Equality before law.— The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”* ³⁰ *The article protects the women so that their fundamental rights shall not be violated and serves the purpose of equally treating and respecting them.*

Article 21 states that *“Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.”*³¹

The aforementioned article aims to protect one’s life, dignity, and personal liberty. However, it fails to protect when a woman is raped. *“The Gauhati High Court (HC) has termed rape as a violation of the victim’s fundamental right under Article 21 of the Constitution while upholding conviction by a trial court in an 11-year-old case.”* ³²

In an order, the respectable court said that, *“The courts are sensitised that rape is a violation of victim’s fundamental right under Article 21 of the Constitution and a rape survivor is placed on a higher pedestal than an injured witness,”*³³

VIII. PSYCHOLOGICAL AND SOCIAL IMPACT OF MARRIAGE ON SURVIVORS

The idea of marriage to a perpetrator of rape might be a healing or just solution is an expression of desperately flawed knowledge of justice, consent, and psychological trauma. It mistakenly suggests that marriage can rehabilitate a survivor's “honour” or social standing, without regard for the seriousness of the offense or the survivor's will. It perpetuates the outdated assumption

²⁹ The Constitution of India, 1950, Art 1.

³⁰ Ibid, Art. 14

³¹ Ibid, Art. 21

³² Utpal Parashar, *Rape violates fundamental right under Article 21, rules Gauhati HC*, The Hindustan Times , September 12, 2020, <https://www.hindustantimes.com/india-news/rape-violates-fundamental-right-under-article-21-rules-gauhati-hc/story-CY7pIej2spHfuNPPsZ6MCJ.html> (last visited Jul 2025).

³³ Ibid

that a woman's worth is attached to her virginity and that rape trauma can be de-activated by wedlock. In fact, such arguments do not only infringe on basic human rights but also inflict a lifetime of psychological injury on the survivor in the name of reconciliation. When courts imply or enable such bargains, either openly or by considering them as mitigating circumstances, they are in danger of institutionalising coercion. The law, rather than being an instrument of justice and healing, is an accomplice in perpetuating gendered hierarchies of power, shame, and dependency. Often, the threat of marriage is invoked as a legal strategy by the accused to escape imprisonment, secure bail, or be given a lesser sentence. The result is a profoundly unjust situation, wherein the survivor is re-traumatized, within a state-sanctioned relationship now within, by her violator.

Victims of rape often suffer from long-term psychological effects that reach deep into their personal, social, and professional lives. Rape is not limited to the experience during the act; it bends over into the survivor's very identity, security, and self-esteem. Forcing or coercing a victim to marry her rapist directly or indirectly through systemic failure amplifies these effects manifold.

Survivors typically experience widespread shame and guilt, at times blaming themselves for the rape. In cultures that perceive rape in terms of honour and purity, survivors typically internalize blame and withdraw socially. This isolation is aggravated by when survivors are not encouraged by their families or communities, and in severe cases, causes them to embrace marriage with the perpetrator as a way of redeeming their "honour" or evading stigma. Rape can induce chronic symptoms of trauma, including nightmares, panic attacks, and phobic avoidance. Survivors can become afraid of men or individuals who look like the attacker, and live with the constant fear of re-victimisation. Being married to the perpetrator enhances this fear it is living every day in the company of the source of trauma, frequently with no escape available. The psychological cost consists of dissociation, emotional numbness, and anger outbursts, all of which can result in unstable or dysfunctional mental health outcomes.

Psychological impacts of rape on survivor are very concerning, as it develops tendencies of committing suicide, often motivated by excruciating shame, despair, or imposition by families to remain quiet or "resolve" the issue. Victims may feel as trapped, especially when the society pressures them to get marriage to the perpetrator as it is believed to be the only way to preserve their families honour. This emotional entrapment and untold trauma can result in depression,

self-injury, or suicide, particularly if social support is lacking and the justice system does not corroborate their experience.

Rape has a chilling effect that disrupts all areas of a survivor's life like school, job, relationships, and family relations. Survivors could get confused by academics or lose jobs, thanks to flashbacks and emotional dysregulation. In marital rape, especially when legalised by court-mediated marriages, the survivor can be living under constant fear, experience continued abuse, and get unable to claim justice because of the legal immunity given to the “husband.”

In *Re: Right to Privacy of Adolescents (2025)*³⁴ case, the court held that the state has a constitutional obligation to extend core post-assault care to the survivors, shelter, nutrition, education, and trauma counselling. despite, such services, their implemented is in a very poor state, and survivors are driven towards becoming dependent on their perpetrators.

The State's failure turns into default solution-providers and tend towards compromises such as marriage, which infringe the survivor's dignity and autonomy under Article 21 of the Constitution. This abandonment of responsibility also weakens the criminal justice system. if marriage is a solution to rape survivor, the judicial process is absolving the accountability of preparators, but about negotiating social acceptability. ultimately, it against the virtues of restorative justice and rehabilitation.

Sexual violence is more than just desire but it is a demonstration of power, often linked to deeper psychological and social issues. Research indicates that offenders may act out due to unfulfilled emotional needs, poor impulse control, distorted sexual beliefs, or a past of childhood trauma. While these psychological factors do not excuse the crime, they highlight the complexities involved in addressing sexual violence. This requires systemic mental health responses, not outdated compromises like marriage.

Although sexual frustration and emotional dysregulation have been found in certain offenders, it is irresponsible and oversimplifying to view them as overarching causes. Sexual violence arises from entitlement, objectification, and power disparity, more so than unfulfilled desires. A trauma-informed response necessitates a focus shift from “why offenders do it” to “how survivors are protected and empowered.”

³⁴ *In Re: Right to Privacy of Adolescents (2025)*

Dealing with marriage as a solution to rape re-traumatizes the survivors, justifies coercive relationships, and showcases the judiciary's inability to enforce constitutional principles. The road to justice does not run through coercive reconciliation but survivor-centric care systems, stringent legal accountability, and an unwavering belief in bodily autonomy. The state needs to invest in trauma care, protection under the law, and long-term rehabilitation, then and only then can the survivors regain their dignity, safety, and freedom.

Sexual violence is more than just desire but it is a demonstration of power, often linked to deeper psychological and social issues. Research indicates that offenders may act out due to unfulfilled emotional needs, poor impulse control, distorted sexual beliefs, or a past of childhood trauma. While these psychological factors do not excuse the crime, they highlight the complexities involved in addressing sexual violence. This requires systemic mental health responses, not outdated compromises like marriage.

Although some offenders exhibit sexual frustration and emotional issues, it is misleading to claim these as primary causes. Sexual violence stems from entitlement, objectification, and power imbalances are not just unmet desires. A trauma-informed approach must shift the focus from “why offenders commit such acts” to “how we can protect and empower survivors.”

IX. NEED FOR REFORM

Marriage as a solution to rape only re-traumatizes survivors, legitimizes harmful relationships, and shows the judiciary's failure to uphold constitutional principles. The real path to justice is not through forced reconciliation, but through support systems focused on survivors, strict legal accountability, and an unwavering commitment to bodily autonomy. The state must advance in trauma care, legal protection, and long-term rehabilitation only then can survivors regain their dignity, safety, and freedom.

We have an opportunity to assess our behaviours and mindsets for prejudices that allow the culture of rape to continue. All we can do on our part to combat the offences such as rape and the marriage culture of rape survivors, is by changing our attitudes toward gender identities and continuing with the legislation we support in our communities. ³⁵

³⁵ 16 ways you can stand against rape culture, UN Women – Headquarters (2025), <https://www.unwomen.org/en/news/stories/2019/11/compilation-ways-you-can-stand-against-rape-culture> (last visited Jul 2025).

i. Rehabilitation Centres

It is high time for the need to adopt a multifaceted program establishing ‘rehabilitation centres’ that include the psychological, somatic, neurological, spiritual, social, and political aspects of rape victims. Often, survivors suffer with a mental trauma that damages the nervous system and has a significant repercussion; to make the person feel safe and protected, it is important to have spiritual and social aspects help to overcome the cycle of victimization. Establishing trauma-informed policies will be required for the shift from a victim to a survivor approach.

ii. Social Awareness regarding Legal Aid for Sexual Violence Survivors

Section 12 of the Legal Services Authorities Act, 1987, provides “*Every person who has to file or defend a case shall be entitled to legal services under this Act —Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is a woman [s. 12(1)(c)].*”³⁶ To spread awareness among the society regarding free legal aid, it is essential to provide free legal aid to all victimized women for fighting cases of sexual assault, rape, dowry, domestic violence, and other such offenses. With the help of awareness centres, we can bring a change in the mindset or notions of the people regarding the women and victimizing them.

iii. Zero tolerance policy

Establishment of policies like zero tolerance regarding sexual harassment and violence at every possible place, like residence and place of work. Leaders must be particularly clear that they are committed to upholding a zero-tolerance policy and that it must be practiced every day.

X. CONCLUSION

The judicial acceptance of marriage between a rape survivor and her perpetrator is a grave miscarriage of justice, one that sanctifies violence under the guise of social conformity. Such practices do not rehabilitate, but they re-traumatize. Despite Indian legal frameworks such as

³⁶ Legal Services Authorities Act, 1987, S. 12

the Bhartiya Nyaya Sanhita, the POCSO Act, and constitutional guarantees that affirm the survivor's rights to dignity, equality, and protection, these are routinely compromised when courts permit or endorse compromise marriages.

These judicial commendations reinforce deeply rooted patriarchal views that undermine a woman's worth and reduce her trauma to a social inconvenience that is required to be managed. Instead of protecting survivors, the aforementioned rulings often pressurize the survivor and her family into coerced marriage that can become sites of prolonged abuse, shame, and psychological deterioration.

Rape has significant psychological impacts on survivors, such as shame, fear, isolation, and emotional and mental instability. The failure of the state to provide comprehensive support systems like shelter, mental health care, and free legal aid has left rape survivors with no options but to marry and depend on their perpetrators with the uncertain future. It is therefore imperative for the legal and judicial systems to adopt a trauma-informed and survivor-centric approach that prioritizes accountability, rehabilitation, and dignity. Legal reform must firmly denounce "compromise" marriages per se, especially in cases of sexual violence. Beyond legal changes, the need for reform shall also be considered by making zero tolerance policies, organizations to empower survivors, society awareness, education, and institutional support crucial to dismantling the cultural acceptance of such inhumane remedies. Justice should not be negotiated. But it must be delivered firmly, fairly, and with compassion for the betterment of survivors.