

## THE NEED FOR ABOLISHING RESTITUTION OF CONJUGAL RIGHTS IN INDIA: LOOKING THROUGH A CONSTITUTIONAL SCRUTINY

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### Abstract

This article critically interrogates the current impulse of restitution of conjugal rights (hereinafter 'RCR') which is a matrimonial remedy forming a part of significant social reality in India. The doctrine of RCR provides the deserted spouse to seek courts' intervention in realizing his/her right to consortium against the deserting spouse. Although RCR might be beneficial in encouraging spouses to reconcile and resolve their differences for saving their marriage, it however, violates the right to bodily integrity, sexual autonomy, dignity, privacy, agency, individual choice, and consent for domestic pleasures of a legally married individual. The objective of the paper is to raise voice towards the abolition of RCR from India as the cruel clutches of RCR induces unwanted anxiety among the spouses who do not wish to stay together in the marital bond. The article argues for abolition of RCR in India by unravelling the rich and complicated history of RCR's application by the Indian judiciary system against a long trajectory connected with the evolving nature of the constitutional principles of dignity, equality and liberty. It further analyses how the abolition of RCR from the jurisdiction of commonwealth countries across the world has perpetuated the affirmative quest of abolishing RCR from the Indian society. A suggestive provision comprising of reconciliation for replacing RCR has been suggested in the last segment of the paper with the hope that the advantages of alternative disputes resolution are being recognized for marital discord.

**Keywords:** Restitution of conjugal rights (RCR), constitutionality, privacy, sexual autonomy, bodily integrity, equality, Constitution of India, marriage

### I. INTRODUCTION

A marital bond between two individuals is always based on mutual adjustment for supporting a healthy and respectful relationship. Solemnization of every marriage is accorded legal recognition by regulating the rights and obligations of the individuals involved as per the personal laws prevailing in the country. The restitution of conjugal rights (RCR) is one of the matrimonial remedies wherein the spouse in a wedlock resorts to court's intervention to realize his/her right to consortium against the other

spouse.<sup>1</sup> Originating in the English ecclesiastical law, RCR was implemented in India by the British colonisers during the colonisation period (1757-1947) and was subsequently embedded in the Indian family law.<sup>2</sup> In the contemporary discourse, the anxiety around reforming family laws relating to marriage has been aroused by the social transformation imbibing 'modernity'<sup>3</sup>.

<sup>1</sup> M. Gangadevi, *Restitution of Conjugal Rights: Constitutional Perspective*, 45(3&4) *JOURNAL OF THE INDIAN LAW INSTITUTE* 453, (2003), <https://www.jstor.org/stable/43951874>.

<sup>2</sup> Laura Lammasniemi & Kanika Sharma, *Governing Conjugal Rights: Social Hygiene and The Doctrine of Restitution of Conjugal Rights in England and India in the Nineteenth Century*, 47(1) *AUSTRALIAN FEMINIST LAW JOURNAL* 67, (2021), <https://doi.org/10.1080/13200968.2021.1923252>.

<sup>3</sup> Akshat Agarwal, *Marriage Equality in India: Thinking Beyond Judicial Challenges to Secular Marriage Law*, 6(2) *INDIAN LAW REVIEW*, (2022), <https://doi.org/10.1080/24730580.2021.1974768>.

In this article, I shall examine how the application of RCR is a threat for spouses' decisional autonomy over their body and choice within a marriage which undermines the fundamental rights guaranteed under **Articles 14, 19 and 21** of the Indian Constitution.<sup>4</sup> *First*, I will trace the legal history of RCR in India with the aid of relevant statutes and case laws which were influential in implementation of the remedy since the colonisation period. *Second*, I will focus on recent cases from the twenty-first century which has compelled us to place the doctrine of RCR under the increasing scrutiny for legal reform by questioning its constitutionality.

RCR which recognizes the right to marital conjugality has been challenged for its constitutionality on grounds of right to life, liberty, fundamental freedoms, equality and social justice. On the basis of the principles of constitutional adjudication: individual autonomy, privacy and dignity<sup>5</sup>, I argue for the abolition of RCR in India. The paper is further supported by analysing common law countries such as United Kingdom, Bangladesh, Australia, and South Africa, who have abolished RCR from their respective jurisdiction. The paper concludes that RCR is an invasion of personal identity and individual's zone of intimate decisions which should be replaced by incorporating a provision for reconciliation through alternative dispute resolution techniques.

## II. AN OVERVIEW ABOUT THE DOCTRINE OF RESTITUTION OF CONJUGAL RIGHTS IN INDIA

The doctrine of RCR is an anachronistic remedy which is sought by filing an independent suit before the appropriate Court to obtain a decree when a spouse has violated the consortium vitae. It envisages that the Court directs the withdrawing spouse to live with the aggrieved spouse again.<sup>6</sup> Two interests are at stake in

using the doctrine of RCR: **(i)** individual human rights of the person who is married and **(ii)** the goal of State in preserving the sanctity of marriage.<sup>7</sup> The doctrine is used as a tool of judicial coercion and compulsion which overlooks the withdrawing spouse's consent in re-establishing consortium and cohabitation in the marriage.

Here, I will discuss the statutory codes which have placed the doctrine within the ambit of personal laws in India. Subsequently, I will trace the legal history to demonstrate how by the virtue of the statutory provisions containing RCR, multiple practical and patriarchal problems have emerged in disregarding the constitutional values through the usage of RCR.

### A. ***RCR on a statutory footing***

The doctrine of RCR has attained statutory footing in the Indian jurisdiction. When the respondent has withdrawn beyond a reasonable excuse from the petitioner's society, then the Court is authorized to grant a decree for RCR. It is available to Hindus under **Section 9** of the Hindu Marriage Act, 1955, to Parsis under Section 36 of the Parsi Marriage and Divorce Act, 1936 and to Muslims under their general personal law. Failing to abide by RCR decree leads to attachment of the defaulting party's properties as per Order XXI, Rules 32 and 33 of the Code of Civil Procedure, 1908. Therefore, RCR inculcates the characteristics of the specific performance of a contract in a marital relationship<sup>8</sup> by enforcing the right to consortium when the deserting spouse fails to fulfil their marital obligations.

### B. ***The judicial journey: A critical legal history of RCR in the Indian Courts about questioning its constitutionality***

In this section of the paper, I shall exhume the rich history of contestation around RCR which highlights the competing conceptualizations

<sup>4</sup> INDIA CONST. art. 14 – Equality before law; *Id.* art. 19(a) – Freedom to speech and expression; *Id.* art. 19(c) freedom to form associations; *Id.* art. 21 – right to life and personal liberty.

<sup>5</sup> Shreya Atrey, *Feminist Constitutionalism: Mapping a discourse in Contestation*, 20(2) OXFORD UNIVERSITY PRESS 611, (2022), <https://doi.org/10.1093/icon/moac029>.

<sup>6</sup> Agrim Jain & Abhinav Aggarwal, *Restitution of Conjugal Rights: Is it Still Relevant?*, 2 INT'L J.L. MGMT. & HUMAN 446, (2019).

<sup>7</sup> Gaurav Chaliya & Jayesh Kumar Singh, *Restitution of Conjugal Rights: An Anathema to Human Rights*, Oxford Political Review (Oct. 14, 2020), <https://oxfordpoliticalreview.com/2020/10/14/restitution-of-conjugal-rights-an-anathema-to-human-rights/>.

<sup>8</sup> Shahbaz Ahmed Cheema, *Indigenization of Restitution of Conjugal Rights in Pakistan: A Plea for its Abolition*, 5 LUMS LAW JOURNAL 1, (2018), <https://sahsol.lums.edu.pk/node/12847>.

offered in justifying the application and discontinuance of RCR. A checkered record emerges which rationalises the question of constitutionality of RCR in the changing legal discourse of the present-day India.

The legal history of RCR traces back to the colonial rule in India (1800s) wherein the British judges in the Indian Courts exercised wide discretion in adjudicating matrimonial disputes.<sup>9</sup> In the case of *Dadaji Bhikaji v. Rukhmabai*<sup>10</sup>, RCR was granted by the British judges to the Hindu husband despite Hindu law having no provision for such remedy. The husband brought a suit for RCR against her wife (Rukhmabai) who was married off as a child bride and had ceased to cohabit with him owing to demand of non-consensual sexual intercourse. Rukhmabai, decided to undergo punishment which was the outcome of non-compliance with the RCR decree and refused to cohabit with her husband.<sup>11</sup> Here, it can be observed that RCR became a legal tool for the deserted spouse to control the autonomy of the deserting spouse which solidifies the inequality in a marriage relationship. With the consistent application of RCR during the British rule, the remedy was eventually codified into family laws of diverse religions in India.

A century later, in the case of *T. Sareetha v. T. Venkata Subbiah*<sup>12</sup>, the Andhra Pradesh High Court was faced with the issue of the constitutionality of Section 9 of the Hindu Marriage Act, 1955, which entitles either of the spouse married under Hindu laws to seek RCR. The case was firstly initiated at the Civil Court by the husband seeking the relief of RCR after five years of living separately with her wife who was married off at the age of 16 years and had a successful acting career only after living separately. While the Civil Court granted the

relief, Sareetha made an appeal to the High Court for invalidating the order of the Civil Court.

The High Court observed that “The remedy offends the inviolability of the body and mind and invades the marital privacy and domestic intimacies of such person”<sup>13</sup>. A decree of RCR transfers the choice regarding marital intercourse from wife to state which is violative of right to privacy and human dignity under Article 21 of the Indian Constitution.<sup>14</sup> RCR was declared unconstitutional as it is a self-destructive remedy operating as an engine of oppression by having grave ramification for women due to unwanted pregnancy and childbirth.<sup>15</sup>

However, in not less than a year when the verdict was declared, the constitutionality of Section 9 was challenged before the Delhi High Court in *Harvinder Kaur v. Harmander Singh Choudhry*<sup>16</sup>. The Court here did not find Section 9 to be unconstitutional as RCR aimed at cohabitation and consortium and not forced sexual intercourse which thereby upholds the constitutional values. The Court turn a blind eye to the mental and physical agony of a wife who is vulnerable to sexual assaults by the husband at home. Subsequently, in 1984, the Apex Court upheld the constitutionality of RCR in *Saroj Rani v. Sudarshan Kumar Chadha*<sup>17</sup>. It observed that a repeal of RCR is unnecessary as it “offers an inducement for the husband or wife to live together in order to give them an opportunity to settle up the matter amicably. It serves a social purpose as an aid to the prevention of break-up of marriage”<sup>18</sup>.

The primary implication of marriage is the companionship of each spouse during the wedlock. For a woman, RCR serves as an imminent danger on her individuality as women are subjugated to the will of her husband which makes it difficult to prove that there was a 'sufficient cause' for her to withdraw from the

<sup>9</sup> Stutee Nag, *Restitution of Conjugal Rights and International Family Law: A 'Remedy' for Disaster?*, Bar and Bench (Jul. 16, 2022), <https://www.barandbench.com/columns/restitution-of-conjugal-rights-and-international-family-law-a-remedy-for-disaster>.

<sup>10</sup> (1885) ILR 9 Bom 529.

<sup>11</sup> *Id.*

<sup>12</sup> AIR 1983 AP 356.

<sup>13</sup> *Id.*

<sup>14</sup> AIR 1983 AP 356.

<sup>15</sup> *Id.*

<sup>16</sup> AIR 1984 Delhi 66.

<sup>17</sup> AIR 1984 SC 1562.

<sup>18</sup> AIR 1984 SC 1562.

society. Undoubtedly, the permissibility of RCR has witnessed a large number of petitions from men who use the remedy as a “retaliation to suits of maintenance, custody of children, recovery of dower and dowry, and dissolution of marriage.”<sup>19</sup> RCR is therefore, etched in notions of patriarchy by pressurizing wife to unwillingly cohabit with their abusive husband.

The constitutionality of RCR remains to be contested over time throughout the history in the aftermath of Britain’s imperial setting in India. In the contemporary discourse, the trajectory should move in repealing the provision to be in line with progressive judgments emerging in 2000s.

### III. THE CONSTITUTIONAL SCRUTINY: A CALL FOR ABOLISHING RESTITUTION OF CONJUGAL RIGHTS

The contrasting positions of the different High Courts in India was settled by the Supreme Court in 1984, however, the issue of constitutionality pervades to fulfil the Constitutional mandate. While RCR entails enforcement of Court’s sanction for preventing disintegration of the marriage, it has degraded the sacramental elements of marriage such as partnership, emotional companionship, mutual support, shared responsibilities and mutual respect of spouses in wedlock. The recent jurisprudential developments in India surrounding the right to individual autonomy, privacy and dignity, interrogates the constitutionality of RCR.

On September 6, 2018, in *Navtej Johar*<sup>20</sup>, the Supreme Court reinstated the ideal of **transformative constitutionalism** for democratisation in transforming society progressively and inclusively. An inescapable facet of enforcing decrees of RCR is gender-based practices of subordination which undermines the fundamental values protected by the existing rights under Part III of the Indian

Constitution. I will demonstrate below how RCR is violative of three core fundamental values.

#### A. Privacy

The Indian Supreme Court has unequivocally recognized the right to privacy under Article 21 of the Constitution. In *Gobind Singh v. State of Madhya Pradesh*<sup>21</sup>, the Supreme Court held that privacy refers to “preserving the personal intimacies of the home, the family, marriage, motherhood, procreation and child rearing.”<sup>22</sup> Under this interpretation, the predicaments arising at a marital home are a part of private life keeping the individual at centre freed from state paternalism. In *T.Sareeta*, the Andhra Pradesh High Court had interpreted privacy using the above interpretation and held that a decree for RCR deprives a woman to exercise her free will in the domestic sphere which is violative of her right to privacy.<sup>23</sup> However, in both *Harvinder Kaur* and *Saroj Rani*, the Courts discarded the interpretation of privacy as stipulated in *Gobind Singh* and found RCR to be constitutionally sound.

Recently, the realm of right to privacy was strengthened in the case of *Puttaswamy v. Union of India*<sup>24</sup>. The Supreme Court upheld the right to privacy as a fundamental right and observed as follows: “Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy.”<sup>25</sup>

Privacy which is facilitated and protected by structural and legal means is being violated by a decree of RCR. Using an individualistic lens, the right to privacy is interpreted as complete autonomy over the intimate choices of personal life. RCR subjugates a spouse to act in accordance with the will of the other spouse in the garb of cohabitation. It is humiliating and

<sup>21</sup> AIR 1975 SC 1378.

<sup>22</sup> *Id.*

<sup>23</sup> Aneeta Felix, *The Restitution of Conjugal Rights and its Violation of the Right to Privacy*, 5 INDIAN J.L. & LEGAL RSCH. 1, (2023).

<sup>24</sup> *Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India*, AIR 2017 SC 4161.

<sup>25</sup> *Id.*

<sup>19</sup> Muhammad Zubair Abbasi, *Dead at Home, Alive Abroad: Restitution of Conjugal Rights in South Asia*, 61(1) ISLAMIC STUDIES 9, (2022), <https://www.jstor.org/stable/10.2307/27236413>.

<sup>20</sup> *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.

impinged on females.<sup>26</sup> Repealing RCR will be an affirmative step of the state's responsibility towards ensuring that the choices made by a legally married person are freed from any coercion or abuse.<sup>27</sup>

### **B. Individual autonomy**

The explication of individual autonomy in the recent jurisprudential discourse is significant for affirming the pro-democratic role of Indian Courts in causing a transformative outcome. In *Shakti Vahini v. Union of India*<sup>28</sup>, the Supreme Court recognized that every adult individual is entitled to positive sexual autonomy which includes the freedom to decide their own choices regarding intimate interactions. There can be no unreasonable interference by the State in the consensual sexual choices made by an adult.

In the case of *Navtej Singh Johar*<sup>29</sup>, the Apex Court had read down Section 377 of the erstwhile Indian Penal Code, 1860, which had criminalized homosexuality and therefore, marked the 'progressiveness of society'. It provides the doctrinal basis to reform family laws in India by considering the living and transformative nature of the Constitution which must keep pace with the societal evolution. The Court remarked that: "Autonomy is individualistic. the individual has sovereignty over his/her body. He/she can surrender his/her autonomy wilfully to another individual and their intimacy in privacy is a matter of their choice."<sup>30</sup>

Furthermore, it was held that the right to sexual autonomy is an inseparable facet of individual liberty guaranteed under Article 21. In *Joseph Shine v. Union of India*<sup>31</sup>, the Supreme Court while decriminalizing adultery held that "sexual choices are an essential attribute of autonomy,

intimately connected to the self-respect of the individual."<sup>32</sup>

From the above precedents, it is clear that individual autonomy is inviolable. The decree of RCR is manifestly arbitrary as it undermines the sexual autonomy of a spouse within the marriage. An unwanted spouse who is unable to meet the evidentiary threshold of showing the reasonable excuse is forced to return to the unwanted marriage.<sup>33</sup> It is crucial to understand that applying individual autonomy-centric view, the test of inviolability of a marriage is not the legal thread that sustains it through a legal process but by an inherent emotional bondage<sup>34</sup>.

### **C. Dignity**

Infusing gender with the human right of equal moral worth (dignity) marks a real reap of faith in the transformative ideals of our Constitution. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi & Ors.*<sup>35</sup>, the Supreme Court observed that Article 21 includes "the right to live with dignity, and all that goes with it." Subsequently in the case of *Joseph Shine*<sup>36</sup>, the Supreme Court explained 'individual dignity' as the right of a person to be valued and respected for their own personality. Marital bond is a part of personality as it is a decision which is close to one's private life and therefore, individual dignity is an innate facet of wedlock.

In India, inequality exists on socioeconomic and gender differences triggering stigma, stereotypes, prejudice, marginalization, and loss of dignity or autonomy gender.<sup>37</sup> The remedy of RCR has been majorly utilised by husband rather than wives.<sup>38</sup> When a decree of RCR is passed in favor of the husband, the Court is

<sup>32</sup> *Id.*

<sup>33</sup> Mayank Gupta & Ojaswa Pathak, *Restitution of Conjugal Rights: An Infamous and Futile Matrimonial Remedy*, 6 GNLU L. REV. 3, (2019).

<sup>34</sup> Kusum, *Is a Restitution Decree Exploitative? Need for Relook?*, 61(1) JOURNAL OF THE INDIAN LAW INSTITUTE 144, (2019), <https://www.jstor.org/stable/10.2307/27097354>.

<sup>35</sup> AIR 1981 SC 746.

<sup>36</sup> *Joseph Shine*, *supra* note 31.

<sup>37</sup> Saumya Uma, *Wedlock or Wed-Lockup? A Case for Abolishing Restitution of Conjugal Rights in India*, 35(1) INTERNATIONAL JOURNAL OF LAW, POLICY AND THE FAMILY 1, (2021), <https://doi.org/10.1093/lawfam/ebab004>.

<sup>38</sup> Durga Das Basu, COMMENTARY ON THE CONSTITUTION OF INDIA 1415 (8th ed., LexisNexis 2011).

<sup>26</sup> Shuvro Prosun Sarker & Mitu Biswas, *Restitution of Conjugal Rights v. Individual Autonomy: Looking Through the Constitutional Lens in India*, 52(1) INTERNATIONAL JOURNAL OF LEGAL INFORMATION 23, (2024), <https://doi.org/10.1017/iji.2024.25>.

<sup>27</sup> Atrey, *supra* note 4.

<sup>28</sup> AIR 2018 SC1601.

<sup>29</sup> *Navtej Singh Johar*, *supra* note 20.

<sup>30</sup> *Id.*

<sup>31</sup> AIR 2018 SC 4898.

forcing the wife to cohabit with her husband which involves marital intercourse as an element depriving her of the right to live a dignified life.<sup>39</sup>

The constitutionality of a law is ascertained by using the 'direct and inevitable effect' test.<sup>40</sup> In the previous year, a writ petition was admitted by the Supreme Court wherein the constitutionality of conjugal rights was challenged on grounds of the rights to privacy, autonomy, and dignity. While the Court is yet to pronounce the verdict, the direct and inevitable effect of enforcing a decree of RCR is to expose the individual to the extent of losing control of their own body which is immensely unjust.

#### IV. ABOLISHMENT OF RESTITUTION OF CONJUGAL RIGHTS IN COMMON LAW COUNTRIES

The Indian legal system is based on common law derived majorly from England. I shall discuss about few common law countries who have removed RCR from their statutes.

##### A. England

The Law Commission of England<sup>41</sup> made the following observation on restitution proceedings: "It is an intolerable interference with the freedom of individuals for the court to order adults to live together and it is hardly an appropriate method of attempting to effect a reconciliation."<sup>42</sup>

The Paper concluded that the identity of a married woman in England notionally merges with her husband under the doctrine of one flesh which had a disproportionate impact on women by inducing loss of her basic rights attached with her own independent identity. In the subsequent year (1970), RCR was completely eliminated by passing of the Matrimonial Proceedings and Property Act.

##### B. Other common law countries

The Higher Judiciary in **Bangladesh** has declared RCR to be unconstitutional and repressive for being violative of equality, liberty, non-discrimination, social justice, fundamental freedoms, public policy wherein the lack of mutuality between the husband and wife compels them to forcibly cohabit together.<sup>43</sup>

Other common law countries where RCR has been abolished includes **South Africa, Ireland, Australia, Canada and New Zealand**.<sup>44</sup> Despite the abolition of RCR from common law countries, RCR is still operational in India. The Legislature has turned a blind eye to the blatant discrimination, subordination, and exclusion of women in India under the matrimonial remedy of RCR. Safeguarding the institution of marriage using the coercive remedy of RCR is redundant and overflows the gates of court with dockets of matrimonial disputes.

To end this Section, I would like to highlight the reports which have critically evaluated the use of RCR in India. A decade ago, in the year 2015, the report of the 'High-Level Committee on the Status of Women'<sup>45</sup> held that the matrimonial remedy of RCR was being misused and has become a tyranny for going against the human rights. Therefore, it recommended on eliminating the provision of RCR from all the statutory codes in our country.<sup>46</sup> Similarly, the Consultation Paper<sup>47</sup> has supported the recommendation above. However, no steps have been taken by the Legislature to repeal RCR from the law codes.

#### V. CONCLUSION

The law providing for RCR has become incongruous as it violates various fundamental rights as enshrined in the Constitution of India. RCR deprives the couple to exercise their decisional autonomy which is the foundation of

<sup>39</sup> Merriam Webster was used and relied on by the Supreme Court in the recent case of *Deepali Gundu Surnase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324.

<sup>40</sup> *Charan Lal Sahu v. Union of India*, AIR 1990 SC 1480.

<sup>41</sup> United Kingdom Law Commission Working Paper No. 22 Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (Jul. 1969).

<sup>42</sup> *Id.* ¶ 6(d).

<sup>43</sup> *Nelly Zaman v. Giasuddin Khan*, 34 DLR (1982) 221; *Sharmin Hossain Rupa v. Mizanur Rahman (Tubin)*, 2 BLC (1997) 509 (HC); *Kbodeja Begum v. Md. Sadeq Sarkar*, 50 DLR (1998) 181; BANGLADESH CONST. art. 27, 28, 31 & 32.

<sup>44</sup> Uma, *supra* note 37.

<sup>45</sup> Report under Ministry of Women and Child Development.

<sup>46</sup> *Id.* ¶ 7.21.

<sup>47</sup> The Law Commission of India Consultation Paper on Reform of Family Law (Aug. 31, 2018).

a wedlock. By being optimistic that the compulsion of the adamant party to return to their matrimonial home by a judicial decree will help in preserving the sanctity of marriage, the Courts have failed to recognise the rights to privacy, sexual autonomy and dignity of an individual in wedlock which have detrimental consequences. The paper presented critical views on the issue of constitutionality of RCR in India and it was found that the remedy must be scrapped off from the statute books as it does not uphold the constitutional principles of the 21<sup>st</sup> century democracy.

RCR is an ancient remedy which no longer serves the modern relationships of marriage wherein each spouse has the liberty to make decisions affecting their private life. It must be abolished from the family and personal laws in India following the trend and rational justifications provided in other common law jurisdictions across the world.

A matrimonial dispute certainly deserves the need of counselling to restore the differences which led to the discord. RCR should be replaced with reconciliation, the modern technique of removing the disparities which exists between the parties in conflict. RCR is a coercive method of calling back the spouse to the matrimonial home which is not helpful in solving the discord but rather creating more troubles as it interferes with the personal choice of a married individual. It induces both physical and mental torture. Removing RCR is the need of the hour in today's complicated relationships which seeks on maintaining privacy and autonomy. Reconciliation as a replacement for RCR will allow for personal decisional autonomy and enable the spouses to resolve their differences amicably without the need for any legal intervention.